

# Quarterly rpt on consolidated results for the financial period ended 31 Dec 2020

## PUNCAK NIAGA HOLDINGS BERHAD

Financial Year End	31 Dec 2020
Quarter	4 Qtr
Quarterly report for the financial period ended	31 Dec 2020
The figures	have not been audited

### Attachments



4th Quarter FYE 31 December 2020.pdf

577.1 kB

Default Currency

Other Currency

Currency: Malaysian Ringgit (MYR)

### SUMMARY OF KEY FINANCIAL INFORMATION 31 Dec 2020

		INDIVIDUAL PERIOD		CUMULATIVE PERIOD	
		CURRENT YEAR QUARTER	PRECEDING YEAR CORRESPONDING QUARTER	CURRENT YEAR TO DATE	PRECEDING YEAR CORRESPONDING PERIOD
		31 Dec 2020	31 Dec 2019	31 Dec 2020	31 Dec 2019
		\$\$'000	\$\$'000	\$\$'000	\$\$'000
1	Revenue	103,003	142,320	384,344	474,720
2	Profit/(loss) before tax	16,846	-9,009	-9,382	-57,290
3	Profit/(loss) for the period	43,164	-7,626	3,097	-62,126
4	Profit/(loss) attributable to ordinary equity holders of the parent	43,470	-6,986	6,853	-57,216
5	Basic earnings/(loss) per share (Subunit)	9.72	-1.56	1.53	-12.79
6	Proposed/Declared dividend per share (Subunit)	0.00	0.00	0.00	0.00
		AS AT END OF CURRENT QUARTER		AS AT PRECEDING FINANCIAL YEAR END	
7	Net assets per share attributable to ordinary equity holders of the parent (\$\$)		2.9500		2.9200

Definition of Subunit:

In a currency system, there is usually a main unit (base) and subunit that is a fraction amount of the main unit.  
Example for the subunit as follows:

Country	Base Unit	Subunit
Malaysia	Ringgit	Sen
United States	Dollar	Cent
United Kingdom	Pound	Pence

 **Announcement Info**

<b>Company Name</b>	PUNCAK NIAGA HOLDINGS BERHAD
<b>Stock Name</b>	PUNCAK
<b>Date Announced</b>	25 Feb 2021
<b>Category</b>	Financial Results
<b>Reference Number</b>	FRA-24022021-00071

**Puncak Niaga Holdings Berhad 199701000591 (416087-U)**  
**Unaudited Fourth Quarterly Financial Statements Ended 31 December 2020**  
**Condensed Consolidated Statement of Profit or Loss**

	<i>Note</i>	INDIVIDUAL QUARTER		CUMULATIVE QUARTER	
		Current Year	Preceding Year	Current Year	Preceding Year
		Quarter	Corresponding Quarter	To date	Corresponding Year
		3 months ended		12 months ended	
		31.12.2020	31.12.2019	31.12.2020	31.12.2019
		RM'000	RM'000	RM'000	RM'000
		Unaudited	Audited	Unaudited	Audited
Revenue	A14(a)	103,003	142,320	384,344	474,720
Other income		6,416	8,539	25,627	30,117
Operating costs		(99,287)	(134,297)	(351,065)	(485,277)
Reversal/(Provision) for foreseeable losses		1,517	(2,304)	4,067	23,358
Depreciation and amortisation expenses		(5,864)	(3,989)	(24,162)	(24,983)
Profit from operations		5,785	10,269	38,811	17,935
Finance costs		11,075	(19,256)	(48,090)	(75,032)
Share of results of equity accounted entities		(14)	(22)	(103)	(193)
Profit/(Loss) before tax	A9	16,846	(9,009)	(9,382)	(57,290)
Taxation credit/(expense)	B5	26,318	1,383	12,479	(4,836)
<b>Profit/(Loss) after tax</b>		<b>43,164</b>	<b>(7,626)</b>	<b>3,097</b>	<b>(62,126)</b>
<b>Attributable to:</b>					
Owners of the parent		43,470	(6,986)	6,853	(57,216)
Non-controlling interests		(306)	(640)	(3,756)	(4,910)
Profit/(Loss) after tax		43,164	(7,626)	3,097	(62,126)
		sen	sen	sen	sen
<b>Basic earnings/(loss) per share attributable to owners of the parent:</b>	B11	9.72	(1.56)	1.53	(12.79)

(The Condensed Consolidated Statement of Profit or Loss should be read in conjunction with the audited financial statements for the financial year ended 31 December 2019 and the accompanying explanatory notes attached to the interim financial statements.)

**Puncak Niaga Holdings Berhad 199701000591 (416087-U)**  
**Unaudited Fourth Quarterly Financial Statements Ended 31 December 2020**  
**Condensed Consolidated Statement of Other Comprehensive Income**

	<b>INDIVIDUAL QUARTER</b>		<b>CUMULATIVE QUARTER</b>	
	Current Year	Preceding Year	Current Year	Preceding Year
	Quarter	Corresponding Quarter	To date	Corresponding Year
	3 months ended 31.12.2020	31.12.2019	12 months ended 31.12.2020	31.12.2019
	RM'000	RM'000	RM'000	RM'000
	Unaudited	Audited	Unaudited	Audited
Profit/(Loss) after tax	43,164	(7,626)	3,097	(62,126)
<b>Other comprehensive income:</b>				
<b>Items that may be subsequently reclassified to profit or loss</b>				
Foreign currency translation	7	4	24	1,477
<b>Item that may not be subsequently reclassified to profit or loss</b>				
Revaluation of land and buildings, net of tax	3,834	-	3,834	-
<b>Total comprehensive income/(expense) for the period</b>	<b>47,005</b>	<b>(7,622)</b>	<b>6,955</b>	<b>(60,649)</b>
<b>Total comprehensive income/(expense) attributable to:</b>				
Owners of the parent	47,311	(6,982)	10,711	(55,739)
Non-controlling interests	(306)	(640)	(3,756)	(4,910)
	<b>47,005</b>	<b>(7,622)</b>	<b>6,955</b>	<b>(60,649)</b>

**(The Condensed Consolidated Statement of Other Comprehensive Income should be read in conjunction with the audited financial statements for the financial year ended 31 December 2019 and the accompanying explanatory notes attached to the interim financial statements.)**

**Puncak Niaga Holdings Berhad 199701000591 (416087-U)**  
**Unaudited Fourth Quarterly Financial Statements Ended 31 December 2020**  
**Condensed Consolidated Statement of Financial Position**

	Note	As at 31.12.2020 RM'000 Unaudited	As at 31.12.2019 RM'000 Audited
<b>ASSETS</b>			
<b>Non-current assets</b>			
Property, plant and equipment	A10	510,968	510,956
Investment properties	A10	818,925	852,297
Bearer biological assets		312,629	311,504
Concession asset		5,368	5,768
Investment in associate		10	9
Deferred tax assets		25,551	25,062
Trade and other receivables		832,579	724,652
		<hr/>	<hr/>
		2,506,030	2,430,248
<b>Current assets</b>			
Inventories		4,301	3,637
Fresh fruits bunches		5,549	4,015
Contract assets		9,623	22,204
Trade and other receivables		184,759	89,529
Short-term investments		123,157	135,695
Tax recoverable		4,497	5,751
Cash and bank balances		304,779	443,752
		<hr/>	<hr/>
		636,665	704,583
<b>TOTAL ASSETS</b>			
		<hr/>	<hr/>
		3,142,695	3,134,831
<b>Equity and liabilities</b>			
<b>Equity attributable to equity owners of the Company</b>			
Share capital		554,663	554,663
Reserves		768,795	758,084
Treasury shares		(5,941)	(5,941)
		<hr/>	<hr/>
<b>Shareholders' equity</b>		1,317,517	1,306,806
<b>Non-controlling interest</b>		29,971	33,727
		<hr/>	<hr/>
<b>Total equity</b>		1,347,488	1,340,533
<b>Non-current liabilities</b>			
Loans and borrowings	B7	1,070,057	1,053,262
Concession liability		105,485	110,190
Trade and other payables		5,040	10,000
Deferred tax liabilities		169,119	182,425
		<hr/>	<hr/>
		1,349,701	1,355,877
<b>Current liabilities</b>			
Loans and borrowings	B7	188,519	189,867
Trade and other payables		210,708	195,366
Contract liabilities		1,324	1,788
Provision for foreseeable loss		43,962	48,029
Tax payable		993	3,371
		<hr/>	<hr/>
		445,506	438,421
<b>Total liabilities</b>			
		<hr/>	<hr/>
		1,795,207	1,794,298
<b>TOTAL EQUITY AND LIABILITIES</b>			
		<hr/>	<hr/>
		3,142,695	3,134,831
<b>Net assets per share attributable to owners of the parent (RM)</b>			
		<hr/>	<hr/>
		2.95	2.92

(The Condensed Consolidated Statement of Financial Position should be read in conjunction with the audited financial statements for the financial year ended 31 December 2019 and the accompanying explanatory notes attached to the interim financial statements.)

**Puncak Niaga Holdings Berhad 199701000591 (416087-U)**  
**Unaudited Fourth Quarterly Financial Statements Ended 31 December 2020**  
**Condensed Consolidated Statement of Changes in Equity**

	←————— Attributable to Owners of the Parent —————→								
	←————— Non-distributable —————→				—————→ Distributable				
	Share Capital	Treasury Shares	Foreign Currency Translation Reserves	Revaluation Reserves	Other Reserves	Retained Earnings	Total	Non- controlling Interests	Total Equity
RM'000	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000	
<b>12 months period ended 31 December 2020</b>									
At 1 January 2020	554,663	(5,941)	867	125,531	(20,014)	651,700	1,306,806	33,727	1,340,533
Foreign currency translation	-	-	24	-	-	-	24	-	24
Revaluation of land and buildings, net of tax	-	-	-	3,834	-	-	3,834	-	3,834
Total other comprehensive income/(expense)	-	-	24	3,834	-	-	3,858	-	3,858
Profit/(Loss) for the period	-	-	-	-	-	6,853	6,853	(3,756)	3,097
Total comprehensive income/(expense)	-	-	24	3,834	-	6,853	10,711	(3,756)	6,955
Realisation of revaluation arising from disposal of assets	-	-	-	(15,052)	-	15,052	-	-	-
<b>At 31 December 2020</b>	<b>554,663</b>	<b>(5,941)</b>	<b>891</b>	<b>114,313</b>	<b>(20,014)</b>	<b>673,605</b>	<b>1,317,517</b>	<b>29,971</b>	<b>1,347,488</b>
<b>12 months period ended 31 December 2019</b>									
At 1 January 2019	554,663	(5,941)	(610)	125,531	(20,014)	708,916	1,362,545	38,112	1,400,657
Foreign currency translation	-	-	1,477	-	-	-	1,477	-	1,477
Total other comprehensive income	-	-	1,477	-	-	-	1,477	-	1,477
Loss for the period	-	-	-	-	-	(57,216)	(57,216)	(4,910)	(62,126)
Total comprehensive expense	-	-	1,477	-	-	(57,216)	(55,739)	(4,910)	(60,649)
Subscription of shares by non-controlling interest in a subsidiary	-	-	-	-	-	-	-	525	525
<b>Total transactions with owners of the Company</b>	-	-	-	-	-	-	-	525	525
<b>At 31 December 2019</b>	<b>554,663</b>	<b>(5,941)</b>	<b>867</b>	<b>125,531</b>	<b>(20,014)</b>	<b>651,700</b>	<b>1,306,806</b>	<b>33,727</b>	<b>1,340,533</b>

(The Condensed Consolidated Statements of Changes in Equity should be read in conjunction with the audited financial statements for the financial year ended 31 December 2019 and the accompanying explanatory notes attached to the interim financial statements.)

