

## NOTICE OF FILING AND HEARING

### Filing and Hearing Details

Document Lodged: Interlocutory Application - Form 35 - Rule 17.01(1)(a)  
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
Date of Lodgment: 28/08/2024 10:07:55 AM AEST  
Date Accepted for Filing: 28/08/2024 11:11:58 AM AEST  
File Number: NSD1174/2024  
File Title: SHASHANK BIST & ANOR v CYAN STONE CLYDESDALE ESTATE 1  
PTY LTD ACN 610 208 967 & ORS  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA  
Reason for Listing: To Be Advised  
Time and date for hearing: To Be Advised  
Place: To Be Advised



*Sia Lagos*

Registrar

### Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



## Interlocutory application

No. NSD1174 of 2024

Federal Court of Australia  
District Registry: New South Wales  
Division: General

### Mr and Mrs Bist

Applicants

### Cyan Stone Clydesdale Estate 1 Pty Ltd ACN 610 208 967 and others

Respondents

To

Cyan Stone Clydesdale Estate 1 Pty Ltd ACN 610 208 967, First Respondent

Cyan Stone Clydesdale Estate 2 Pty Ltd ACN 610 209 106, Second Respondent

Cyan Stone Clydesdale Estate 3 Pty Ltd ACN 610 210 494, Third Respondent

Cyan Stone Clydesdale Pty Ltd ACN 610 008 172, Fourth Respondent

Cyan Stone Clydesdale Development Pty Ltd ACN 610 008 467, Fifth Respondent

Cyan Stone Clydesdale Holdings Pty Ltd ACN 610 008 510, Sixth Respondent

Astro Fort Clydesdale Pty Ltd ACN 675 838 507, Seventh Respondent

Astro Fort Holdings Pty Ltd ACN 675 830 270, Eighth Respondent

Marvia Joncos Holdings Pty Ltd ACN 671 948 502, Ninth Respondent

The Applicants apply for the interlocutory orders set out in this application.

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Filed on behalf of (name & role of party) Shashank Bist and Natalia Bist, Applicants  
Prepared by (name of person/lawyer) Robert Ishak, Quintin Rares and Sasha Steinhoff  
Law firm (if applicable) William Roberts Lawyers  
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(include state and postcode)



The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

**Time and date for hearing:**

**Place:**

The Court ordered that the time for serving this application be abridged to

Date:

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Signed by an officer acting with the authority  
of the District Registrar



## Interlocutory orders sought

The Applicant claims interlocutory relief.

1. Each of the respondents, their agents and their employees are enjoined from selling, transferring and or dealing with any of the Clydesdale properties that have been sold to one or more Group Members<sup>1</sup>. However, this does not prevent a property the subject land of an existing contract of sale between a Group Member<sup>2</sup> and the vendors<sup>3</sup> from being specifically performed.
2. Each of the respondents, their agents and their employees are enjoined from marketing any of the Clydesdale properties that have been sold to one or more Group Members<sup>4</sup>. However, this does not prevent a property the subject land of an existing contract of sale between a Group Member<sup>5</sup> and the vendors<sup>6</sup> from being specifically performed.
3. The NSW Registrar General is enjoined from allowing any dealing to be entered on to the Register that relates to the Clydesdale properties without the written consent of Robert Ishak of William Roberts Lawyers.
4. The injunctions in orders 1 to 3 are to operate until discharged by another order of this Court.
5. To the extent necessary, grant leave to the applicants to issue a subpoena to the parties listed in schedule two for all documents evidencing or recording any sale of the Clydesdale properties or marketing of the Clydesdale properties for sale.
6. At or before the further hearing on the return day (or within such further time as the Court may allow) the respondents, to the best of their abilities, inform the Applicants of any sale or attempt to sell or market any of the Clydesdale properties.

<sup>1</sup> As defined in schedule one to this Interlocutory Application.

<sup>2</sup> Group Members include the Applicants, and any person or entity who: entered into a contract for the purchase of land from the vendors (defined in footnote 3 in this document) for lots of land at:

- 1.1. Clydesdale, Precinct 3, 1270 Richmond Road, Marsden Park NSW 2765;
- 1.2. Clydesdale, Precinct 3.1, 1270 Richmond Road, Marsden Park NSW 2765; and
- 1.3. Clydesdale, Precinct 3.2, 1270 Richmond Road, Marsden Park NSW 2765.

