

Company Name : APEX EQUITY HOLDINGS BERHAD
Stock Name : APEX
Date Announced : 7 December 2022
Type : ANNOUNCEMENT
Subject : MATERIAL LITIGATION
Description : KUALA LUMPUR HIGH COURT – APPLICATION NO. WA-25-540-10/2022 FILED BY ITS WHOLLY-OWNED SUBSIDIARY, APEX SECURITIES BERHAD (“**APPLICANT**”), AGAINST THE ADDITIONAL CONDITIONS (“**DECISION**”) IMPOSED BY THE SECURITIES COMMISSION MALAYSIA (“**RESPONDENT**”) PURSUANT TO SECTION 62 OF THE CAPITAL MARKETS AND SERVICES ACT 2007

- 1) The reason(s) for not making any announcement when the Applicant instituted the judicial review (“**Application**”) on 19 October 2022 and when the Application was served on the Attorney General’s Chambers on 25 November 2022.

The listed issuer took into consideration the following facts and circumstances surrounding in deciding the timing of the announcement of this matter:

- (i) The application was filed for a Judicial Review (“**JR**”) wherein the law stipulates that it is to be filed by way of ex-parte and only to be served to the Attorney General’s Chambers for their perusal only.
- (ii) The leave application for JR by way of ex-parte proceedings has yet to be heard and determined by the Court at the material time. At that material time, the JR application is still in a state of flux.
- (iii) The listed issuer is made to understand that the Securities Commission Malaysia (“**Respondent**”) vide at least two letters to the Apex Securities Berhad (“**Applicant**”) had explicitly state that the contents of letters which are in relation the Additional Conditions, being the subject matter of the JR, are to be confidential and should not be disclosed to parties other than the members of the Applicant’s Board, management team, relevant employees and external auditors of the Applicant.

Having considered the above factors, APEX is of the view that the prescribed conditions not to announce the announcement as set forth in Paragraph 9.05(3) of Bursa Malaysia Securities Berhad (“**Bursa Malaysia**”) Main Market Listing Requirement has been met.

By reason that the matter had now proceeded for hearing in the Open Court on 5th December 2022, the issue of confidentiality and state of flux are no longer applicable. Accordingly, the announcement of the material litigation was made on 5th December 2022.

- 2) The details of the “Additional Conditions” imposed by the Respondent in respect of the Applicant’s Capital Markets and Services Licence till 21 February 2023.

The following are the “Additional Conditions” imposed by the Respondent in respect of the Applicant’s Capital Markets and Services License till 21 February 2023 are (ad verbatim):

“4.1 JFAS shall obtain the SC’s prior written approval for any transfer of monies, credit, provision of margins or any other consideration from JFAS to:-

- (a) Apex and/or its related corporations; or*
- (b) Any parties related to Apex, including Apex’s Board, officer(s) or substantial shareholder(s).*

4.2 JFAS shall obtain the SC’s prior written approval for any change of the signatories of JFAS’s bank accounts.”

- 3) The name of the solicitors mentioned in Section 3.2 of the announcement.

Messrs Sharizat, Rashid & Lee

This announcement is dated 7 December 2022.