



**QORTI CIVILI  
PRIM' AWLA**

**ONOR. IMHALLEF  
JOSEPH ZAMMIT MC KEON**

Seduta ta' l-4 ta' Frar, 2014

Rikors Numru. 768/2013

**Rikors ai termini tal-artikolu 214(2)(a)(ii) tal-Kap 386**

**Rikors ta` Karl Azzopardi (ID 90770M) u Audrey  
Azzopardi (ID 54172M) bhala azzjonisti tas-socjeta`  
Golden Travel Club Ltd. (C33107)**

**Il-Qorti :**

**I. Preliminari**

Rat ir-rikors prezentat fit-8 ta` Awissu 2013 li jaqra  
hekk –

*Illi l-esponenti huma l-unici zewg azzjonisti tas-  
socjeta` Golden Travel Club Ltd. Socjeta` registrata Malta*

Kopja Informali ta' Sentenza

*bin-numru C33107, kif jirrizulta mill-print out tal-website tal-MFSA, hawn anness bhala Dok A.*

*Illi s-socjeta` tahdem fis-settur tal-ivvjaggar.*

*Illi ghalkemm ghamlet minn kollox sabiex timmassimizza n-negozju taghha fix-xhur tas-sajf, din is-sena rrizulta li l-konkorrenza tal-pubbliku ma kenitx kif kien mistenni u s-socjeta` bdiet tinkorri telf sostanzjali, u iktar ma topera iktar kienet ser tinkorri telf.*

*Illi dan wassal ghal sitwazzjoni fejn is-socjeta` Golden Travel Club Ltd ma hijjex f`posizzjoni iktar li thallas id-djun taghha.*

*Illi llum stess is-socjeta` ghaddiet risoluzzjoni straordinarja tal-azzjonisti kollha (hawn annessa bhala Dok B) fejn gie deciz li s-socjeta` ghandha tigi xolta u li l-azzjonisti tas-socjeta` jitolbu lill-Qorti li xxolji s-socjeta` a bazi tal-artikolu 214(2)(a)(ii).*

*Illi meta wiehed jikkunsidra wkoll id-djun kontingenti u prospettivi, ma hemm ebda prospett li s-socjeta` sejra tirkupra s-sitwazzjoni finanzjarja taghha u l-azzjonisti gia investew fis-socjeta` dak kollu li setghu jinvestu fl-istess socjeta`.*

*Illi jkun ghaqli wkoll jekk pendent d-decizjoni finali ta` din il-Qorti, jigi appuntat amministratur provizorju sabiex jamministra s-socjeta`.*

*Ghaldaqstant l-esponenti jitolbu lil din l-Onorabli Qorti :*

Kopja Informali ta' Sentenza

1. *Li xxolji s-socjeta` Golden Travel Club Ltd. a bazi tal-artikolu 214(2)(a)(ii) taht dawk il-provvedimenti kollha li l-Qorti jidhrilha xieraq ;*

2. *Li sakemm tinghata decizjoni finali, jigi appuntat amministratur provvizorju sabiex jiehu hsieb l-amministrazzjoni tal-istess socjeta`.*

Rat id-dokumenti li kienu prezentati mar-rikors promotorju.

Semghet ix-xiehda tal-Awditur Paul Marmara u tar-rikorrent Karl Azzopardi fl-udjenza tat-8 ta` Ottubru 2013 u rat id-dokumenti li kienu esebiti fl-istess udjenza.

Rat dokumenti ohra li r-rikorrenti pprezentaw fl-udjenzi tad-19 ta` Novembru 2013 u tas-7 ta` Jannar 2014.

Semghet ix-xiehda tal-Awditur Paul Marmara fl-udjenza tat-8 ta` Jannar 2014.

Semghet l-ahhar sottomissjonijiet tar-rikorrenti.

Rat id-digriet taghha moghti f` din l-udjenza tal-ahhar fejn halliet il-kawza ghal provvediment ghal-lum.

Rat l-atti l-ohra tal-procediment.

**Ikkunsidrat :**

**II. Provi**

Il-kumpannija Golden Travel Club Limited kienet registrata fir-Registru tal-Kumpanniji fit-30 ta` Jannar 2004 bin-Nru C33107.