**Puncak Niaga Holdings Berhad 199701000591 (416087-U)**  
**Unaudited Fourth Quarterly Financial Statements Ended 31 December 2020**  
**Condensed Consolidated Statement of Cash Flow**

	<b>12 months ended 31.12.2020</b>	<b>12 months ended 31.12.2019</b>
	RM'000	RM'000
	Unaudited	Audited
<b>Cash flow from operating activities</b>		
Receipts from customers	258,722	221,579
Other income	1,214	3,721
Payments for operating expenses	(121,808)	(101,160)
Payments to contractors	(245,789)	(323,033)
Cash used in operations	<u>(107,661)</u>	<u>(198,893)</u>
Tax paid	(3,639)	(4,964)
Interest income	13,452	26,040
Net cash used in operating activities	<u>(97,848)</u>	<u>(177,817)</u>
<b>Cash flow from investing activities</b>		
Acquisition of property, plant and equipment	(6,951)	(1,484)
Acquisition of investment property	(1,135)	-
Additions of bearer biological assets	(8,007)	(8,858)
Investment in other investments	-	(37,700)
Net advance to associate/joint venture	(3)	(195)
Net proceeds from short-term investments	12,553	285,814
Proceeds from disposal of investment properties	36,602	-
Proceeds from disposal of property, plant and equipment	229	474
Net cash generated from investing activities	<u>33,288</u>	<u>238,051</u>
<b>Cash flow from financing activities</b>		
Proceeds from loans and borrowings	106,300	37,442
Proceeds from issuance of bonds	-	171,746
Interest paid	(83,385)	(75,681)
Decrease/(Increase) in pledged deposits	27,210	(39,989)
Repayment of loans and borrowings	(94,433)	(45,305)
Repayment of lease liabilities	(3,078)	(3,713)
Net cash (used in)/generated from financing activities	<u>(47,386)</u>	<u>44,500</u>

**Puncak Niaga Holdings Berhad 199701000591 (416087-U)**  
**Unaudited Fourth Quarterly Financial Statements Ended 31 December 2020**  
**Condensed Consolidated Statement of Cash Flow**

	<b>12 months ended 31.12.2020</b>	<b>12 months ended 31.12.2019</b>
	RM'000	RM'000
	Unaudited	Audited
Net (decrease)/increase in cash and cash equivalents	(111,946)	104,734
Effects of exchange rate on cash and cash equivalents	(6)	(51)
<b>Cash and cash equivalents at beginning of financial period</b>	397,680	292,997
<b>Cash and cash equivalents at end of financial period</b>	<u>285,728</u>	<u>397,680</u>
<b>Cash and cash equivalents comprise:</b>		
Deposits with licensed banks	190,531	367,141
Cash and bank balances	114,248	76,611
	<u>304,779</u>	<u>443,752</u>
Less : Pledged deposits	(16,251)	(43,461)
Bank overdraft	(2,800)	(2,611)
	<u>285,728</u>	<u>397,680</u>

**(The Condensed Consolidated Statement of Cash Flow should be read in conjunction with the audited financial statements for the financial year ended 31 December 2019 and the accompanying explanatory notes attached to the interim financial statements.)**



**A. EXPLANATORY NOTES PURSUANT TO MFRS 134**

**A1 Basis of preparation**

The condensed consolidated interim financial statements are unaudited and have been prepared in accordance with Malaysian Financial Reporting Standards ("MFRS") 134: Interim Financial Reporting in Malaysia, IAS 34: Interim Financial Reporting and paragraph 9.22 of the Main Market Listing Requirements of Bursa Malaysia Securities Berhad ("Bursa Securities").

The condensed consolidated interim financial statements do not include all of the information required for full annual financial statements and should be read in conjunction with the audited financial statements for the financial year ended 31 December 2019. The explanatory notes attached to the interim financial statements provide an explanation of events and transactions that are significant to an understanding of the changes in the financial position and performance of the Group since the financial year ended 31 December 2019.

**A2 Significant Accounting Policies**

The accounting policies and presentation adopted for this condensed consolidated interim financial statements are consistent with those adopted in the audited financial statements of the Group for the financial year ended 31 December 2019, except for the adoption of the following standards, amendments and annual improvements to MFRSs as disclosed below.

**(a) Adoption of Standards, Amendments and Annual Improvements to Standards**

The Group adopted the following Standards, Amendments and Annual Improvements to Standards :-

Description	Effective for annual periods beginning on or after	
Amendments to MFRS 3	Business Combinations - Definition of a Business	1 January 2020
Amendments to MFRS 7, MFRS 9 and MFRS 139	Financial Instruments (Disclosures - Interest Rate Benchmark Reform)	1 January 2020
Amendments to MFRS 101	Presentation of Financial Statements (Definition of Material)	1 January 2020
Amendments to MFRS 108	Accounting Policies, Changes in Accounting Estimates and Errors (Definition of Material)	1 January 2020
Revised Conceptual Framework for Financial Reporting		1 January 2020
Amendments to MFRS 16	Leases - Covid-19 - Related Rent Concessions	1 June 2020

**(b) Standards issued but not yet effective**

At the date of authorisation of these interim financial statements, the following MFRSs, Amendments to MFRSs and IC Interpretation have been issued but are not yet effective and as such, not being applied by the Group:

Description	Effective for annual periods beginning on or after	
Amendments to MFRS 4, MFRS 7, MFRS 9, MFRS 16 and MFRS 139	Financial Instruments (Disclosures - Interest Rate Benchmark Reform - Phase 2)	1 January 2021
Amendments to MFRS 3	Business Combinations - Reference to the Conceptual Framework	1 January 2022
Amendments to MFRS 116	Property, Plant and Equipment - Proceeds before Intended Use	1 January 2022
Amendments to MFRS 137	Provisions, Contingent Liabilities and Contingent Assets - Onerous Contract-Cost of Fulfilling a Contract	1 January 2022
Annual Improvements to MFRS Standards 2018-2020		1 January 2022

**(b) Standards issued but not yet effective (continued)**

At the date of authorisation of these interim financial statements, the following MFRSs, Amendments to MFRSs and IC Interpretation have been issued but are not yet effective and as such, not being applied by the Group:

Description		Effective for annual periods beginning on or after
MFRS 17	Insurance Contracts	1 January 2023
Amendments to MFRS 101	Presentation of Financial Statements - Classification of Liabilities as Current or Non-Current	1 January 2023
Amendments to MFRS 10 and MFRS 128	Consolidated Financial Statements, Investments in Associates and Joint Ventures – Sale or Contribution of Assets between an Investor and its Associate or Joint Venture	Yet to be determined

The Group is expected to apply the abovementioned pronouncements beginning from the respective dates the pronouncements become effective. The Group is currently assessing the financial impact that may arise from the initial application of the accounting standards, interpretations and amendments effective for annual periods on or after a date yet to be confirmed.

**A3 Auditors' report on preceding annual financial statements**

The auditors' report on the financial statements for the financial year ended 31 December 2019 was not qualified.

**A4 Seasonal or cyclical factors**

The business of the Group is not subject to seasonal or cyclical fluctuation.

**A5 Unusual items due to their nature, size or incidence**

There was no item affecting the assets, liabilities, equity, net income or cash flows of the Group that is unusual because of their nature, size or incidence during the current financial quarter and financial year-to-date.

**A6 Changes in estimates**

There were no significant changes in the estimates of the amount reported in the current quarter and financial year-to-date results.

**A7 Debt and equity securities**

There were no issuances, cancellations, repurchases, resales and repayments of debt and equity securities during the current financial quarter and financial year-to-date.

**A8 Dividend paid**

There was no dividend paid during the current financial quarter and financial year-to-date (31.12.2019: RM nil).

**A9 Segment revenue and results**

The segmental analysis of the Group for the current financial quarter and financial year-to-date are as follows:

a)

Individual quarter results for 3 months ended	Construction		Plantation		Concession		Total	
	31.12.2020	31.12.2019	31.12.2020	31.12.2019	31.12.2020	31.12.2019	31.12.2020	31.12.2019
	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000
<b>Operating Revenue</b>								
Revenue from external customers	58,716	25,441	9,964	6,402	34,287	110,445	102,967	142,288
Finance income	309	340	10	7	842	4,854	1,161	5,201
Other income	-	1,214	925	97	17	16	942	1,327
Fair value gain on fresh fruit bunches	-	-	1,186	389	-	-	1,186	389
	59,025	26,995	12,085	6,895	35,146	115,315	106,256	149,205
Operating expenses	(52,683)	(34,203)	(10,494)	(9,760)	(28,601)	(83,351)	(91,778)	(127,314)
Reversal/(Provision) for foreseeable losses	1,517	(2,304)	-	-	-	-	1,517	(2,304)
Depreciation and amortisation	(73)	(109)	(4,901)	(1,949)	(75)	(25)	(5,049)	(2,083)
<b>Segment results</b>	7,786	(9,621)	(3,310)	(4,814)	6,470	31,939	10,946	17,504
Finance costs	(870)	(580)	(2,563)	(2,919)	13,212	(22,963)	9,779	(26,462)
<b>Profit/(Loss) before tax</b>	6,916	(10,201)	(5,873)	(7,733)	19,682	8,976	20,725	(8,958)

Cumulative quarter results for 12 months ended	Construction		Plantation		Concession		Total	
	31.12.2020	31.12.2019	31.12.2020	31.12.2019	31.12.2020	31.12.2019	31.12.2020	31.12.2019
	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000
<b>Operating Revenue</b>								
Revenue from external customers	131,922	129,334	27,083	18,824	225,274	321,297	384,279	469,455
Finance income	800	515	46	13	7,540	17,404	8,386	17,932
Other income	2	1,228	952	195	102	76	1,056	1,499
Fair value gain on fresh fruit bunches	-	-	1,534	767	-	-	1,534	767
	132,724	131,077	29,615	19,799	232,916	338,777	395,255	489,653
Operating expenses	(123,294)	(164,428)	(40,280)	(38,291)	(150,057)	(229,052)	(313,631)	(431,771)
Reversal of foreseeable losses	4,067	23,358	-	-	-	-	4,067	23,358
Depreciation and amortisation	(281)	(566)	(19,098)	(17,239)	(338)	(329)	(19,717)	(18,134)
<b>Segment results</b>	13,216	(10,559)	(29,763)	(35,731)	82,521	109,396	65,974	63,106
Finance costs	(4,085)	(5,916)	(10,911)	(11,025)	(40,194)	(64,355)	(55,190)	(81,296)
<b>Profit/(Loss) before tax</b>	9,131	(16,475)	(40,674)	(46,756)	42,327	45,041	10,784	(18,190)

b)	Construction		Plantation		Concession		Total	
	31.12.2020	31.12.2019	31.12.2020	31.12.2019	31.12.2020	31.12.2019	31.12.2020	31.12.2019
	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000
	<b>Assets and Liabilities</b>							
<b>Segment assets</b>	<b>113,347</b>	<b>90,883</b>	<b>744,425</b>	<b>746,403</b>	<b>1,297,137</b>	<b>1,278,546</b>	<b>2,154,909</b>	<b>2,115,832</b>
Included in the measure of segment assets are:								
Additions to non-current assets other than financial instruments and deferred tax assets	10	24	19,271	7,942	981	-	20,262	7,966
<b>Segment liabilities</b>	<b>340,295</b>	<b>332,540</b>	<b>340,700</b>	<b>312,514</b>	<b>1,112,470</b>	<b>1,131,270</b>	<b>1,793,465</b>	<b>1,776,324</b>

**Reconciliations of reportable segment revenue, profit or loss, assets, liabilities and other material items**

	31.12.2020	31.12.2019
	RM'000	RM'000
<b>Profit or loss</b>		
Total profit or loss for reportable segments	10,784	(18,190)
Other non-reportable segments and elimination	(19,035)	(31,720)
Unallocated expenses	(1,131)	(7,380)
Loss before tax	<u>(9,382)</u>	<u>(57,290)</u>

	External revenue	Depreciation and amortisation	Finance costs	Finance income	Segment assets	Additions to non-current assets	Segment liabilities
	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000
<b>Results for 3 months ended 31.12.2020</b>							
Total reportable segments	102,967	(5,049)	9,779	1,161	21,902	5,291	19,708
Other non-reportable segments	2,722	(815)	(403)	2,649	(17,925)	(82)	(2,441)
Elimination of inter-segment transactions and balances	(2,686)	-	1,699	(1,699)	(9,694)	-	7,934
Unallocated assets	-	-	-	-	2,470	-	-
Unallocated liabilities	-	-	-	-	-	-	25,050
<b>Consolidated total</b>	<b>103,003</b>	<b>(5,864)</b>	<b>11,075</b>	<b>2,111</b>	<b>(3,247)</b>	<b>5,209</b>	<b>50,251</b>
<b>Results for 3 months ended 31.12.2019</b>							
Total reportable segments	142,289	(2,083)	(26,462)	5,202	(1,218,673)	6,746	925,322
Other non-reportable segments	31	(1,906)	4,968	2,801	1,165,386	116	(874,933)
Elimination of inter-segment transactions and balances	-	-	2,238	(2,238)	(9,270)	-	1,649
Unallocated assets	-	-	-	-	(1,102)	-	-
Unallocated liabilities	-	-	-	-	-	-	3,999
<b>Consolidated total</b>	<b>142,320</b>	<b>(3,989)</b>	<b>(19,256)</b>	<b>5,765</b>	<b>(63,659)</b>	<b>6,862</b>	<b>56,037</b>

	External revenue	Depreciation and amortisation	Finance costs	Finance income	Segment assets	Additions to non-current assets	Segment liabilities
	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000	RM'000
<b>Results for cumulative 12 months ended 31.12.2020</b>							
Total reportable segments	384,279	(19,717)	(55,190)	8,386	2,154,909	20,262	(1,793,465)
Other non-reportable segments	10,584	(4,445)	(954)	12,321	2,038,552	-	(365,750)
Elimination of inter-segment transactions and balances	(10,519)	-	8,054	(8,061)	(1,080,814)	-	534,117
Unallocated assets	-	-	-	-	30,048	-	-
Unallocated liabilities	-	-	-	-	-	-	(170,110)
<b>Consolidated total</b>	<b>384,344</b>	<b>(24,162)</b>	<b>(48,090)</b>	<b>12,646</b>	<b>3,142,695</b>	<b>20,262</b>	<b>(1,795,208)</b>
<b>Results for cumulative 12 months ended 31.12.2019</b>							
Total reportable segments	469,455	(18,135)	(81,297)	17,932	2,115,832	7,966	(1,776,324)
Other non-reportable segments	5,265	(6,848)	(4,358)	14,449	2,031,031	394	(341,956)
Elimination of inter-segment transactions and balances	-	-	10,623	(10,623)	(1,042,844)	-	509,778
Unallocated assets	-	-	-	-	30,812	-	-
Unallocated liabilities	-	-	-	-	-	-	(185,796)
<b>Consolidated total</b>	<b>474,720</b>	<b>(24,983)</b>	<b>(75,032)</b>	<b>21,758</b>	<b>3,134,831</b>	<b>8,360</b>	<b>(1,794,298)</b>

#### **A10 Valuation of property, plant and equipment and investment properties**

The carrying value of land and buildings and investment properties are based on a valuation carried out in the current financial year-to-date by independent qualified valuers using the comparison and replacement cost methods.

