

**IN THE HIGH COURT OF SABAH AND SARAWAK
IN THE FEDERAL TERRITORY OF LABUAN
APPLICATION FOR JUDICIAL REVIEW NO. LBN-25-2/2 -2022 (HC)**

In the matter of the decision of the Minister of Finance contained in the Labuan Business Activity Tax (Requirements for Labuan Business Activity) Regulations 2021 [P.U.(A) 423/2021], the decision of the Director General of Inland Revenue contained in his letter of 5.2.2021 and the decision of the Minister of Finance contained in his letter of 1.4.2021

And

In the matter of Sections 2(1), 2(3), 2B(1), 3, 3B, and 23 of the Labuan Business Activity Tax Act 1990 (Act 445), Labuan Business Activity Tax (Requirements for Labuan Business Activity) Regulations 2021 [P.U.(A) 423/2021], Labuan Business Activity Tax (Requirements for Labuan Business Activity) Regulations 2018 [P.U.(A) 392/2018] and Labuan Business Activity Tax (Requirements for Labuan Business Activity) 2018 (Amendment) Regulations 2020 [P.U.(A) 375/2020]

And

In the matter of the Federal Constitution, in particular Articles 7, 8, 13 and 96, and the Interpretation Acts 1948 and 1967 (Act 388), in particular Sections 17A and 30

And

In the matter of Order 53 Rules of Court 2012 [P.U.(A) 205/2012] and the Schedule to the Courts of Judicature Act 1964 (Act 91)

Between

1. BRIGHT WORLD TRADING CO. LTD
2. QUICK TIME ENGINEERING INC
3. NATROPIA GLOBAL LTD
4. FRESH SPORTS GROUP LIMITED
5. INTER ASSET ASIA LTD (FORMERLY KNOWN AS INTER-ASSET ASIA LTD)
6. SWISSBEWELL INTERNATIONAL LTD (FORMERLY KNOWN AS MF3 INTERNATIONAL CONGLOMERATE LTD)
7. ESSENTIAL TRADING LIMITED
8. HEBEI XIAOJIN MACHINERY MANUFACTURING INC. LTD
9. PANOS INTERNATIONAL LIMITED
10. BESTWORLD PERKASA LTD.
11. CHEMICAL MINE WORLD LTD
12. FOOTBALL FOCUS ASIA LTD



13. YSM CONSULTANCY INCORPORATED
14. ELLESTREE LIMITED (FORMERLY KNOWN AS NIAGA JAYA HOLDINGS LIMITED)
15. TINTACO RESOURCES LIMITED
16. FINEOTEX MALAYSIA LIMITED
17. MM GLOBAL LTD.
18. MMG TRADING LTD.
19. LEVEL UP X 10 INC.
20. VENTUS CAPITAL INC.
21. REHOBOTH WORLDWIDE LIMITED
22. X1R GLOBAL LIMITED
23. EUNICE HOME INTERNATIONAL LTD.
24. INTELLIGENT COMMUNICATIONS NETWORK LTD
25. LIFETIME SERVICES INC. (FORMERLY KNOWN AS LIFETIME INVESTMENT INC.)
26. DARETO LIMITED
27. BAIN PARTNERS & MANAGEMENT LTD
28. NEW BRIGHTON PLANTATION LIMITED
29. PERFECT DIGITAL LIMITED
30. DIGITAL VISION LIMITED
31. PROFIT PEAK LTD.
32. TYR LOGISTICS INC.
33. PROFESSIONAL FOOTBALL SERVICES LIMITED
34. HENG SHENG INTERNATIONAL INC.
35. MILLENNIUM VENTURES LIMITED
36. CONSISTENT EARNINGS (LABUAN) LTD
37. PHOENIX DIGITAL INC.
38. OFFSHORE SUPPLIES LTD (FORMERLY KNOWN AS EIGHT LTD)
39. SOUTH PACIFIC VENTURES INC.
40. ACCURATE INTERNATIONAL LIMITED (FORMERLY KNOWN AS MIRAI ACCOUNTING LIMITED)
41. INTER-GLOBAL EXPORTS LTD
42. NGLTECH (L) BHD
43. SYNERGEN INTERNATIONAL LTD
44. WELL EXPERTS LTD
45. YS OFFSHORE LTD
46. GLOBAL TRADING & MANUFACTURING LIMITED
47. MOVING SYSTEMS LTD
48. SYNERGY OIL & GAS CONSULTANTS LTD
49. KONTEXT CORP
50. INTERACT PERFORMANCE LTD
51. LAB ENERGY AND RESOURCES LTD
52. EYETEC CULTURE CO. LIMITED
53. GOLDFISH INC. (FORMERLY KNOWN AS MARITIME INVESTMENT PARTNERS LTD)
54. SMART GROUP LTD
55. SNADS RESOURCES INC
56. SANDS CORPORATION
57. BUSINESS PORT INC