Illum ghandha direttur wiehed li huwa r-rikorrent Karl Azzopardi.

Tnejn huma l-azzjonisti : ir-rikorrent Karl Azzopardi li ghandu b`kollox 17,888-il sehem, in kwantu ghal 6000 sehem *Ordinary A*, 5888 *Ordinary B* u 6000 *Ordinary C* ; u r-rikorrenti Audrey Azzopardi li ghandha 112 *Ordinary B*.

Fit-8 ta` Awwissu 2013, saret laqgħa generali straordinarja tal-kumpannija fejn l-azzjonisti konjugi Azzopardi ghaddew risoluzzjoni li permezz tagħha –

1. *The Company would be dissolved and consequently wound up by the court ;*
2. *The procedure to bring this resolution into effect would be taken right away ;*
3. *The court will be asked to appoint a provisional administrator to look after the affairs of the Company pending a final decision on the company`s dissolution ;*
4. *In view of the fact that the Company is unable to pay its debts, the dissolution is to be carried out in terms of article 214(2)(a)(ii) of the Companies Act.*

Xehed **I-Awditur Paul Marmara`**, li għall-Awdituri Marmara` Camilleri & Co, ha hsieb illi fil-mori ta` dan il-procediment ihejji l-*annual report u l-financial statements* tal-kumpannija Golden Travel Club Limited għall-perijodu li għalaq fil-31 ta` Dicembru tas-snin 2009 sa 2012 u cioe`

erba` snin. Qabel l-2013, l-ahhar *audit* li kien ghamel kien tal-2008, ghaliex sal-2013 u cioe` sal-mori tal-procediment tal-lum, ma kienx mitlub jaghmel *audits* ghas-snin ta` wara l-2008.

Paul Marmara` pprezenta u kkonferma l-kontenut ta` l-*audits* ghas-snin 2009 sa 2012 li kienu markati minn Dok KA12 sa Dok KA14 u Dok KA16. Ipprezenta wkoll Dok PM1 li huwa l-*profit and loss account* tal-istess kumpannija ghall-ewwel sitt xhur tal-2013.

Fisser illi sa Gunju 2009, l-istruttura soċjetarja kien differenti milli kif inhu llum. Wara Gunju 2009, Karl Azzopardi ha l-kontroll tal-kumpannija kemm ghal dawk li huma ishma kif ukoll bhala tmexxija. Meta l-kumpannija giet f`idejh biss, in-*net book value* taghha kien negattiv.

Ix-xhud spjega l-*profit and loss account* ghall-ewwel sitt xhur tal-2013. Kien kategoriku fil-fehma tieghu illi bil-commitments finanzjarji li dahlet ghalihom, il-kumpannija marret "il-bahar". It-telf kien ilahhaq l-ammont ta` €228,565.

Ix-xhud insista illi bl-isem hazin li hadet, il-kumpannija ma kienet qatt se jirnexxielha taqleb ta` taht fuq ix-xejra negattiva li sabet ruhha fiha, u timxi `l quddiem, isiru kemm isiru *cash injections* mill-azzjonisti. Ghamel enfasi fuq il-fatt illi kien hemm *cash injections* diretti wara l-2009, in partikolari €82,000 fl-2009, €20,000 fl-2010 u ohrajn anke wara, pero` x-xejra generali baqghet negattiva. Sal-2009 kien hemm *accumulated losses* ta` €122,000.

**Karl Azzopardi** ta l-isfond ta` kif l-isem "Fantasy Tours" gie abbinat mal-kumpannija Golden Travel Club Ltd. Fil-fatt "Fantasy Tours" huwa l-*brand name* tal-

kumpannija. Originarjament kien l-isem ta' kumpannija li in segwitu giet xjolta.

Ix-xhud spjega illi sa Gunju 2009, Golden Travel Club Ltd kellha azzjonisti u diretturi ohrain, ghalkemm hu kien fosthom. Wara Gunju 2009, huwa u martu saru l-unici azzjonisti u hu l-uniku direttur. Malli ha l-kontroll tal-kumpannija, investa direttament fil-kumpannija minn flusu l-ammont ta' €80,000. ; fost dawn kien hemm hu wkoll.