#### **A11 Subsequent events**

- (i) TRIpIc Medical Sdn Bhd ("TMSB"), a wholly-owned sub-subsidiary of Puncak, was awarded a concession to undertake the planning, finance, design, development, construction, landscaping, equipping, installation, completion, testing and commissioning of the facilities and infrastructure in relation to Teaching Hospital and Medical Academic Centre at Universiti Teknologi Mara ("UiTM") Puncak Alam Campus and thereafter, to carry out the asset management services of the facilities and infrastructure in accordance with the terms and conditions of the Concession Agreement dated 18 February 2016 entered into between the Government Malaysia represented by Ministry of Higher Education, UiTM and TMSB ("Concession Agreement"). The concession is for a period of 25 years commencing 11 April 2017; comprising 3 years for construction ("CA-Z1P3 Construction Contract of the Concession Agreement") and 22 years for asset management services.

Subsequent to the first and second extension of time ("EOT No. 1" and "EOT No. 2") granted by UiTM vide its letters dated 22 May 2020 and 6 October 2020 respectively, TMSB had completed the CA-Z1P3 Construction Contract of the Concession Agreement on 1 February 2021 upon receipt of the Certificate of Acceptance by UiTM on 1 February 2021. Accordingly, the Asset Management Services Period and the payment of the Availability Charges (for the availability of the Facilities and Infrastructure) and Asset Management Services Charges (for the provision of maintenance services and asset replacement programme) of the Concession Agreement had commenced on 1 February 2021 over the next twenty two (22) years.

- (ii) Puncak Niaga Construction Sdn Bhd ("PNCSB" or "Principal Sub-Contractor") had on 21 July 2020 entered into a Supplemental Agreement to the Principal Sub-Contract Agreement dated 2 May 2018 with Jalur Cahaya Sdn Bhd ("JCSB" or "Main Contractor") in respect of the Kuantan Project (both PNCSB and JCSB are collectively referred to as "the Parties") for the Parties to vary the Principal Sub-Contract Agreement dated 2 May 2018 by revising the Contract Sum from RM489,932,000.00 only (inclusive 6% GST) to RM432,655,640.00 ("Revised Contract Sum") with effect from 21 July 2020. The Revised Contract Sum arose due to a downwards revision of the Kuantan Project's contract sum between the Main Contractor and the client, Jabatan Perkhidmatan Pembetungan, Kementerian Alam Sekitar dan Air (previously known as Kementerian Air, Tanah dan Sumber Asli).

On 13 January 2021, PNCSB entered into a Second Supplemental Agreement with JCSB whereby JCSB had granted an extension of time of 114 days to PNCSB due to the 2020 Movement Control Order ("MCO") imposed by the Government of Malaysia and accordingly, for both parties to revise the Completion Date of the Kuantan Project from 19 February 2022 to 13 June 2022. All other terms and conditions of the Principle Sub-Contract Agreement and the First Supplemental Agreement remain unchanged.

Save as disclosed above and in Note B9 Material Litigations, there are no other material events subsequent to the end of the current financial quarter that have not been reflected in the financial statements of the Group for the current financial quarter.

#### **A12 Changes in the composition of the Group**

There were no changes in the composition of the Group during the current financial quarter and financial year-to-date.

#### **A13 Contingent liabilities and contingent assets**

Save as disclosed in Note B9 Material Litigations, there were no other material contingent liabilities and contingent assets as at 31 December 2020.

#### A14 Other material disclosures

##### a) Revenue

	INDIVIDUAL QUARTER		CUMULATIVE QUARTER	
	Current Year	Preceding Year	Current Year	Preceding Year
	Quarter	Corresponding	To date	Corresponding
	3 months ended	Quarter	12 months ended	Year
	31.12.2020	31.12.2019	31.12.2020	31.12.2019
	RM'000	RM'000	RM'000	RM'000
Construction contract	58,716	25,441	131,922	129,334
Sale of fresh fruit bunches	9,270	5,944	24,658	16,865
Concession	34,287	110,445	225,274	321,297
Others	730	490	2,490	7,224
	<u>103,003</u>	<u>142,320</u>	<u>384,344</u>	<u>474,720</u>

##### b) Capital commitments

The following are the capital commitments of the Group:-

	As at 31.12.2020 RM'000
Contracts approved and contracted for	<u>3,170</u>

##### c) Acquisition and disposal of property, plant and equipment

	12 months ended 31.12.2020		
	At cost	Accumulated	Net Book
	RM'000	Depreciation	Value
	RM'000	RM'000	RM'000
Acquisition	10,511	1,107	9,404
Disposal	2,015	1,799	216
	<u>12,526</u>	<u>2,906</u>	<u>9,620</u>

#### A15 Financial instruments

The carrying amounts of cash and cash equivalents, short-term receivables and payables and short-term borrowings reasonably approximate their fair values due to the relatively short-term nature of these financial instruments.

The following are the analyses of the carrying amounts and fair values of those financial instruments not carried at fair value. These fair values are categorised under Level 3 of the fair value hierarchy:

	Carrying	Fair	Carrying	Fair
	amount	value	amount	value
	31.12.2020	31.12.2020	31.12.2019	31.12.2019
	RM'000	RM'000	RM'000	RM'000
<b>Financial liabilities :</b>				
Loans and borrowings	1,246,543	1,246,543	1,231,014	1,231,014

Short-term investments of the Group amounted to RM123,157,000 (31.12.2019 : RM135,695,000) which is carried at fair value is categorised as fair value through profit and loss ("FVTPL") financial assets under Level 2 of the fair value hierarchy.

The Group uses the following hierarchy for determining the fair value of all financial instruments carried at fair value:

##### Level 1 fair value

Level 1 fair value is derived from quoted price (unadjusted) in active markets for identical financial assets or liabilities that the entity can access at the measurement date.

##### Level 2 fair value

Level 2 fair value is estimated using inputs other than quoted prices included within Level 1 that are observable for the financial assets or liabilities, either directly or indirectly.

##### Level 3 fair value

Level 3 fair value is estimated using unobservable inputs for the financial assets and liabilities using discounted cash flow method.

## **B. EXPLANATORY NOTES PURSUANT TO APPENDIX 9B OF THE MAIN MARKET LISTING REQUIREMENTS OF BURSA SECURITIES**

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### **B1 Review of performance**

During the current financial quarter and financial year to date, the Group recorded a lower revenue of RM103.0 million and RM384.3 million as compared to a revenue of RM142.3 million and RM474.7 million in the preceding year's corresponding financial quarter and financial year-to-date, representing a decrease of RM39.3 million (-28%) and RM90.4 million (-19%) respectively. The lower revenue reported was mainly due to lower revenue contribution from the Concession segment.

The Group reported a profit before tax ("PBT") of RM16.8 million and loss before tax ("LBT") of RM9.4 million for the current financial quarter and financial year-to-date as compared to a LBT of RM9.0 million and RM57.3 million reported in the preceding year's corresponding financial quarter and financial year-to-date, representing a positive variance of RM25.8 million (>100%) and RM47.9 million (84%) respectively. The improvement from LBT to PBT in the current financial quarter and lower LBT recorded for the financial year-to-date was mainly due to lower operating costs and finance costs.

The review of the Group's performance by each segment is as follows:

#### **(a) Construction :**

The Construction segment reported a higher revenue of RM58.7 million and a PBT of RM6.9 million during the current financial quarter as compared to a revenue of RM25.4 million and LBT of RM10.2 million in the preceding year's corresponding financial quarter, representing an increase in revenue of RM33.3 million (>100%) and an improvement from LBT to PBT of RM17.1 million (>100%).

The PBT for the current financial quarter and financial year to date were mainly due to higher revenue recognised from the Kuantan Project, which is generating positive margin to this segment.

#### **(b) Plantation :**

The Plantation segment reported a higher revenue of RM10.0 million and lower LBT of RM5.9 million during the current financial quarter as compared to a revenue of RM6.4 million and LBT of RM7.7 million in the preceding year's corresponding financial year to date, representing an increase in revenue of RM3.6 million (56%) and a positive variance in LBT of RM1.8 million (23%).

The increase in revenue for the current financial quarter and financial year to date was mainly due to higher CPO prices and FFB production. Consequently, it contributed to lower LBT as compared to the preceding year's corresponding financial quarter and financial year to date, despite higher operating costs and depreciation.

#### **(c) Concession :**

The Concession segment reported a lower revenue of RM34.3 million and higher PBT of RM19.7 million in the current financial quarter as compared to a revenue of RM110.4 million and PBT of RM9.0 million in the preceding year's corresponding financial quarter, representing negative variances in revenue of RM76.1 million (-69%) and a positive variance in PBT of RM10.7 million (>100%).

The lower revenue for the current financial quarter was mainly due to the reduced construction activities of the UiTM-Zone 1 Phase 3, Campus Puncak Alam ("Z1P3 Project") towards the completion stage of the construction of the facilities. The construction of the Z1P3 Project was subsequently completed on 1 February 2021 upon receipt of the Certificate of Acceptance ("COA") by UiTM and handover of the completed facilities to UiTM. Consequently, the Asset Management Services Period of the Concession Agreement had also commenced on 1 February 2021 over the next twenty two (22) years. The positive variance in PBT was mainly due to lower operating expenses and finance costs.

### **B2 Comparison of loss before taxation with the immediate preceding financial quarter**

The Group reported a higher revenue of RM103.0 million and a PBT of RM16.8 million for the current financial quarter as compared to a revenue of RM89.5 million and a LBT of RM9.2 million in the immediate preceding financial quarter, representing a increase in revenue of RM13.5 million (15%) and a positive variance in PBT by RM26.0 million (>100%) respectively. The improvement in PBT during the quarter was contributed by all of the main segments with higher revenue and lesser operating costs.



### **B3 Prospects**

Year 2020 was a challenging year with a more challenging operating environment due to the unexpected outbreak of the coronavirus (Covid-19) pandemic that severely affected countries globally, including Malaysia. The Covid-19 pandemic caused enormous disruption of economic activities and significantly impacted the national economy due to the impositions of the MCO, CMCO, RMCO and subsequent re-imposition of the MCO since 13 January 2021 by the Government. The Group will remain cautious and continuously assess the impact of Covid-19 on its operations as well as the financial position for the current financial year ending 31 December 2021.

The Group will continue to progress with its business activities within its core business segments and remain focused on building on its strengths and long-term strategies to mitigate the challenges for the year ahead.

#### Construction

Key focuses for the Group on the Construction segment are to achieve the completion of the D44 Project and Kuantan Project according to the revised implementation schedule after taking into account the impact of the MCO, CMCO, RMCO and re-imposition of the MCO and the new norm in the Construction industry, as well as to maintain high construction standards and good safety record. The Group balances cautious approach to maintain profitability with long term strategic expansion plans in assessing new opportunities and exploring options in other states to participate in utilities and infrastructure works.

#### Plantation

On the Plantation segment, the Group continues to maintain high standards set out in its MSPO certification and strives to achieve the goal of producing above 100,000 tonnes of FFB within the next two years. As palm oil is one of the essential major crops in the global food system, the Group remains confident that the plantation industry will remain sustainable, with the long-term prospects remaining intact. The Group aims to focus on increasing the operational efficiency to generate greater yield output through better vehicle fleet management, improving harvest collection systems and implementing good agriculture practices.

#### Concession

The Group will continue to fulfil the maintenance services contract for the Concession Project UiTM-Zone 1 Phase 2, Campus Puncak Alam ("UiTM-Z1P2"). The construction works for UiTM-Z1P2 commenced in 2011 and was completed in 2014 and the facilities management services are for a period of 20 years which commenced from 2014 to 2034.

