



BURSA ANNOUNCEMENT

Type: : General Announcement
Subject : Material Litigation
Announcement : High Court Alor Setar (KC-23NCVC-3-05/2024)

Mohd Nazli Bin Ahmad Mahyadin (Plaintiff)
Vs

BDB Darulaman Golf Resort Berhad; (Defendant)
BDB Land Sdn Bhd; (Defendant)
Bina Darulaman Berhad (Defendant)

1. INTRODUCTION

The Board of Directors of Bina Darulaman Berhad wishes to announce that BDB and its subsidiary companies have been served with a Writ of Summons on 6/6/2024 by Mohd Nazli bin Ahmad Mahyadin through his solicitors, Messrs Nashitoh Kassim & Associates.

2. BACKGROUND

2.1 The Plaintiff filed the Writ of Summons and Statement of Claim against the Defendants for deprivation of use and enjoyment of his property due to the entry of astray golf balls into his property which had caused loss and damage for approximately 5 years since 2019.

2.2 The Plaintiff is the registered proprietor of a property of No. Hakmilik 102964, Lot 1437, Bandar Darul Aman, Daerah Kubang Pasu, Negeri Kedah at No.159 Jalan Indah 3, Suasana Indah, Bandar Darulaman, Jitra Kedah (Plaintiff's Property).

2.3 BDB Darulaman Golf Resort Berhad (BDGRB), BDB Land Sdn Bhd (BDB Land) and Bina Darulaman Berhad (BDB) are named as the Defendants in this action where:

- a) BDGRB is the First Defendant who is in the business of Golf and tourism;
- b) BDB Land is the Second Defendant who is the registered owner of the property known as No. Hakmilik 42474, Lot 898, Bandar Darul Aman, Daerah



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Kubang Pasu, Negeri Kedah who is in the recreational business that owns golf fields and other facilities; and

- c) BDB is the Third Defendant who is the Penultimate Holding Company to the First Defendant.

2.4 The Plaintiff alleges that there was deprivation of use and enjoyment of his Property towards First and Second Defendant based on the following:-

- a) That the golf balls have wrongfully entered his property and deprived him of the use and enjoyment of his property; and
- b) That as a result, the Plaintiff suffered loss and damage.

2.5 The Plaintiff through his solicitors Messrs. Nashitoh Kassim & Associates had served a Notice of Demand dated 25/10/2020 demanding a long-term solution by building a safety net with reasonable measurements.

2.6 In the Defence, filed by the Defendants through their solicitors Messrs Laili & Co on 3/7/2024, the Defendants denied all allegations made by Plaintiff and put the Plaintiff to strict proof on all the allegations raised.

2.7 At all material times, the administration and management of the business affairs of the golf club at Lot 898 are carried by the Second and Third Defendant.

2.8 The First and Third Defendants received the Notice of Demand. Even though the Third Defendant is not involved in the administration and management of the business of the golf club, the Third Defendant had replied to the Notice of Demand on 08/11/2020 informing that the First Defendant takes note of the complaint made by the Plaintiff and will commence further investigation once complete documents are received from the Plaintiff.

2.9 The First Defendant in December 2020 had elevated the safety net to the height of 28 feet and width of 80 feet at hole 7 near the Plaintiff's Property as a precaution to prevent the golf balls from entering the Plaintiff's property.



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2.10 The Plaintiff claimed for various declaratory reliefs as well as the following damages:-

- a) General Damages of RM1,000,000.00;
- b) Special Damages;
- c) Exemplary Damages of RM3,000,000.00;
- d) Aggravated Damages of RM3,000,000.00;
- e) Other reliefs deemed suitable by the Court;
- f) Interest at 5% per annum on the Judgment from the date of Judgment; and
- g) Cost.

3. WITHHOLDING OF MATERIAL INFORMATION PURSUANT TO PARAGRAPH 9.05 OF THE BURSA MALAYSIA LISTING REQUIREMENTS.

BDB delayed this announcement in order to avoid any prejudice in pursuing its objective to explore Mediation with the Plaintiff after the pleadings stage was closed.

4. FINANCIAL AND OPERATIONAL IMPACT OF THE GROUP

At this moment, the legal action is not expected to have any adverse material impact on the earnings and Net Tangible Assets of BDB.

5. STEPS PROPOSED TO BE TAKEN

The Directors have instructed its solicitors to take all appropriate legal actions to defend the interests, good standing and innocence of BDB and its subsidiaries. The Case Management was fixed on 4/8/2024 in which both parties agreed to proceed with Mediation for this case. This case is scheduled for Mediation on 26/9/2024 at Pusat Mediasi Mahkamah Alor Setar.



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6. DIRECTORS AND SUBSTANTIAL SHAREHOLDERS'S INTEREST

None of the Directors and substantial shareholders of BDB or a person connected to the Directors and substantial shareholders has any interest, whether direct or indirect, in this litigation except for Senior Independent Director.

This announcement is dated 28th August 2024.