Ix-xhud fisser illi l-object principali tal-kumpannija huwa l-ivvjaggar. Diversi kienu d-destinazzjonijiet pero' dik principali kienet Corfu. Ghal diversi snin, ix-xoghol kien tajjeb u kien hemm, il-profitt sakemm l-problemi ekonomici u finanjarji ta' dik in-naha tal-Mediterran gab maghha l-konsegwenza li s-suppliers kienu jippretendu li jithallsu qabel ma hu jkun biegh il-vjaggi fis-suq lokali. Dan gab mieghu esbors qawwi ta' flus li ma kienx qed ikun bilancjat matul is-snin bid-dhul mill-vjaggi.

Fid-deposizzjoni tieghu, ix-xhud dahal f' dettall dwar il-kwantita' ta' xoghol li kellha l-kumpannija. Pero' mhux il-kwantita' li kienet tirrendi. Semma bhala ezempju l-cruises minn Malta ghal Malta fejn il-kumpannija kellha qligh minimu.

Karl Azzopardi jghid illi meta ha l-kontroll fl-2009, il-kumpannija kellha d-dejn u kien ghalhekk li hareg flus minn tieghu biex jipprova jqeghdha fuq saqajha. Skond hu, ghamel dik il-*cash injection* ghaliex is-suq kellu potenzjal u ma riedx jarmi ghaxar snin ta' hidma f' dak il-qasam.

Isostni li fl-2010 bdew jirkupraw u l-qaghdha tjiebet anke fis-sentejn ta' wara.

Skond ix-xhud, l-inkwiet ghall-kumpannija fis-suq intern beda lejn Novembru 2012. Dan gara meta l-Malta Competition and Consumer Affairs Authority, wara li rceviet serje ta` ilmenti minn klijenti ta` Golden Travel Club Limited, dahhlet twissija lil klijenti prospettivi fil-website tal-kumpannija.

Skond ix-xhud, din il-mizura ghamlet hsara kbira. Il-hsara kienet fis-sens illi meta persuna taccedi ghall-website tal-kumpannija biex taghmel booking, l-ewwel ma jsib kien l-avviz tal-MCCAA. Din il-mizura naffret hafna klijenti meta l-kumpannija kellha diga` l-commitments finanzjarji taghha ma` barra bhall-ispejjez tal-ajru, lukandi u trasport fuq l-art.

Ix-xhud ighid illi huwa pprova jirringa ma` diversi mill-persuni li lmentaw, sahsitra hallas anke meta kellux obbligu, izda xorta wahda l-avviz baqa` hemm.

Karl Azzopardi kompla jixhed illi huwa pprova jirrimedja billi jinvesti fir-reklamar speċjalment fil-brochures li tqassmu dar dar matul l-2013.

Ix-xhud esprima ruhu fis-sens illi minkejja l-impenn tieghu gara illi ghat-tours li ghalihom huwa kien diga` kkommetta ruhu finanzjarjament ma` barra ma kienx qed ikollu konkorenza mill-pubbliku. Fisser illi ma` l-Airmalta, huwa jkun diga` hallas tal-ajruplan kollu u mal-lukandi speċjalment ta` Corfu, ikun diga` hallas ; credit ma kellux minhabba l-qaghda finanzjarja prekarja esterna. Beda jigri li kien kostrett ihassar it-tours u jaghti lura d-deposit pero` xorta kien ikun tilef il-flus.

Skond Karl Azzopardi, bejn l-2009 u l-2011 huwa qieghead fil-kumpannija mat-€300,000 minn tieghu.

Skond ix-xhud, il-krizi fil-gravita` kollha taghha harget fl-ewwel sitt matul 2013. Minkejja l-warning tal-MCCAA, il-bookings dahlu pero` qatt ma kienu bizzejjed biex ilahhqu mal-ispejjez. Ta` spiss kien qed jigri li jkollu commitments ghal ajruplan ta` 140 ruh, u jmur nofsu vojt. Beda ghalhekk jitlef il-flus b` ritmu mghaggel.