As for the Concession Project UiTM-Zone 1 Phase 3, Campus Puncak Alam ("UiTM-Z1P3"), the concession is for a period of 25 years and 10 months, commencing from 11 April 2017, encompassing 3 years and 10 months for construction works and 22 years for asset management services. TMSB was granted an extension of time ("EoT No.1") of six (6) months from 10 April 2020 to 10 October 2020 and a further extension of time ("EoT No.2") of another four (4) months till 1 February 2021 to complete the Z1P3 construction works. TMSB completed the construction works on time and successfully handed over UiTM-Z1P3 on 1 February 2021 upon receipt of the Certificate of Acceptance ("COA") by UiTM. Accordingly, the Asset Management Services Period and the payment of the Availability Charges (for the availability of the Facilities and Infrastructure) and Asset Management Services Charges (for the provision of maintenance services and asset replacement programme) of the Concession Agreement had commenced on 1 February 2021 over the next twenty two (22) years.

### **B4 Variances from profit forecast and profit guarantee**

The disclosure requirements for explanatory notes for variances from profit forecast or profit guarantee are not applicable.

**B5 Income tax expenses**

	INDIVIDUAL QUARTER		CUMULATIVE QUARTER	
	Current Year Quarter	Preceding Year Corresponding Quarter	Current Year To date	Preceding Year Corresponding Year
	3 months ended 31.12.2020	31.12.2019	12 months ended 31.12.2020	31.12.2019
	RM'000	RM'000	RM'000	RM'000
Income tax				
- current year tax expense	(1,575)	(2,634)	(6,107)	(9,197)
- over provision in prior year	1,824	756	3,592	1,732
	249	(1,878)	(2,515)	(7,465)
Deferred tax				
- origination and reversal of temporary differences	14,369	(756)	6,840	(1,388)
- over provision in prior year	11,700	4,017	8,154	4,017
	26,069	3,261	14,994	2,629
	26,318	1,383	12,479	(4,836)

The effective tax rate of the Group for the current financial year-to-date was lower than the Malaysian statutory tax rate mainly due to the reversal of provision of deferred tax liabilities in prior year and recognition of deferred tax assets during the year-to-date.

**B6 Status of corporate proposals**

The Company proposed to undertake a renounceable rights issue of up to RM223,623,878 nominal value of 5-year 6.50% convertible secured islamic debt securities ("CSIDS") at 100% of its nominal value of RM1.00 on an entitlement date to be determined later ("Proposed Rights Issue of CSIDS").

As of to date, Puncak has yet to procure the undertakings from the Undertaking Shareholders in view of the significant of funds to be raised. In addition to the protracted Covid-19 pandemic resulting in continuing uncertainties and in the financial markets, the Company requires more time to procure such undertakings from the Undertaking Shareholders. Consequently, the application for the issuance of CSIDS to the SC and the listing application together with the draft circular to Bursa Securities, which were previously extended to 31 July 2020 and 31 January 2021 had been extended to 31 July 2021.

Saved as disclosed above, there were no corporate proposals announced as at the date of this report.

**B7 Loans and borrowings**

Details of the Group's loans and borrowings as at 31 December 2020 are as follows:-

	Current RM'000	Non-current RM'000
<b>Secured</b>		
Medium term notes	19,557	291,080
Senior sukuk murabahah	-	617,694
Tawarruq term loan	8,650	122,732
Cashline-I facility	-	12,478
Term loan	3,750	18,502
Revolving credit facility	149,300	-
Bank overdraft	2,800	-
Lease liabilities	4,462	7,571
	188,519	1,070,057

All loans and borrowings are denominated in Ringgit Malaysia.

## **B8 Off balance sheet financial instruments**

As at the latest practicable date prior to the issuance of this interim financial statements, the Group has not entered into any financial instruments with off balance sheet risk.

## **B9 Material litigations**

### **(1) Kris Heavy Engineering & Construction Sdn Bhd ("KHEC")**

#### **a) The First Arbitration Proceedings**

KHEC, a sub-contractor for the Chennai Water Supply Augmentation Project 1 - Package III ("Chennai Project"), has initially referred certain disputed claims totalling Rs8,44,26,981 (equivalent to approximately RM6.75 million) against PNHB-LANCO-KHEC JV ("the Consortium"), a jointly controlled entity in India of the Company.

Arising from the arbitration proceedings initiated by KHEC, both KHEC and the Consortium have each appointed a qualified civil engineer as their arbitrator respectively, and both arbitrators have selected a retired Judge of the High Court in Chennai, India as the third arbitrator who will also act as the presiding arbitrator of the arbitral tribunal. The arbitral tribunal was officially constituted on 24 September 2005. On 28 September 2005, the Company was informed that the arbitral tribunal has fixed the following dates for the filing of the arbitration cause papers as part of the preliminary procedural formalities:-

- i) claim by the claimant, KHEC to be filed before 4 October 2005;
- ii) rejoinder by the respondent, the Consortium to be filed before 18 November 2005; and
- iii) reply rejoinder by the claimant, KHEC to be filed before 5 December 2005.

The Consortium had on 2 January 2006, filed its counter-claim amounting to Rs13,61,61,931 (equivalent to approximately RM10.89 million) against KHEC's claim of Rs8,44,26,981 (equivalent to approximately RM6.75 million) to the arbitral tribunal in India.

The Statement of Claim lodged by KHEC had subsequently been revised from Rs8,44,26,981 (equivalent to approximately RM6.75 million) to Rs9,84,58,245 (equivalent to approximately RM7.88 million) whilst the counter-claim submitted by the Consortium, had also been revised as per the rejoinder, from Rs13,61,61,931 (equivalent to approximately RM10.89 million) to Rs13,63,39,505 (equivalent to approximately RM10.91 million).

The Company was notified on 4 March 2009 by solicitors acting on behalf of Consortium that the Arbitration Panel had at its meeting held on 26 February 2009 accepted the letter of withdrawal from the Arbitration Panel dated 18 February 2009 from the arbitrator nominated by KHEC. As such, the date for further meeting of the Arbitration Panel was to be communicated after the appointment of the substitute arbitrator to be nominated by KHEC under Section 15(2) of the Arbitration and Conciliation Act, 1996 of India.

The Company was notified on 25 June 2009 that the first sitting of the newly formed Arbitration Panel for the First Arbitration Proceedings comprising the Presiding Arbitrator, the arbitrator nominated by the Consortium and the substitute arbitrator nominated by KHEC was held on 20 June 2009.

The continued hearing date for the First Arbitration Proceedings were fixed on 31 August 2013, 28 September 2013 and 29 September 2013, 9 November 2013 and 10 November 2013.

At the hearing held on 10 November 2013, the Arbitration Panel has tentatively fixed the continued hearing of the First Arbitration Proceedings on 4 January 2014 and 5 January 2014.

The continued hearing tentatively scheduled on 4 January 2014 and 5 January 2014 did not proceed as scheduled.

On 29 January 2014, the Arbitration Panel fixed the continued hearing of the First Arbitration Proceedings on 8 February 2014 and 9 February 2014, respectively.

The continued hearing proceeded on 8 February 2014 but the hearing date of 9 February 2014 was vacated due to non-availability of the Chief Arbitrator. The Arbitration Panel has fixed the continued hearing dates for the First Arbitration Proceedings on 29 May 2014 and 30 May 2014.

The hearing for the First Arbitration Proceedings fixed on 29 May 2014 and 30 May 2014 did not proceed as scheduled and was fixed by the Arbitration Panel on 4 July 2014 to be fixed on 16 August 2014 and 17 August 2014.

The hearing of the First Arbitration Proceedings fixed on 16 August 2014 and 17 August 2014 proceeded as scheduled.

The Arbitration Panel has tentatively fixed the next continued hearing dates on 24 October 2014 and 25 October 2014.

The hearing of the First Arbitration Proceedings fixed on 24 October 2014 and 25 October 2014 proceeded as scheduled.

On 17 November 2014, the Arbitration Panel has fixed the continued hearing dates for the First Arbitration Proceedings on 6 and 7 December 2014 respectively.

On 26 November 2014, the Arbitration Panel has rescheduled the continued hearing dates for the First Arbitration Proceedings originally scheduled on 6 December 2014 and 7 December 2014 to 24 January 2015 and 25 January 2015, respectively.

On 7 January 2015, the Arbitration Panel postponed the continued hearing dates for the First Arbitration Proceedings originally scheduled on 24 January 2015 and 25 January 2015. The Panel has yet to schedule new dates for the continued hearing.

On 14 December 2015, the counsel of the Consortium notified the Presiding Arbitrator that the Arbitrator in charge unable to continue as Arbitrator in view of his continued ill-health. An alternative Arbitrator will be appointed in due course. The Panel has yet to schedule new dates for the continued hearing for the First Arbitration Proceedings.

On 3 March 2016, the name of the replacement Arbitrator had been submitted by the counsel of the Consortium to the Panel for consideration and decision. The Panel has yet to schedule new dates for the continued hearing for the First Arbitration Proceedings.

On 20 April 2016, the name of the replacement Arbitrator had been accepted by the Panel. The Panel has yet to schedule new dates for the continued hearing for the First Arbitration Proceedings.

On 2 June 2016, KHEC's Arbitrator had resigned and a new arbitrator has been nominated for the Panel's consideration and decision before the Panel schedules new dates for the continued hearing for the First Arbitration Proceedings.

On 11 July 2016, the Panel fixed 30 July 2016 for the continued hearing of the First Arbitration Proceedings.

At the hearing on 30 July 2016, the Panel fixed 17 September 2016 and 18 September 2016 for the continued hearing of the First Arbitration Proceedings.

On 19 September 2016, the Company updated that the hearing of the First Arbitration Proceedings will be continued on 2 October 2016.

On 4 October 2016, the Company updated that the hearing of the First Arbitration Proceedings will be continued on 12 November 2016 and 13 November 2016.

On 11 November 2016, the Company notified that the hearing fixed on 11 November 2016 and 12 November 2016 have been cancelled as the Chief Arbitrator has resigned recently due to health reasons. The remaining Panel is in the process of selecting a suitable replacement for the Chief Arbitrator before the Panel schedules the new dates for the continued hearing for the First Arbitration Proceedings.

On 21 November 2016, the Company was notified that the Panel has approved the replacement for the Chief Arbitrator for the First Arbitration Proceedings. The new dates for the continued hearing for the First Arbitration Proceedings has yet to be scheduled by the Panel.

On 4 January 2017, the Company was notified that the Panel has fixed the continued hearing for the First Arbitration Proceedings on 10 January 2017.

On 11 January 2017, the Company was notified at the hearing held on 10 January 2017 that the Chief Arbitrator had withdrawn himself from the Panel and the remaining Panel will have to find a replacement for the Chief Arbitrator before the Panel schedules new dates for the continued hearing for the First Arbitration Proceedings.

The newly constituted Panel fixed the hearing for the First Arbitration Proceedings on 7 March 2017, 11 April 2017 and 22 April 2017.

At the hearing held on 11 April 2017, the Panel fixed the next continued hearing date of the First Arbitration Proceedings on 17 June 2017 and vacated the earlier date fixed on 22 April 2017.

On 17 June 2017, the Panel fixed the continued hearing dates of the First Arbitration Proceedings on 15 July 2017 and 16 July 2017, respectively. which were subsequently cancelled by the Panel.

The next continued hearing date of the First Arbitration Proceedings which was fixed by the Panel on 10 September 2017 was subsequently adjourned and held on 18 November 2017.

At the hearing held on 18 November 2017, the Panel fixed the next continued hearing dates of the First Arbitration Proceedings on 6 and 7 January 2018.

The continued hearing proceeded on 6 January 2018 but the hearing date of 7 January 2018 was vacated and the Panel has fixed the next continued hearing of the First Arbitration proceedings on 24 February 2018, 25 February 2018, 24 March 2018 and 25 March 2018, respectively.

At the hearing held on 24 February 2018 and 25 February 2018, the Panel fixed the next continued hearing of First Arbitration Proceedings on 24 March 2018, 25 March 2018, 5 May 2018, 6 May 2018 and 8 May 2018, respectively.

The next continued hearing date of the First Arbitration Proceedings which was fixed by the Panel on 24 March 2018 and 25 March 2018 were subsequently adjourned. The Panel fixed the next hearing of the First Arbitration Proceedings on 5 May 2018, 6 May 2018 and 7 May 2018, respectively.

The continued hearing proceeded on 5 May 2018 and 6 May 2018 but the hearing date of 7 May 2018 was vacated. The Panel fixed the next continued hearing date on 23 June 2018 and 24 June 2018.

The hearing proceeded on 23 June 2018 and the Panel vacated the hearing scheduled on 24 June 2018. The Panel fixed the next continued hearing of First Arbitration Proceedings on 30 June 2018 and 1 July 2018.

The hearing proceeded on 30 June 2018 and 1 July 2018. The Panel fixed the next continued hearing of the First Arbitration Proceedings on 11 August 2018 and 12 August 2018.