<sup>3</sup> The vendors being Cyan Stone Clydesdale Estate 1 Pty Ltd ACN 610 208 967, Cyan Stone Clydesdale Estate 2 Pty Ltd ACN 610 209 106, Cyan Stone Clydesdale Estate 3 Pty Ltd ACN 610 210 494, Cyan Stone Clydesdale Pty Ltd ACN 610 008 172, Cyan Stone Clydesdale Development Pty Ltd ACN 610 008 467 and Cyan Stone Clydesdale Holdings Pty Ltd ACN 610 008 510.

<sup>4</sup> As defined in schedule one to this Interlocutory Application.

<sup>5</sup> Group Members include the Applicants, and any person or entity who: entered into a contract for the purchase of land from the vendors (defined in footnote 3 in this document) for lots of land at:

- 1.1. Clydesdale, Precinct 3, 1270 Richmond Road, Marsden Park NSW 2765;
- 1.2. Clydesdale, Precinct 3.1, 1270 Richmond Road, Marsden Park NSW 2765; and
- 1.3. Clydesdale, Precinct 3.2, 1270 Richmond Road, Marsden Park NSW 2765.

<sup>6</sup> The vendors being Cyan Stone Clydesdale Estate 1 Pty Ltd ACN 610 208 967, Cyan Stone Clydesdale Estate 2 Pty Ltd ACN 610 209 106, Cyan Stone Clydesdale Estate 3 Pty Ltd ACN 610 210 494, Cyan Stone Clydesdale Pty Ltd ACN 610 008 172, Cyan Stone Clydesdale Development Pty Ltd ACN 610 008 467 and Cyan Stone Clydesdale Holdings Pty Ltd ACN 610 008 510.

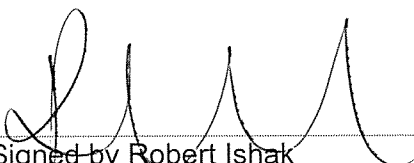


7. Within 5 working days after being served with the previous order that at or before the further hearing on the return day (or within such further time as the Court may allow) the respondents, to the best of their abilities, inform the Applicants of any sale or attempt to sell or market any of the Clydesdale properties, the respondents swear and serve on the applicant an affidavit setting out the above information.
8. Any orders required to give effect to the above orders.
9. Costs.
10. Any further or other orders the Court deems fit.

### **Service on the Respondents**

It is intended to serve this application on all Respondents.

Date: 27 August 2024

  
Signed by Robert Ishak  
Lawyer for the Applicants

**Schedule one**

No. NSD1174 of 2024

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Clydesdale properties** is defined as: lots of land sold by vendors Cyan Stone Clydesdale Estate 1 Pty Ltd ACN 610 208 967, Cyan Stone Clydesdale Estate 2 Pty Ltd ACN 610 209 106, Cyan Stone Clydesdale Estate 3 Pty Ltd ACN 610 210 494, Cyan Stone Clydesdale Pty Ltd ACN 610 008 172, Cyan Stone Clydesdale Development Pty Ltd ACN 610 008 467 and Cyan Stone Clydesdale Holdings Pty Ltd ACN 610 008 510 at:

- Clydesdale, Precinct 3, 1270 Richmond Road, Marsden Park NSW 2765
- Clydesdale, Precinct 3.1, 1270 Richmond Road, Marsden Park NSW 2765; and
- Clydesdale, Precinct 3.2, 1270 Richmond Road, Marsden Park NSW 2765,

also known by its folio identifier 3/1248522, as at 22 December 2020.

**Schedule two**

No. NSD1174 of 2024

Federal Court of Australia  
District Registry: New South Wales  
Division: General

Cyan Stone Clydesdale Estate 1 Pty Ltd ACN 610 208 967, First Respondent

Cyan Stone Clydesdale Estate 2 Pty Ltd ACN 610 209 106, Second Respondent

Cyan Stone Clydesdale Estate 3 Pty Ltd ACN 610 210 494, Third Respondent

Cyan Stone Clydesdale Pty Ltd ACN 610 008 172, Fourth Respondent

Cyan Stone Clydesdale Development Pty Ltd ACN 610 008 467, Fifth Respondent

Cyan Stone Clydesdale Holdings Pty Ltd ACN 610 008 510, Sixth Respondent

Astro Fort Clydesdale Pty Ltd ACN 675 838 507, Seventh Respondent

Astro Fort Holdings Pty Ltd ACN 675 830 270, Eighth Respondent

Marvia Joncos Holdings Pty Ltd ACN 671 948 502, Nineth Respondent

Boyuan Holdings Limited ACN 608 897 963