Ix-xhud fisser illi l-kumpannija kellha kont wiehed fejn kien imur fih id-dhul u l-hrug. Bi dhul ifisser kemm *cash injections* tieghu kif ukoll il-bejgh tat-tours. Bi hrug, ifisser il-commitments finanzjarji tieghu. Il-hrug baqa` jissupera d-dhul u bil-bosta, bil-konsegwenza li baqa` jaccetta flus minghand il-klijenti sal-ahhar nett qabel iddecieda li jaghlaq. U ghamel uzu minn dawk il-flus biex ihallas l-ispejjez. Baqa` jittama sal-ahhar pero` meta sab li s-sitwazzjoni kienet saret insostenibbli ddecieda fis-7 ta` Awissu 2013 li jaghlaq in-negozju. Avza lill-klijenti b` sms inkluz lil dawk li kienu ghadhom kif hallsu ghat-tours gurnata qabel. Baqa` ma hallas lil hadd.

**Ikkunsidrat :**

### **III. Dritt**

Bl-**Art.214(2)(a) tal-Kap 386** il-ligi taghti lill-Qorti d-diskrezzjoni li xxolji u tistralcja kumpannija f`zewg cirkostanzi. Wahda minnhom hija dik li tissemma mill-kumpannija rikorrenti u cioe` *(ii) jekk il-kumpannija ma tkunx tista' thallas id-djun taghha*. Is-subinciz (ii) irid jinqara flimkien ma` l-**Art.214(5)** li jstabilixxi meta kumpannija ghandha titqies li ma tkunx tista' thallas id-djun taghha. Tnejn huma c-cirkostanzi definiti mil-ligi –

*(a) jekk id-dejn dovut mill-kumpannija jkun baqa' ma thallasx ghal kollox jew f`parti wara erbgha u ghoxrin gimgha mill-ezekuzzjoni ta' titolu ezequttiv kontra l-kumpannija b`xi wiehed mill-atti ezequttivi msemmijin fl-*



*artikolu 273 tal-Kodici ta' Organizzazzjoni u Procedura Civili ; jew*

***(b) jekk ikun ippruvat ghas-sodisfazzjon tal-qorti li l-kumpanija ma tkunx tista' thallas id-djun taghha, meta din tqis ukoll il-passiv kontingenti u prospettiv tal-kumpanija.***

Mill-assjem tal-provi akkwiziti, ma tirrizultax ic-cirkostanza prospettata mill-paragrafu (a).

**Minn qari akkurat tal-premessi tar-rikors, huwa evidenti li r-rikorrenti qeghdin jibbazaw l-istanza taghom fuq il-paragrafu (b).**

Meta tfassal il-mudell ghal-ligi taghna l-gdida dwar il-kumpaniji, il-qafas maghzul kien dak tal-Companies Act Ingliza 1985. Fil-ligi Ingliza, ix-xoljiment u l-istralc ta' kumpaniji kien trattat f'legislazzjoni *ad hoc* u cioe' l-Insolvency Act 1986. Meta fl-1995 saret il-ligi taghna l-gdida dwar il-kumpaniji (illum Kap.386 tal-Ligijiet ta' Malta) li hadet post il-Commercial Partnerships Ordinance 1962, id-disposizzjonijiet li jolqtu x-xoljiment u l-istralc kienu integrati fl-Att tal-1995.

Fil-ligi taghna, li *kumpanija ma tkunx tista' thallas id-djun taghha* ghandu sinjifikat preciz u definit mil-ligi stess fl-Art.214(5). Fil-ligi Ingliza, il-posizzjoni hija aktar wiesgha. Il-koncett ta' insolvenza fil-ligi taghna huwa aktar ristrett minn dak tal-ligi Ingliza ghalkemm hemm *overlaps*.