The hearing proceeded on 11 August 2018. The Panel vacated the hearing scheduled on 12 August 2018 and fixed the next continued hearing of the First Arbitration Proceedings on 15 September 2018.

The continued hearing proceeded on 15 September 2018 and parties were directed to submit written submissions on or before 15 October 2018.

The Arbitration Panel of India delivered the Final Award dated 13 November 2019 (which was notified to the Company on 16 November 2019) in relation to the First Arbitration Proceedings, allowing only the following 3 out of the 34 claims brought by the Claimant against PNHB-LANCO-KHEC JV ("the JV") totalling Rs50,51,786 (equivalent to RM293,708.48 at RM1 = Rs17.2 exchange rate) out of the total claim sum of Rs9,84,58,245 (equivalent to RM5.72 million at RM1 = Rs17.2 exchange rate) with interest at 18% from the date of the award to full and final payment of the Final Award sum. The Arbitration Panel further dismissed the counter claim by the JV in the Final Award.

Claim No	Description	Final Award (Rs)
2	Extra charges for making holes on the pipe	2,44,750
19	Release of Final Bill	36,43,463
22	Refund of Security Deposit (Retention amount)	11,41,703*
	Total three (3) claims awarded	50,29,916
	Additional Expense for Services as per award	21,870
	<b>Final Arbitration Award amount</b>	<b>50,51,786</b>

Note :-

\* The Total Retention amount due to the Claimant is Rs 61,41,703. The Fixed Deposit of Rs50,00,000 deposited by the JV with the Arbitration Panel will be handed over to the Claimant after the appeal time is over or after the disposal of the appeal, if any.

On 8 June 2020, the Claimant's counsel served on the counsel for the JV, a copy of the Petition filed at the Madras High Court to appeal against the decision of the Arbitration Panel dated 13 November 2019.

On 12 August 2020, the Claimant's Petition filed at the Madras High Court to appeal against the decision of the Arbitration Panel dated 13 November 2019 was returned by the Registrar pending the Claimant's representation with compliance. The hearing of the appeal was adjourned to 9 September 2020 and did not proceed as scheduled as it was not listed at the Madras High Court. A new hearing date has yet to be fixed by the Madras High Court.

The hearing of the appeal which was originally fixed on 9 September 2020 did not proceed as scheduled as it was not listed at the Madras High Court.

The Claimant's appeal against the decision of the Arbitration Panel dated 13 November 2019 in respect of the First Arbitration Proceedings and the Claimant's appeal against the decision of the Arbitrator dated 29 March 2013 in respect of the Second Arbitration Proceedings will be heard together by the Madras High Court.

b) **The Second Arbitration Proceedings**

KHEC had commenced a second arbitration proceedings against the PNHB-Lanco members of the Consortium ("the Second Arbitration") on the basis of the terms of the Joint Venture Agreement dated 13 February 2003 and the Supplemental Agreement to the Joint Venture Agreement dated 26 March 2003 respectively, entered into between the Company, Lanco Infratech Limited and KHEC whereby KHEC is claiming for loss of profit (inclusive of interest and other cost) amounting to Rs5,44,32,916 (equivalent to approximately RM4.35 million) as they allege that they, despite being a 10% shareowner, received only 4.31% out of the total value of the contract works of the Chennai Project. Subsequently, KHEC had filed in an amended claim for damages and lost of profit from Rs5,44,32,916 to Rs55,44,32,916 (equivalent to approximately RM44.3 million). PNHB-Lanco's counsel had filed an interim application to dismiss the claim of Rs50,00,00,000 (equivalent to approximately RM39.9 million) for compensation for loss of opportunity on the basis that it is frivolous and unreasonable.

The Second Arbitration proceedings which were heard by a single arbitrator have been completed wherein the parties have submitted their respective written submissions on 1 December 2012.

On 1 April 2013, PNHB-Lanco members of the Consortium received the Arbitrator's Final Award dated 29 March 2013 wherein the PNHB-Lanco members of the Consortium are to pay interest for the delayed payment of enabling cost of Rs.58 Lakhs amounting to Rs14,62,503 (approximately RM83,627.38) only to the claimant, KHEC Heavy Engineering and Construction Sdn Bhd on or before 30 April 2013 and all other claims by the claimant were rejected.

PNHB-Lanco member of consortium had on 27 April 2013 complied with the Final Award of the Arbitration dated 29 March 2013 by paying the interest for the delayed payment of enabling cost of Rs.58 Lakhs amounting to Rs.14,62,503 to KHEC.

KHEC had informed the Company of its intention to challenge the Final Award of the Arbitrator dated 29 March 2013. However, as of to-date, no documents have been served by KHEC on the PNHB-LANCO members of the Consortium.

The claimant, KHEC Heavy Engineering & Construction Sdn Bhd had on 4 November 2013 served the PNHB-LANCO members of the Consortium with a copy of the Petition filed at the Madras High Court to appeal against the decision of the Arbitrator dated 29 March 2013. The Madras High Court had fixed the Petition for hearing on 2 December 2013.

On 2 December 2013, the Madras High Court postponed the hearing of the Petition filed by KHEC to 3 December 2013.

On 3 December 2013, the Madras High Court fixed the continued hearing of the Petition filed by KHEC on 10 December 2013.

On 10 December 2013, the Madras High Court postponed the hearing of the Petition filed by KHEC, wherein the new hearing date had yet to be fixed by the Madras High Court.

On 29 June 2018, the Madras High Court fixed the continued hearing on 27 July 2018 for the Second Arbitration Proceedings.

At the hearing held on 27 July 2018, the Madras High Court adjourned the next hearing for the Second Arbitration Proceedings to 27 August 2018.

On 27 August 2018, the Madras High Court adjourned the hearing for the Second Arbitration Proceedings to a later date to be advised in due course due to the change in the sitting judge.

On 12 September 2018, the Madras High Court adjourned the hearing of the Second Arbitration Proceedings to the first week of October 2018.

On 3 October 2018, the Madras High Court adjourned the hearing of the Second Arbitration Proceedings to the third week of October 2018.

On 1 November 2018, the Madras High Court adjourned the hearing of the Second Arbitration Proceedings to a later date to be advised in due course.

At the hearing held on 7 March 2019, the Madras High Court had adjourned the hearing to a later date to be advised in due course.

At the hearing held on 9 April 2019, the Madras High Court had adjourned the hearing to a later date to be advised in due course.

At the hearing held on 24 April 2019, the Madras High Court had adjourned the hearing to a later date to be advised in due course.

At the hearing held on 12 June 2019, the Madras High Court had fixed the next hearing on 26 June 2019.

At the hearing held on 26 June 2019, the Madras High Court had adjourned the hearing to a later date to be advised in due course.

The Claimant's appeal against the decision of the Arbitration Panel dated 13 November 2019 in respect of the First Arbitration Proceedings and the Claimant's appeal against the decision of the Arbitrator dated 29 March 2013 in respect of the Second Arbitration Proceedings will be heard together by the Madras High Court.

## **(2) Pengurusan Air Selangor Sdn Bhd ("PASSB")**

### **Shah Alam High Court Suit No: BA-22NCVC-228-04/2017 Pengurusan Air Selangor Sdn Bhd vs Puncak Niaga Holdings Berhad & 5 Others ("the Suit")**

The Company had, on the evening of 9 May 2017, received a sealed copy of the Amended Writ together with an Amended Statement of Claim both dated 28 April 2017 from the solicitors of PASSB.

The Suit arose from alleged breaches on the Sale and Purchase Agreement dated 11 November 2014 ("SPA") between the Company and PASSB relating to the disposals by the Company of the entire equity interest and cumulative convertible redeemable preference shares held in Puncak Niaga (M) Sdn Bhd ("PNSB") and 70% equity interest and RM212.0 million nominal value of redeemable convertible loan stocks held in Syarikat Bekalan Air Selangor Sdn Bhd ("SYABAS") to PASSB for RM1,555.3 million in line with the consolidation/restructuring of the water industry in the State of Selangor and the Federal Territories of Kuala Lumpur and Putrajaya by the State Government and the Federal Government. The disposals of PNSB and SYABAS were completed on 15 October 2015.

In the Suit, the Company is named as the First Defendant.

The relief sought by PASSB against the Company is as follows:-

- (i) a sum of RM63,237,583.05 ("Sum") to be paid within 14 days from the date of the Honourable Court judgment.
- (ii) interests on the Sum at the rate of 5% per annum to be calculated from 22 August 2016 until full payment thereof.
- (iii) a declaration that the Company continues to indemnify PASSB for all losses which arises after the filing of this claim that PASSB may suffer as a result of the breaches in this action, including but not limited to future RPGT relation to the transfer of properties of PNSB to the Company Group under the SPA.
- (iv) general damages to be assessed ("Assessed Damages") and interests on the Assessed Damages at the rate of 5% per annum to be calculated from the date of assessment until full payment thereof.
- (v) an order that the Company do deliver to PASSB the original or photocopies of PNSB's documents within seven (7) days from the date of the Honourable Court order.
- (vi) costs and interests at the rate of 5% and other reliefs or orders that the Honourable Court may deem fit and proper to grant.

The alleged breaches are said to arise from a breach of the SPA, amongst others, Clauses 7.2(c), 7.2(d) and the Representations and Warranties of Puncak in Schedule 2, Clause 10.1.5.

The Sum of RM63,237,583.05 is made out of, amongst others, alleged payments made in respect of the Non-CA Related Business.

The Company had instructed its solicitors to contest the matter and to file an appearance at the pre-trial case management on 17 May 2017.

On 17 May 2017, the Court fixed another pre-trial case management on 18 July 2017. Meanwhile, the Company filed an appearance on 16 May 2017 and its Defence is due by 23 June 2017.

The Company filed its Defence on 20 June 2017 and a copy of the Defence was served on PASSB's solicitors on 21 June 2017. Puncak received a copy of PAAB's reply to the Defence on 14 July 2017.

On 5 July 2017, PASSB served a sealed application to restrain Puncak's solicitors from acting in the proceeding for the Suit on 5 July 2017.

At the case management held on 18 July 2017, the Court scheduled PASSB's application to restrain Puncak's solicitors from acting in the proceeding for the Suit on 24 August 2017. Meanwhile, Puncak and Puncak's solicitors had filed and served their affidavit in replies to oppose the said application by PASSB on 17 July 2017.

At the case management held on 21 August 2017, the Court adjourned the hearing of PASSB's application to restrain Puncak's solicitors from acting in the proceeding for the Suit to 14 September 2017. Meanwhile, the respective submission in reply is due on 4 September 2017.

At the hearing of PASSB's application to restrain Puncak's solicitors from acting in the proceeding for the Suit held on 14 September 2017, the Court adjourned the hearing of the said application to 26 September 2017.

At the hearing held on 26 September 2017, the Court adjourned the hearing of PASSB's application to restrain Puncak's solicitors from acting in the proceeding for the Suit to 30 November 2017.

At PASSB's request, the Court brought forward the hearing of PASSB's application to restrain Puncak's solicitors from acting in the proceeding for the Suit to 9 November 2017.

PASSB's application to restrain Puncak's solicitors from acting in the proceeding for the Suit was part heard on 9 November 2017, 30 November 2017, 29 December 2017 and completed on 15 January 2018.

On 27 February 2018, the Judge allowed PASSB's application to restrain its solicitors from acting in the proceedings with costs. Having consulted its solicitors, Puncak had given instructions to them to lodge an appeal to the Court of Appeal against this decision. Meanwhile, the Judge fixed the PASSB's claim for case management on 29 March 2018.

On 14 March 2018, the Judge recorded a stay of the Order dated 27 February 2018 to restrain Puncak's solicitors from acting in the proceedings with costs until the hearing and final disposal of Puncak's appeal to the Court of Appeal against the said decision. Meanwhile, Puncak's application to stay further proceedings in the High Court pending the disposal of Puncak's appeal is fixed for hearing on 29 March 2018.

Puncak's Notice of Appeal to appeal against the decision of the High Court dated 27 February 2018 to restrain its solicitors from acting in the proceedings had been filed and served on 14 March 2018. The Court of Appeal has fixed the matter for case management on 30 May 2018 before the Deputy Registrar of the Court of Appeal.

On 29 March 2018, the Judge recorded a stay of all further proceedings in the High Court pending the hearing and final disposal of Puncak's appeal against the Order dated 27 February 2018 to restrain Puncak's solicitors from acting in the proceedings with costs, except for any interlocutory applications by the other defendants in the action. The matter is fixed for case management on 2 May 2018.

The case management originally fixed on 2 May 2018 has been postponed to 1 June 2018 by the High Court.

On 30 May 2018, Puncak's appeal to the Court of Appeal against the decision to restrain Puncak's solicitors from acting was called up for case management. The appeal will be further case managed on 3 July 2018 before the Deputy Registrar of the Court of Appeal pending receipt of the High Court's grounds of judgment and notes of proceedings.