Fit-Tmien Edizzjoni (2012) tal-ktieb **Boyle & Birds' Company Law** (pubblikat minn Jordans) pg.859 jinghad hekk –

*There are two principal, although not exclusive or exhaustive, tests of insolvency : a company is insolvent if it is unable to pay its debts as they fall due (“cash flow insolvency”) ; it is also insolvent if its liabilities exceed its assets (“balance sheet insolvency”) ...*

Fil-Kap.386, *cash flow insolvency* tista` tigi abbinata mal-paragrafu **(a)** tal-Art.214(5) waqt li *balance sheet insolvency* tista` tigi abbinata mal-paragrafu **(b)** tal-istess Art.214(5).

Kif diga` rajna, il-kaz tal-lum jinkwadra ruhu fit-tieni sitwazzjoni.

L-abbinament jista` jsir minhabba d-dicitura tad-disposizzjoni rilevanti tal-Insolvency Act 1986 (li hija kwazi identika ghal taghna) u cioe` l-**Art.123(2)** li jaqra hekk –

*A company is also deemed unable to pay its debts if it is proved to the satisfaction of the court that the value of the company's assets is less than the amount of its liabilities, taking into account its contingent and prospective liabilities.*

Fil-ktieb **Insolvency Law – Corporate and Personal** ta` Andrew Keay u Peter Walton (pubblikat minn Pearson Longman – 2003) pg.19 jinghad hekk dwar *balance sheet insolvency* kif mifhuma fil-kuntest tal-Insolvency Act 1986 –

*In determining whether the assets are outweighed by the liabilities a court is able to take into account contingent and prospective liabilities, but not contingent and prospective assets [Byblos Bank SAL v. Al-Khudhairi (1986) 2 BCC99, 549 (CA)] It has been said that “liabilities” is a broadened term compared with “debts” [Re A debtor (No 17 of 1966) (1967) Ch 590 ; (1967) 1 All ER*

668]. “Liabilities” is defined for the purposes of winding up in rule 13.12 (4) to mean “a liability to pay money or money’s worth, including any liability under an enactment, any liability for breach of trust, any liability in contract, tort or bailment and any liability arising out of an obligation to make restitution”. Then rule 13.12(3) states that it is immaterial whether the liability is present or future, whether it is certain or contingent, or whether its amount is fixed or liquidated, or is capable of being ascertained by fixed rules or as a matter of opinion.

Clearly with this test it is only possible to take into account the assets owned by the company including the uncalled capital of the company [Re National Livestock Insurance Co (1858) 26 Beav 153 ; 53 ER 855 ...

Dwar l-Art.214(5)(b) din il-Qorti diversament presjeduta (**PA/GV**) fis-sentenza taghha tat-28 ta` Mejju 2003 fil-kawza “**Axel John International AB vs Aluminium Extrusions Limited**” qalet hekk –

*Din il-kondizzjoni tista’ tigi verifikata permezz tal-balance sheets wara li jigi kunsidrat jekk l-assets are less than its liabilities. Izda ... it is not sufficient for the company to be able to meet its current obligations if its total liabilities can ultimately be met only by the realisation of its assets over a lengthy period (Re : European Life Assurance Society 1869 LR 9 Eq 122). Ghalhekk ma hemmx raguni ghaliex il-kredituri ghandhom joqghodu jistennew sakemm il-kumpanija tbiegh l-assets taghha biex forsi xi darba jithallsu.*

Fil-Pag.114 tar-Raba` Edizzjoni (2011) ta` **Principles of Corporate Insolvency Law** (ippubblikat minn Sweet & Maxwell) l-awtur Roy Goode ighid hekk –

*The idea underlying this test ... is that it is not sufficient for the company to be able to meet its current obligations if its total liabilities can ultimately be met only*

Kopja Informali ta' Sentenza

*by the realisation of its assets and these are insufficient for the purpose ...*

Fil-Pag.130 ikompli hekk –

*The mere excess of liabilities over assets is not in itself determinative. What has to be shown is that by reason of the deficiency of its assets the company has reached the point of no return.*

Fil-Pag.134 ighid –

*To give the phrase “contingent liability” any meaning we must restrict it to a liability or other loss which arises out of an existing legal obligation or state of affairs but which is dependent on the happening of an event which may or may not occur. Many of the cases have stressed the need for the liability to arise out of an existing obligation.*