On 1 June 2018, the case management adjourned to 4 July 2018 for parties to update the High Court on the status of Puncak's appeal to the Court of Appeal against the decision to restrain Puncak's solicitors from acting.

On 3 July 2018, Puncak's appeal to the Court of Appeal against the decision to restrain Puncak's solicitors from acting was called up for further case management. The appeal will be further case managed on 18 July 2018 before the Deputy Registrar of the Court of Appeal pending the filing of the Supplementary Record of Appeal and to fix a hearing date for the appeal.

The case management which was fixed on 4 July 2018 was subsequently adjourned by the High Court to 18 September 2018 for parties to update the Court on the status of Puncak's appeal to the Court of Appeal against the decision to restrain Puncak's solicitors from acting.

Puncak's appeal to the Court of Appeal against the decision to restrain Puncak's solicitors from acting was called up for case management on 18 July 2018. The appeal is fixed for final case management on 8 October 2018 before the Deputy Registrar of the Court of Appeal, and the appeal is fixed for hearing on 18 October 2018.

On 18 September 2018, the case management was adjourned to 24 October 2018 for parties to update the Court on the outcome of Puncak's appeal to the Court of Appeal against the decision to restrain solicitors from acting for Puncak.



Puncak's appeal to the Court of Appeal against the decision to restrain Puncak's solicitors from acting which was fixed for hearing on 18 October 2018, was taken-off by the Court of Appeal and the hearing of the appeal was adjourned to 8 January 2019.

The case management scheduled on 24 October 2018 was adjourned to 14 January 2019 for parties to update the Court on the outcome of Puncak's appeal to the Court of Appeal against the decision to restrain solicitors from acting for Puncak.

On 8 January 2019, the Court of Appeal had discussed Puncak's appeal with costs against the decision to restrain Puncak's solicitors from acting. Puncak will consider the next course of action in defending the suit by PASSB.

On 14 January 2019, the High Court fixed the next case management on 28 January 2019 for parties to update the High Court on whether Puncak is appealing the Court of Appeal's decision dated 8 January 2019 in respect of the Disqualification Application.

On 28 January 2019, the case management before the Shah Alam High Court Judge was adjourned to 12 February 2019 for parties to update the Court on whether PNHB is appealing the Court of Appeal's dismissal of PNHB's appeal against the High Court's decision to restrain PNHB's current solicitors from acting for PNHB.

The case management on 12 February 2019 before the Shah Alam High Court Judge was postponed to 1 March 2019.

On 1 March 2019, Puncak's new solicitors attended the case management and the High Court fixed the next case management on 9 April 2019.

At the case management held on 9 April 2019, the High Court directed the parties to comply with the pre-trial directions and fixed the next case management on 27 May 2019.

At the case management held on 27 May 2019, the High Court directed the parties to comply with the pre-trial directions and fixed the next case management on 4 July 2019.

At the case management held on 4 July 2019, the High Court directed the parties to comply with the pre-trial directions and fixed the next case management on 6 August 2019.

At the case management held on 6 August 2019, the High Court directed the parties to comply with the pre-trial directions and fixed the next case management on 11 September 2019.

At the case management held on 11 September 2019, the High Court directed the parties to comply with the pre-trial directions and fixed the next case management on 3 October 2019.

At the case management held on 3 October 2019, the plaintiff has filed an application to amend the Amended Statement of Claim and the said application is now fixed for hearing on 21 October 2019. The High Court further directed the parties to comply with the pre-trial directions. The trial dates in November are maintained.

At the case management held on 21 October 2019, the plaintiff withdrew the application to amend the Amended Statement of Claim. The Court allowed the withdrawal and fixed the next case management on 22 October 2019. The trial dates in November are maintained.

At the case management held on 22 October 2019, the High Court directed the parties to comply with the pre-trial directions. The trial dates in November are maintained.

On 4 November 2019, the Court vacated the trial dates scheduled on 4 November 2019 to 6 November 2019 because the Judge was on medical leave.

At the trial held on 18 November 2019, the Court fixed the continued trial on 7 March 2020, 17 April 2020, 11 August 2020, 12 August 2020, 13 August 2020, 8 September 2020, 10 September 2020, 15 September 2020, 17 September 2020, 22 September 2020, 23 September 2020, 24 September 2020, 29 September 2020, 30 September 2020, 6 October 2020, 7 October 2020, 8 October 2020, 13 October 2020, 14 October 2020 and 15 October 2020.

The Court also fixed 23 June 2020, 24 June 2020, 25 June 2020, 8 July 2020 and 9 July 2020 tentatively for continued trial pending confirmation from all the parties.

The Court subsequently confirmed that the tentative continued trial dates on 23 to 25 June 2020 are confirmed whilst the tentative continued trial dates on 8 to 9 July 2020 have been taken off.

At the case management held on 22 January 2020, the plaintiff filed an application to amend the Amended Statement of Claim and the said application is now fixed for hearing on 9 March 2020.

At the case management on 27 February 2020, the Court maintained the hearing date fixed on 9 March 2020 for the plaintiff's application to amend the Amended Statement of Claim. The Court also vacated the trial date fixed on 17 March 2020.

At the hearing for the plaintiff's application to amend the Amended Statement of Claim on 9 March 2020, the Court fixed the matter for decision on 30 March 2020.

Due to the Extended Movement Control Order imposed by the Government due to COVID-19 outbreak, the Court has subsequently fixed the matter for decision on 14 May 2020.

On 14 May 2020, the High Court dismissed the plaintiff's application to amend the Amended Statement of Claim with costs and vacated the trial dates fixed in June 2020.

The trial dates on 11 August 2020 to 13 August 2020 were vacated by the High Court as the Judge was unwell.

The trial proceeded as scheduled in September 2020 and October 2020 except for the trial dates on 22 September 2020 to 24 September 2020, 6 October 2020 to 8 October 2020 and 13 October 2020 to 15 October 2020 which were vacated by the Court.

The trial date on 2 November 2020 was subsequently vacated due to the extended Conditional Movement Control Order ("CMCO").

The next trial dates will be on 4 January 2021, 5 January 2021.

The Shah Alam High Court vacated the trial dates fixed on 14 January 2021, 18 January 2021, 2 February 2021 and 3 February 2021.

The next trial dates for the Suit are on 8 March 2021, 9 March 2021, 13 April 2021, 14 April 2021, 3 May 2021 to 6 May 2021, 11 June 2021 and 14 June 2021.

### **(3) Puncak Niaga Holdings Berhad ("Puncak")**

**Shah Alam High Court Suit No: BA-21NCvC-72-10/2017 Puncak Niaga Holdings Berhad ("Plaintiff") vs 1. Tan Sri Dato' Seri Abdul Khalid bin Ibrahim 2. Dato' Seri Mohamed Azmin bin Ali 3. The Selangor State Government ("Collectively Defendants")**

The solicitors of Puncak as the Plaintiff ("Plaintiff") served the sealed Writ of Summons vide Shah Alam High Court Suit No. BA-21NCvC-72-10/2017 together with the Statement of Claim dated 27 October 2017 on:-

- (i) the solicitors of Tan Sri Dato' Seri Abdul Khalid bin Ibrahim ("Tan Sri Khalid"), as the former Menteri Besar of Selangor on 2 November 2017;
- (ii) Dato' Seri Mohamed Azmin bin Ali ("Dato' Seri Azmin"), as the present Menteri Besar of Selangor on 21 November 2017; and
- (iii) The Selangor State Government ("Selangor State Government") on 6 November 2017; collectively "the Defendants".

The suit is initiated by Puncak against the Defendants including the Selangor State Government, who Puncak asserts is vicariously liable for the tortious acts of Tan Sri Khalid and Dato' Seri Azmin in abusing their powers in public office/misfeasance by threatening to cause and/or requesting or attempting to cause the Federal Government to invoke use of the Water Services Industry Act 2006 ("WSIA") to force a take-over of the State's water industry.

Puncak claims damages, interest on damages and costs of:-

- (a) the difference between the value of PNSB Water Sdn Bhd (formerly known as Puncak Niaga (M) Sdn Bhd) ("PNSB") and Syarikat Bekalan Air Selangor Sdn Bhd ("SYABAS") at the range of RM2,081,000,000.00 to RM2,353,000,000.00 and the actual purchase consideration of RM1,555,300,000.00 under the Share Purchase Agreement dated 11 November 2014 between Puncak and Pengurusan Air Selangor Sdn Bhd; and
- (b) Loss of business opportunities (local and foreign) totalling RM13,496,009,000.00.

The matter is fixed for case management at the Shah Alam High Court on 28 November 2017.

At the case management held on 28 November 2017, the Judge made directions for the filing of pleadings, the exchange of affidavits and submissions in respect of the 1st Defendant's ("Tan Sri Khalid") application to strike out the claim ("Striking out Application") as well as pre-trial case management directions as follows:-

- (a) Tan Sri Khalid's Striking out Application is fixed for decision on 23 January 2018.
- (b) The next case management before the Judge for parties to comply with pre-trial case management directions is on 12 February 2018.
- (c) The trial dates are scheduled on 28 March 2018 to 30 March 2018.

Meanwhile, the Judge directed parties to attempt mediation in January 2018.

The Selangor State Government's sealed Striking Out Application together with the Affidavit in Support was served on Puncak's solicitors on 19 December 2017.

At the case management of the Selangor State Government's application to strike out the claim on 20 December 2017, the Judge made directions for the filing of pleadings, the exchange of affidavits and submissions in respect of the same with a date for delivery of decision on 23 January 2018. Meanwhile, both Tan Sri Khalid and Dato' Seri Azmin filed and served their respective Defences, with Dato Seri' Azmin also filing a Counterclaim against Puncak by alleging that the claim is an abuse of process, and in turn, he claims for general damages, interest and costs.

Dato' Seri Azmin's sealed Striking Out Application with the Affidavit in Support was served on Puncak's solicitors on 12 January 2018 and the matter was fixed for Hearing on 23 January 2018.

At the hearing proceeded on 23 January 2018, the Judge fixed both Tan Sri Khalid's and the Selangor State Government's application to strike out the claim for oral arguments on 26 January 2018. As for Dato' Seri Azmin's application to strike out the claim, the Judge made directions for the exchange of affidavits and submissions with a date for delivery of decision on 22 February 2018. The Judge also adjourned the case management of the suit from 12 February 2018 to 22 February 2018.

On 26 January 2018, the Judge reserved decision on both striking out applications to 22 February 2018 after hearing the oral arguments on both Tan Sri Khalid's and the Selangor State Government's application to strike out the claim.

At the hearing proceeded on 22 February 2018, the Judge allowed the Defendants' applications and struck out the claim with costs. Accordingly, the Judge vacated all pre-trial directions and the trial dates from 28 March 2018 to 30 March 2018. As for the Counterclaim filed by Dato' Seri Azmin, the Judge directed the parties to file and exchange submissions with a date for delivery of decision on 13 March 2018 in respect of the Counterclaim.

Puncak has given instructions to its solicitors to lodge an appeal with the Court of Appeal against this decision.

On 26 February 2018, Puncak lodged an appeal with the Court of Appeal against the High Court's decision in allowing the Defendants' applications and striking out the claim with costs.

On 12 March 2018, the Judge granted the application by Dato' Seri Azmin's solicitors to adjourn the delivery of decision in respect of the Counterclaim filed by Dato' Seri Azmin ("Dato' Seri Azmin's Counterclaim"). The decision in respect of Dato' Seri Azmin's Counterclaim which was originally set on 13 March 2018 was adjourned to 15 March 2018.

On 15 March 2018, the Judge dismissed Dato' Seri Azmin's Counterclaim with costs.

Puncak's appeals to the Court of Appeal against the decision of the High Court in allowing the Defendant's applications and striking out claim with costs are all fixed for case management on 23 May 2018 before the Registrar of the Court of Appeal.

On 6 April 2018, Puncak's solicitors received a copy of Dato' Seri Azmin's Notice of Appeal to the Court of Appeal against the decision of the High Court in dismissing the Counterclaim with costs. The matter is fixed for case management on 25 May 2018 before the Registrar of the Court of Appeal.

On 18 May 2018, Dato' Seri Azmin's appeal to the Court of Appeal against the High Court's decision in dismissing his Counterclaim against Puncak is fixed for case management on 25 May 2018 before the Registrar of the Court of Appeal.

On 23 May 2018, Puncak's appeals against the High Court's decision in allowing the defendants' applications and striking out the claim is fixed for hearing on 30 August 2018 at the Court of Appeal.

On 25 May 2018, the Registrar of the Court of Appeal fixed Dato' Seri Azmin's appeal to the Court of Appeal against the High Court's decision in dismissing his Counterclaim against Puncak for further case management on 2 July 2018 pending the receipt of the grounds of judgment from the High Court and the filing of the Record of Appeal.

On 2 July 2018, Dato' Seri Azmin's appeal to the Court of Appeal against the High Court's decision in dismissing his Counterclaim against Puncak was called up for case management. The Registrar of the Court of Appeal fixed the said appeal for further case management on 18 July 2018 pending the filing of the Record of Appeal.

At the case management on 18 July 2018, the Registrar of the Court of Appeal fixed Dato' Seri Azmin's appeal to the Court of Appeal against the High Court's decision in dismissing his Counterclaim against Puncak for hearing on 5 November 2018.

The hearing of Puncak's appeals against the High Court's decision in allowing the defendants' applications and striking out the claim which was scheduled on 30 August 2018 was adjourned to 15 January 2019 at the Court of Appeal.

On 8 October 2018, Puncak's solicitors received notification from the Court of Appeal that Puncak's appeal against the High Court's decision in allowing Tan Sri Khalid's application to strike out the claim was scheduled for case management on 21 November 2018 before the Deputy Registrar at the Court of Appeal.

The hearing of Dato' Seri Azmin's appeal to the Court of Appeal against the High Court's decision in dismissing his Counterclaim against Puncak that was scheduled on 5 November 2018 was vacated as Dato' Seri Azmin had withdrawn the said appeal.

Puncak's solicitors received notification and confirmation from the Court of Appeal that Puncak's appeal against the High Court's decision in allowing Tan Sri Khalid, Dato' Seri Azmin's and the Selangor State Government's application to strike out the claim which were scheduled on 21 November 2018 was rescheduled for case management on 10 December 2018 before the Deputy Registrar at the Court of Appeal.

On 10 December 2018, the Court of Appeal adjourned the hearing of Puncak's appeals to 8 March 2019 which was originally fixed on 15 January 2019.

On 8 March 2019, the Court of Appeal adjourned the matter for case management on 30 April 2019.

On 30 April 2019, the Court of Appeal adjourned the matter for the further case management on 28 June 2019.

The case management of Puncak's appeals against the High Court's decision in allowing the defendant's applications and striking out the claim was adjourned for further case management on 20 August 2019 at the Court of Appeal.

On 20 August 2019, the case management of Puncak's appeals against the High Court's decision in allowing the defendants' applications and striking out the claim was adjourned for further case management on 25 September 2019 at the Court of Appeal.

On 25 September 2019, the case management of Puncak's appeal against the High Court's decision in allowing the defendants' applications and striking out the claim was adjourned for further case management on 18 November 2019 at the Court of Appeal.

On 18 November 2019, the case management of Puncak's appeals against the High Court's decision in allowing the defendants' applications and striking out the claim was adjourned for further case management on 22 January 2020 at the Court of Appeal.

On 28 November 2019, Puncak was informed that the case management of Puncak's appeals against the High Court's decision in allowing the defendants' applications and striking out the claim which was previously fixed on 22 January 2020 has been brought forward to 6 December 2019 at the Court of Appeal.

On 6 December 2019, the case management of Puncak's appeals against the High Court's decision in allowing the defendants' applications and striking out the claim was adjourned for further case management on 20 December 2020 at the Court of Appeal.

On 20 December 2019, the case management of Puncak's appeals against the High Court's decision in allowing the defendants' applications and striking out the claim was adjourned for further case management on 10 January 2020 at the Court of Appeal.

Subsequently, the case management of Puncak's appeals against the High Court's decision in allowing the defendants' applications and striking out the claim which was scheduled on 10 January 2020 was vacated. The next case management fixed on 7 February 2020 at the Court of Appeal was also vacated.

At the case management of Puncak's appeals at the Court of Appeal on 13 February 2020, the Court of Appeal fixed the Hearing of Puncak's appeals on 22 June 2020.

The Hearing of Puncak's appeals at the Court of Appeal on 22 June 2020 was vacated and in lieu thereof, a case management was held. The Court of Appeal fixed another case management date on 8 July 2020 for the re-scheduling of the Hearing of Puncak's appeals.

At the Hearing of Puncak's appeals at the Court of Appeal on 11 February 2021, the Court of Appeal decided as follows:-

(a) The appeal against Tan Sri Dato' Seri Khalid bin Ibrahim and the Selangor State Government were allowed with costs in the cause. The matter is remitted for trial at the Shah Alam High Court. A case management is fixed on 18 February 2021.

(b) The appeal against Dato' Seri Mohamed Azmin bin Ali was dismissed with costs of RM10,000.00.

On 18 February 2021, the case management of Puncak's claim at the Shah Alam High Court against Tan Sri Dato' Seri Khalid bin Ibrahim and the Selangor State Government was vacated and re-scheduled to 5 March 2021.

**(4) PNCBSB**

**Two (2) Notices of Arbitration issued under the KLRCA in accordance with the Arbitration Act 2005 and Arbitration (Amendment) Act 2011 to PNCBSB**

**(a) Notice of Arbitration dated 17 June 2016 issued under KLRCA in accordance with the Arbitration Act 2005 and Arbitration (Amendment) Act 2011 to PNCBSB**

On 20 June 2016, PNCBSB received a Notice of Arbitration dated 17 June 2016 from Genbina to refer the disputes or differences arising from the termination of the contract contained in a Letter of Award and its Addendums ("Contract") and an Operate, Maintain and Service Agreement under the Contract ("OMSA") for the D44 Project to arbitration under KLRCA in accordance to the Arbitration Act 2005 and the Arbitration (Amendment) Act 2011 for the alleged sum of RM119,699,168.11 together with the damages, interest, costs as such other relief as the learned arbitrator deems fit or proper and PNCBSB has instructed its solicitor to contest the matter.

On 18 July 2016, PNCBSB issued a response to Genbina's Notice of Arbitration dated 17 June 2016 through its solicitors. In summary, PNCBSB's response denied the claims asserted by Genbina in its Notice of Arbitration dated 17 June 2016 as well as raised numerous set-offs and/or counterclaim against Genbina's claims in its Notice of Arbitration dated 17 June 2016.

**(b) Notice of Arbitration dated 17 June 2016 issued under the KLRCA in accordance with the Arbitration Act 2005 and Arbitration (Amendment) Act 2011 to PNCBSB**

On 20 June 2016, PNCBSB received a Notice of Arbitration dated 17 June 2016 from Genbina to refer the disputes or differences arising from the termination of the Contract and an OMSA for the D44 Project to arbitration under KLRCA in accordance to the Arbitration Act 2005 and the Arbitration (Amendment) Act 2011 for the alleged sum of RM24,171,671.43 together with the damages, interest, costs as such other relief as the learned arbitrator deems fit or proper and PNCBSB has instructed its solicitor to contest the matter.

On 18 July 2016, PNCBSB issued a response to Genbina's Notice of Arbitration dated 17 June 2016 through its solicitors. In summary, PNCBSB's response denied the claims asserted by Genbina in its Notice of Arbitration dated 17 June 2016 as well as raised numerous set-offs and/or counterclaim against Genbina's claims in its Notice of Arbitration dated 17 June 2016.

**(c) Three (3) Notices of Arbitration issued under the KLRCA in accordance with the Arbitration Act 2005 and Arbitration (Amendment) Act 2011 by PNCBSB**

PNCBSB had on 18 July 2016 issued three (3) separate Notices of Arbitration dated 18 July 2016 to Genbina to refer the disputes or differences arising from the termination of the Contract, an OMSA and Workers' Agreement dated 12 October 2015 ("Workers' Agreement") relating to the D44 Project to arbitration.

The details of the Notices of Arbitration dated 18 July 2016 issued by PNCBSB to Genbina are as follows:

- (i) In respect of the Notice of Arbitration arising from the Contract, PNCBSB has suffered loss and damage and continues to incur loss and damage arising from Genbina's breaches under the Contract which led to PNCBSB's termination of the Contract. PNCBSB seeks to recover the loss and damage suffered by PNCBSB from Genbina in the arbitration;
- (ii) In respect of the Notice of Arbitration arising from the OMSA, PNCBSB has suffered loss and damage and continues to incur loss and damage arising from Genbina's wrongful acts under the OMSA over Genbina's failure to return the Machineries & Equipment belonging to PNCBSB under the OMSA, unlawfully removing the said Machineries & Equipment from the D44 Project site and wrongfully detaining them. PNCBSB seeks to recover the loss and damage suffered by PNCBSB from Genbina in the arbitration; and

(iii) In respect of the Notice of Arbitration arising from the Workers' Agreement, PNCSB has suffered loss and damage and continues to incur loss and damage arising from Genbina's breach of the Workers' Agreement over Genbina's failure and/or refusal to pay the foreign workers' salaries and to bear all direct and incidental costs for their repatriation, amongst others. PNCSB seeks to recover its loss and damage suffered from Genbina in the arbitration.

PNCSB has asserted that it has suffered losses and damage arising from Genbina's breaches and wrongful acts under the Contract, OMSA and Workers' Agreement and is preparing a counter-claim against Genbina, which PNCSB has assessed and estimated to be in the region of RM152.2 million.

The two (2) separate arbitrations initiated by Genbina Sdn Bhd and the three (3) separate arbitrations initiated by PNCSB had been consolidated into a single arbitration proceeding. The arbitral tribunal had been constituted and a preliminary meeting was called on 5 July 2017 wherein parties have been given directions to move the arbitration forward.

The arbitral tribunal has confirmed the hearing dates for the arbitration on 24 May 2021, 25 May 2021, 27 May 2021, 28 May 2021 and 31 May 2021.

**(d) Notice of Adjudication dated 11 February 2020 issued under the Construction Industry Payment & Adjudication Act 2012 ("CIPAA") to PNCSB**

Puncak Niaga Construction Sdn Bhd ("PNCSB"), a wholly-owned subsidiary of Puncak, had on 12 February 2020 received a Notice of Adjudication dated 11 February 2020 to refer disputes arising from alleged payment claim under Section 7 & 8 under the Construction Industry Payment & Adjudication Act 2012 ("CIPAA") from its sub-contractor, Mersing Construction & Engineering Sdn Bhd ("Mersing"). The alleged payment claim is for the sum of RM2,723,839.04 for the project "Supply And Lay Network Sewerage Pipe At Zone 3 & 3A For Pembinaan Rangkaian Paip Pembetungan Di Bunus, Kuala Lumpur" ("D44 Project") together with interest and cost in relation to the adjudication proceedings. PNCSB has instructed its solicitors to contest the matter.

On 4 March 2020, the adjudicator appointed by the Director of the Asian International Arbitration Centre has accepted the appointment to act as Adjudicator in respect of the Notice of Adjudication dated 11 February 2020.

On 4 August 2020, the Adjudicator delivered the Adjudication Decision dated 4 August 2020 wherein PNCSB is required to pay Mersing RM2,578,346.30 only (inclusive of fees and costs). PNCSB is seeking legal advice on the next course of action available to it with regards to the outcome of the Adjudication Decision.

On 18 August 2020, PNCSB filed an application to the Kuala Lumpur High Court to set aside and to stay the Adjudication Decision dated 4 August 2020 ("Setting Aside Application"). The matter was fixed for case management on 4 September 2020 and 6 October 2020.

The case management on 6 October 2020 was subsequently vacated by the Kuala Lumpur High Court and the next case management was fixed on 30 October 2020.

On 30 October 2020, the Kuala Lumpur High Court fixed the hearing of the Setting Aside Application on 26 November 2020.

At the hearing on 26 November 2020, the Kuala Lumpur High Court reserved its decision to be delivered on 24 December 2020.

On 24 December 2020, the Kuala Lumpur High Court dismissed the Setting Aside Application and consequently enforced the Adjudication Decision dated 4 August 2020 in favour of Mersing with cumulative costs of RM10,000.00 to Mersing.

On 12 January 2021, PNCSB's solicitors had, on behalf of PNCSB, filed an appeal on the Kuala Lumpur High Court's Decision on Setting Aside Application, at the Court of Appeal ("PNCSB's Appeal on Kuala Lumpur High Court's Decision on Setting Aside Application").

On 2 February 2021, the Court of Appeal fixed the case management on PNCSB's Appeal on Kuala Lumpur High Court's Decision on Setting Aside Application on 4 March 2021.

**(e) Notice of Adjudication dated 11 February 2020 issued under the Construction Industry Payment & Adjudication Act 2012 ("CIPAA") to PNCSB**

Puncak Niaga Construction Sdn Bhd ("PNCSB"), a wholly-owned subsidiary of Puncak, had on 2 June 2020 received six Notices of Adjudication dated 2 June 2020 from its sub-contractor, PDP Utek (M) Sdn Bhd ("PDP Utek") to refer disputes arising from six payment claims under Sections 7 & 8 under the Construction Industry Payment & Adjudication Act 2012, ("CIPAA") for the combined sum of RM9,654,955.20 for the project "Pakej D44-Pembinaan Rangkaian Paip Pementungan Di Bunus, Kuala Lumpur (Reka Dan Bina)" ("D44 Project") together with interest, cost and/or any other relief against PNCSB in relation to the payment claims as may be appropriate. PNCSB has instructed its solicitors to contest the matter.