Fil-Pag.136 ighid –

*The phrase “prospective liability” is neither a legal nor an accounting term of art. It has been judicially defined as : “ ... a debt which will certainly become due in the future, either on some date which has already been determined or some date determinable by reference to future events.” ... it has been described ... as unmatured liability which will inevitably ripen into a debt with the passage of time. Such a definition encompasses all forms of debitum in praesenti, solvendum in futuro including an indisputable claim for unliquidated damages which remains only to be quantified and will result in a debt far more than a nominal amount. “Prospective liability” thus embraces both future debts, the sense of liquidated sums due, and unliquidated claims.*

**Ikkunsidrat :**

#### IV. Risultanzi

Fuq l-iskorta tal-provi akkwiziti, jirrizulta dan li gej :

1) Illi *s-share capital* tal-kumpanija huwa kollu kemm hu *paid up*.

2) Illi sabiex iggib risorsi li jservuha biex tmexxi `l quddiem l-attivit` taghha, il-kumpanija tehtieg li d-dhul taghha jaqbez il-hrug, u dan mhux fuq sena jew sentejn biss, izda b`mod konsistenti fuq firxa ta` snin, u dan minhabba d-dejn li lahaq akkumula matul is-snin.

3) Illi biex issib alternattiva ghall-izbilanc bejn dhul u hrug, u jkollha *working capital*, tista` tirrikorri ghas-self, pero` fil-kaz tal-kumpanija in kwistjoni dan ghandu jigi eskluż ghaliex l-*exposure* huwa qawwi.

4) Illi rrizulta li rrikorriet ta` spiss ghal *cash injections* mill-azzjonisti prezenti pero` ma jirrizultax li dawn il-flus "friski" servew biex jaqilbu x-xejra finanzjarja negattiva li ghandha l-kumpanija.

5) Illi ghalkemm il-kumpanija ghandha potenzjal li tiggenera x-xoghol, l-ghazliet strategici u kummercjali li ghamlet tul is-snin biex tissoda u tkattar in-negozju, gabu maghom pizijiet finanzjarji negattivi notevoli, li mhux biss gabu fix-xejn kwalsiasi profitt, izda wasslu lill-azzjonista principali u uniku direttur biex, wara li esawrixxa l-flus li seta` jinjetta minn tieghu fil-kumpanija, jaghmel uzu minn flus li ghaddeulu l-klijenti biex imorru ghall-vjaggi li organizza, biex bihom ihallas il-commitments finanzjarji tal-kumpanija. Din mhijiex konkluzjoni tal-Qorti izda fatt ammess minn Karl Azzopardi nnifsu.

6) Illi mhux jirrizulta li l-kumpannija ghandha assi sufficjenti biex jaghmlu tajjeb ghad-dejn.

7) Illi mid-dokumenti tal-kontabilita` jirrizulta hekk

a) Illi ghas-sena li ghalqet 31 ta` Dicembru 2009 (ara Dok KA12) il-kumpannija kellha telf qabel it-taxxa ta` €11,810 li wara t-taxxa gie €8,005 meta fis-sena ta` qabel kellha profitt ta` €2,942. Ghal dik is-sena, l-assets kienu jammontaw ghal €422,673 waqt li l-liabilities kienu €482,410.

b) Illi ghas-sena li ghalqet 31 ta` Dicembru 2010 (ara Dok KA13) il-kumpannija kellha telf qabel it-taxxa ta` €42,062. Ghal dik is-sena, l-assets nizlu ghal €418,544 imqabbel mas-sena ta` qabel waqt li l-liabilities zdienu ghal €520,343 dejjem meta paragunat mas-sena ta` qabel.

c) Illi ghas-sena li ghalqet 31 ta` Dicembru 2011 (ara Dok KA14) ghalkemm il-kumpannija kellha profitt qabel it-taxxa ta` €10,468 bl-assets jitolghu ghal €594,186, il-liabilities zdienu wkoll ghal €685,517, u cioe` €164,843 fuq is-sena ta` qabel. Izzid tghid ukoll illi l-*borrowings* wahedhom kienu jammontaw ghal €387,191.

d) Illi ghas-sena li ghalqet 31 ta` Dicembru 2012 (ara Dok KA16) kien hemm profitt ta` €14,144 qabel it-taxxa, nuqqas fil-valur tal-assets (li kienu €365,700), b`nuqqas fil-liabilities (li kienu €495,484).