**(f) Notice of Adjudication dated 17 July 2020 issued under the Construction Industry Payment & Adjudication Act 2012 ("CIPAA") to PNCSB**

Puncak Niaga Construction Sdn Bhd ("PNCSB"), a wholly-owned subsidiary of Puncak, had on 21 July 2020 received a Notice of Adjudication dated 17 July 2020 from its sub-contractor, City Tunneling Sdn Bhd ("CTSB") to refer disputes arising from six payment claims under Sections 7 & 8 under the Construction Industry Payment & Adjudication Act 2012, ("CIPAA") for the combined sum of RM1,335,237.34 for the project "Pakej D44-Pembinaan Rangkaian Paip Pementungan Di Bunus, Kuala Lumpur (Reka Dan Bina)" ("D44 Project") together with interest, cost and/or any other relief against PNCSB in relation to the payment claims as may be appropriate. PNCSB has instructed its solicitors to contest the matter.

On 21 December 2020, PNCSB was notified that the adjudicator appointed by the Director of the Asian International Arbitration Centre ("AIAC") had on 18 December 2020 accepted the appointment to act as Adjudicator in respect of the Notice of Adjudication dated 17 July 2020.

**(g) Notice of Arbitration dated 26 October 2020 issued under AIAC in accordance with the Arbitration Act 2005 and Arbitration (Amendment) Act 2011 to Mersing Construction and Engineering Sdn Bhd**

Puncak Niaga Construction Sdn Bhd ("PNCSB"), a wholly-owned subsidiary of Puncak had on 26 October 2020 issued a Notice of Arbitration dated 26 October 2020 against one of its sub-contractors for the D44 Project, Mersing Construction and Engineering Sdn Bhd ("Mersing"), to refer disputes relating to the true value of works carried out by Mersing up to 30 September 2020 as well as the value of PNCSB's entitlement to backcharges and/or deductions to be determined by the arbitral tribunal.

The details of the Notice of Arbitration issued by PNCSB are as follows:-

1. To seek a determination of the true value of work carried out by Mersing up to 30 September 2020, to determine the value of PNCSB's entitlement to backcharges and/or deductions, a declaration that Mersing is not entitled to any payment as determined in the adjudication decision dated 4 August 2020 ("Adjudication Decision") together with damages, interest and costs; and
2. Further to the above and in the event any payment has been made pursuant to the Adjudication Decision, that such payment (or any sum thereto) shall be refunded to PNCSB.

PNCSB had subsequently issued a commencement request to the Asian International Arbitration Centre ("AIAC") to commence the arbitration on 27 October 2020 and had also applied to the Kuala Lumpur High Court to stay the Adjudication Decision dated 4 August 2020 pending final determination of the dispute between PNCSB and Mersing by arbitration ("Stay Application").

The Stay Application was fixed for case management on 30 October 2020.

On 30 October 2020, the Kuala Lumpur High Court fixed the hearing of the Stay Application on 26 November 2020.

At the hearing on 26 November 2020, the Kuala Lumpur High Court reserved its decision to be delivered on 24 December 2020.

On 24 December 2020, the Kuala Lumpur High Court dismissed the Stay Application with costs of RM5,000.00 to Mersing.

On 12 January 2021, PNCSB's solicitors had, on behalf of PNCSB, filed an appeal on the Kuala Lumpur High Court's Decision on Stay Application, at the Court of Appeal ("PNCSB's Appeal on Kuala Lumpur High Court's Decision on Stay Application").

On 2 February 2021, the Court of Appeal fixed the case management on PNCSB's Appeal on Kuala Lumpur High Court's Decision on Stay Application on 4 March 2021.

**(h) Two (2) Notices of Assessment issued by the Inland Revenue Board ("IRB") in accordance with the Income Tax Act 1967 ("ITA") to PNCBSB**

On 3 December 2020, a wholly-owned subsidiary of Puncak, PNCBSB filed a judicial review application at the Kuala Lumpur High Court ("Judicial Review Application") to challenge the notices of assessment known as Form G which PNCBSB received from the IRB on 23 November 2020 for the Years of Assessment 2017 and 2018 amounting to RM2,292,182.64 and RM1,988,472.96 respectively (hereinafter referred to as "Notices"). These Notices were issued by the IRB under Section 44A(9) of the ITA consequent to the IRB's decision to disallow the losses surrendered by PNCBSB to another related company which is also a wholly-owned subsidiary of Puncak, namely Puncak Niaga Management Services Sdn Bhd ("PNMSSB") under the group relief scheme.

Based on the legal advice obtained from its tax solicitors, PNCBSB is of the view that it has good basis in law to contend that the Notices were erroneously and arbitrarily raised by the IRB. Accordingly, PNCBSB had commenced the legal avenues available to challenge the Notices including the Judicial Review Application which commenced on 3 December 2020 against the Minister of Finance.

On 16 December 2020, the Kuala Lumpur High Court fixed PNCBSB'S Judicial Review Application for leave hearing on 7 January 2021.

On 7 January 2021, the Kuala Lumpur High Court fixed PNCBSB's Judicial Review Application for hearing on 2 March 2021. The Kuala Lumpur High Court also granted an interim stay of enforcement of the Form G on PNCBSB until the hearing date on 2 March 2021. In the meantime, no taxes are payable by PNCBSB since the interim stay had been granted.

**(5) Puncak Niaga Management Services Sdn Bhd ("PNMSSB")**

**Three (3) Bills of Demand issued under the Royal Malaysian Customs Department Selangor ("RMCD") in accordance with the Goods and Services Tax Act 2014 to PNMSSB**

**(a) Bill of Demand dated 21 October 2019 issued under RMCD in accordance with the GST Act 2014 to PNMSSB**

On 23 October 2019, a wholly-owned subsidiary, PNMSSB received a Bill of Demand from RMCD dated 21 October 2019, demanding for Goods and Services Tax in the sum of RM850,645.23 for the period between 1 January 2018 and 31 August 2018 ("Demand").

On 31 October 2019, PNMSSB filed to commence a judicial review application ("Application") against RMCD to set aside the Bill of Demand dated 21 October 2019.

At the case management on 5 November 2019, the Court fixed the hearing of the Application on 8 January 2020 and granted an interim order to stay the enforcement and effect of Bill of Demand pending the disposal of the Application.

At the hearing on 8 January 2020, the Court granted leave for the Application and an order to stay the enforcement and effect of the Bill of Demand pending the disposal of the substantive hearing of the Application.

At the case management on 5 February 2020, the Registrar directed parties to attend another case management on 17 April 2020 to obtain the Court's directions on the filling of cause papers in respect of the Application.

At the case management on 17 June 2020, the Court maintained the interim stay previously granted by the Court of all further proceedings including the enforcement and effect of the Bill of Demand dated 21 October 2019 as the Application is currently put on hold pending the disposal of the other Application against RMCD for the two (2) Bills of Demand dated 18 December 2019.

At the case management on 7 October 2020, the Court fixed the next case management of the Application on 18 January 2021.

At the case management on 18 January 2021, the Court fixed the case management of the Application on 8 March 2021.

**(b) Bills of Demand dated 18 December 2019 issued under RMCD in accordance with the GST Act 2014 to PNMSSB**

PNMSSB had on 18 December 2019 received two (2) Bills of Demand both dated 18 December 2019 from RMCD, demanding for Goods and Services Tax in the aggregate sum of RM5,268,924.68 for the period between 1 February 2016 to 31 December 2017.

On 30 December 2019, PNMSSB filed a judicial review application ("Application") against RMCD to set aside the Bill of Demand.

At the case management on 7 January 2020, the Registrar fixed a further case management before the learned Judget on 14 January 2020 for parties to record an interim order to stay the enforcement and effect of the Bills of Demand pending the hearing of the Application.



At the case management on 14 January 2020, the learned Judge granted an interim stay order to stay the enforcement and effect of the Bills of Demand pending the hearing of the Application. The learned Judge also directed both parties to attend a case management on 5 February 2020 to fix a hearing date for the Application.

At the case management held on 5 February 2020, the Registrar fixed the hearing of the Application on 17 April 2020. The Registrar also fixed another case management on 31 March 2020 for parties to update the Registrar on the filling at the relevant cause papers.

The Court has subsequently vacated the hearing scheduled on 17 April 2020 and fixed a case management before the Registrar on 29 April 2020 for parties to fix a new hearing date for the Application.

Due to the Extended Movement Control Order imposed by the Government due to the COVID-19 outbreak, the Court has subsequently fixed the case management on 4 June 2020.

At the case management on 4 June 2020, the Registrar directed the parties to attend another case management on 17 June 2020 for the parties to fix a hearing date for the Application.

At the case management on 17 June 2020, the Court fixed the hearing of the Application on 28 August 2020. The interim stay of all further proceedings including the enforcement and effect of the Bills of Demand previously granted by the Court remain in force pending the disposal of the Application.

The Court had subsequently vacated the hearing date of the Application on 28 August 2020 and fixed a new hearing date on 24 September 2020. The interim stay of all further proceedings including the enforcement and effect of the Bills of Demand previously granted by the Court remain in force pending the disposal of the Application.

On 24 September 2020, the Court fixed the next case management of the Application on 7 October 2020.

At the case management on 7 October 2020, the Court renewed the interim order to stay the enforcement and effect of the two (2) Bills of Demand dated 18 December 2019 which was previously granted on 24 September 2020. The Court fixed the next case management of the Application on 18 January 2021. In the meantime, the interim stay order will be renewed every two (2) weeks until the hearing date.

At the case management on 18 January 2021, the Court fixed the case management of the Application on 8 March 2021.

**(c) Two (2) Notices of Assessment issued by the Inland Revenue Board ("IRB") in accordance with the Income Tax Act 1967 ("ITA") to PNMSSB**

On 3 December 2020, a wholly-owned subsidiary of Puncak, PNMSSB filed a judicial review application at the Kuala Lumpur High Court ("Judicial Review Application") to challenge the notices of assessment known as Form J which PNMSSB received from the IRB for the Years of Assessment 2017 and 2018 amounting to RM2,292,182.64 and RM1,988,472.96 respectively (hereinafter referred to as "Notices"). These Notices were issued by the IRB under Section 44A(9) of the ITA consequent to the IRB's decision to disallow the losses claimed by Puncak under the group relief scheme. The losses were surrendered by one of Puncak's wholly-owned subsidiary, Puncak Niaga Construction Sdn Bhd ("PNCBSB"), which is a related company of PNMSSB, to PNMSSB.

Based on the legal advice obtained from its tax solicitors, PNMSSB is of the view that it has good basis in law to contend that the Notices were erroneously and arbitrarily raised by the IRB. Accordingly, PNMSSB had commenced the legal avenues available to challenge the Notices including the Judicial Review Application which commenced on 3 December 2020 against the Minister of Finance.

On 10 December 2020, the Kuala Lumpur High Court fixed PNMSSB'S Judicial Review Application for case management on 16 December 2020.

At the case management on 16 December 2020, the Kuala Lumpur High Court granted PNMSSB an interim stay until the next mention date on 13 January 2021.

At the case management on 13 January 2021, the Kuala Lumpur High Court granted an interim stay of the enforcement of the Form J on PNMSSB until the next case management on 18 January 2021. In the meantime, no taxes are payable by PNMSSB since the interim stay had been granted.

At the case management on 18 January 2021 on PNMSSB's Judicial Review Application, the Kuala Lumpur High Court granted an interim stay of enforcement of the Form J on PNMSSB until the hearing of the IRB's application to intervene on 6 May 2021. In the meantime, no taxes are payable by PNMSSB since the interim stay had been granted.

**B10 Dividend**

No dividend has been proposed or declared for the current financial year-to-date (2019: RM nil)

**B11 Earnings/(Loss) per share**

Basic earnings or loss per share is calculated based on the profit or loss attributable to owners of the parent and the weighted average number of ordinary shares outstanding, excluding treasury shares held by the Company.

		INDIVIDUAL QUARTER		CUMULATIVE QUARTER	
		Current Year	Preceding Year	Current Year	Preceding Year
		Quarter	Corresponding	Quarter	Corresponding
		3 months ended	Quarter	12 months ended	Year
		31.12.2020	31.12.2019	31.12.2020	31.12.2019
Profit/(Loss) net of tax attributable to owners of the parent	(RM'000)	43,470	(6,986)	6,853	(57,216)
Weighted average number of ordinary shares in issue	('000)	447,248	447,248	447,248	447,248
Basic earnings/(loss) per share	(sen)	9.72	(1.56)	1.53	(12.79)

**Diluted earnings or loss per ordinary share**

Diluted earnings or loss per share is calculated based on the profit or loss attributable to owners of the parent and the weighted average number of ordinary shares outstanding after adjustment for the effect of all dilutive potential ordinary shares, excluding treasury shares held by the Company.

The diluted earnings or loss per share has not been disclosed as it does not have dilutive potential ordinary shares.

**By Order of the Board**

**TAN BEE LIAN (MAICSA 7006285/SSM PC No:201908003714)**

**Secretary**

Shah Alam  
25 February 2021