Kopja Informali ta' Sentenza

e) Illi l-bottomline tas-snin 2009 sa 2012 huwa li minkejja xi sentejn profitt limitat, il-liabilities baqghu konsistentement jissuperaw l-assets.

f) Illi n-negativita` finanzjarja tal-kumpannija lahqet l-apice taghha matul l-2013 ghaliex fl-ewwel sitt xhur tas-sena l-ohra, kellha telf ta` €228,565.

**Fuq l-iskorta tal-provi li ngabu a konjizzjoni taghha, din il-Qorti hija sodisfatta illi l-kumpannija Golden Travel Club Limited mhijiex f`qaghda li thallas id-djun taghha abbazi tal-Art.214(2)(a)(ii) u tal-Art.214(5)(b) tal-Kap.386.**

**Wara li hasbet fit-tul, u hadet kont ta` kollox, il-Qorti qeghda tezercita d-diskrezzjoni li taghtiha l-ligi, u qeghda tordna x-xoljiment u l-istralc tal-istess kumpannija.**

### **Provvediment**

**Ghar-ragunijiet kollha premessi, il-Qorti qeghda ttiprovdi dwar it-talbiet tar-rikorrenti kif gej –**

**Tastjeni milli tiehu konjizzjoni ulterjuri tat-tieni talba.**

**Riferibbilment ghall-ewwel talba, tiddikjara li fir-rigward tal-kumpannija Golden Travel Club Ltd (C33107) jirrizultaw ippruvati r-rekwiziti tal-Art.214(2)(a)(ii) u tal-Art.214(5)(b) tal-Kap.386 tal-Ligijiet ta` Malta.**

**Tordna x-xoljiment tal-kumpanija Golden Travel Club Ltd (C33107) b`effett mit-8 ta` Awissu 2013 skond l-Art.223(1) tal-Kap.386 u tordna wkoll l-istralc taghha.**

**Tahtar lill-Av. Dr. Richard Galea Debono bhala stralcjarju bis-setghat u d-dmirijiet kollha skond l-Art.228 et seq tal-Kap.386 tal-Ligijiet ta` Malta b`dan illi l-istralcjarju ghandu wkoll, bla hsara ghall-generalita` ta` dawk is-setghat u dmirijiet –**

**a) wara li jikseb dikjarazzjoni dwar il-qagħda tal-kumpanija Golden Travel Club Ltd (C33107) kif irid l-Art.226 tal-Kap.386 tal-Ligijiet ta` Malta jagħmel rapport lill-Qorti kif irid l-Art.227 tal-Kap.386 tal-Ligijiet ta` Malta.**

**b) jagħmel verifika tal-assi u tad-djun tal-kumpanija Golden Travel Club Ltd (C33107) u dwar il-gradwazzjoni tad-djun.**

**c) jiehu taht il-kustodja jew kontroll tieghu l-assi kollha tal-kumpanija Golden Travel Club Ltd (C33107) kif ighid u jrid l-Art.237 tal-Kap.386 tal-Ligijiet ta` Malta.**

**d) jagħmel jew jiddefendi kull azzjoni jew procediment legali fl-isem u fl-interess tal-kumpanija Golden Travel Club Ltd (C33107).**

**e) jirrelata dwar il-mizuri mehtiega għall-harsien tal-assi tal-kumpanija Golden Travel Club Ltd (C33107).**



Kopja Informali ta' Sentenza

**f) jipprezenta r-rapport tieghu sa zmien tliet xhur mil-lum.**

**L-ispejjez kollha direttament jew indirettament relatati ma` dan il-procediment, inkluzi l-ispejjez tal-istralc, u d-drittijiet tal-istralcjarju, ghandhom jithallsu mir-rikorrenti Karl Azzopardi u Audrey Azzopardi de proprio.**

**< Sentenza Finali >**

-----TMIEM-----