58. JAL (BORNEO) MARINE AND OFFSHORE LTD
59. CUBINET INTERACTIVE INT'L CO., LTD
60. PETROIRAN DEVELOPMENT COMPANY (PEDCO) LIMITED
61. JDL DEVELOPMENT LIMITED
62. NEX INSTRUMENT INC (FORMERLY KNOWN AS NEX SCIENTIFIC INSTRUMENT INC)
63. KUSTOM INTERIOR SPECIALISTS INC.
64. TROOP LONDON INC.
65. DRAGONFLY TECH SOLUTION LTD
66. SALCO METALS LTD.
67. ALBA LTD
68. AEGIS INTERNATIONAL LTD
69. PIRANHA LTD
70. SOUTHERN CROSS INTERNATIONAL LTD
71. AFFINITY LTD
72. AMBERLEY ASIA LTD.
73. ASIA GLOBAL EXIM LTD
74. GOLDHILL INTERNATIONAL LIMITED
75. WA PRO LOGISTIC CO LTD
76. DIRECT WAVE LTD
77. INFINITUM LTD
78. KARL SPARK INC.
79. KPG SYNERGY LTD
80. AFG INTERNATIONAL INC.
81. SKIN FITNESS INC.
82. WORLD LINER INC.
83. MARKETA LIMITED
84. LINBAQ CONSULTANCY LIMITED
85. WW GALAXY LTD.
86. ISTUDY INC.
87. INTERNATIONAL AWARDS ASSOCIATE INC.
88. GOODRICH CO. LTD.
89. MAVERICK MAVENS LIMITED
90. 9MEDIA ONLINE INC.
91. BERNHARD SCHULTE SHIPMANAGEMENT (L) LIMITED
92. GALAXY SERVICES CORPORATION
93. VALIANT CAPITAL CORP.
94. ABRAXAS LIMITED
95. FIRSTFLOOR CC II LIMITED
96. LOTUS CAPITAL CORP.
97. QUASAR TECHNOLOGY PTE. LTD.
98. MEGA RESOURCES PRIVATE LIMITED
99. MEGA MINERAL PTE. LTD.
100. SG LABUAN LIMITED
101. DOMINION GLOBAL CORP.
102. DUBOR ASIA LTD.
103. GLOBAL ASSETS LIMITED
104. ULTIMATE LIMITED
105. RAMSI SHIPPING & TRADING LIMITED

106. JAGROW INCORPORATED
107. IMAGES IN MOTION (L) INC.
108. TEIWAY LTD.
109. GRAND RICH INC.
110. FINWAVE LIMITED
111. EXECUTIVE SHIP MANAGEMENT LIMITED
112. EXECUTIVE SHIP MANAGEMENT (P) LIMITED
113. C-QUEST CAPITAL STOVES ASIA LTD
114. ECOGAS ASIA LIMITED
115. C-QUEST CAPITAL LED ASIA LTD
116. GLOBAL ENGINEERING SERVICES LIMITED
117. BLUE ROOTS LTD.
118. FLEXTRONICS MARKETING (L) LTD
119. FLEXTRONICS MECHANICALS MARKETING (L) LTD
120. FLEXTRONICS SALES & MARKETING NORTH ASIA (L) LTD
121. FLEXTRONICS INDUSTRIES MARKETING (L) LTD
122. GRYPHON INTERNATIONAL INC
123. MASCOT LTD.
124. MECHANICAL & ELECTRICAL CONSULTING SERVICES LTD.
125. SILVERKNOWS CMB LTD (FORMERLY KNOWN AS BBS CORPORATE CONSULTING LIMITED)
126. OUYA TRADING LTD.
127. GRAFIX AND KOKO CO. LTD.
128. SAMLING ELEGANT LIVING TRADING (LABUAN) LIMITED
129. ANGE CAPITAL LTD.
130. NAGA SECURITIES (ENGINEERING AND CONSULTING) CO LTD.
131. SECURITECH ENGINEERING (ASIA) S.A.
132. XANEX LIMITED
133. TPT MANAGEMENT LTD
134. EMUNAH LIMITED
135. PERSATUAN SYARIKAT-SYARIKAT AMANAH LABUAN (ASSOCIATION OF LABUAN TRUST COMPANIES)
136. KENSINGTON TRUST LABUAN LIMITED
137. NOBLEHOUSE INTERNATIONAL TRUST LTD.
138. PB TRUST (L) LTD
139. AMS TRUST COMPANY LIMITED
140. INDAH TRUST LIMITED
141. HMR KONSULTAN (LABUAN) LTD.
142. ITMC FIDUCIARY LIMITED
143. ALPADIS TRUST (LABUAN) LTD.
144. BBS TRUST INT'L LIMITED
145. BEYOND INTERNATIONAL TRUST LTD.
146. ZICO TRUST LIMITED
147. INTEGRATED AGENTS TRUST LTD
148. HANS ADVISORY & TRUST CO LTD
149. NOBLEHOUSE FINANCIAL SERVICES LTD.
150. DURATRANS SEA LTD.
151. PPW SPORTS & ENTERTAINMENT LIMITED
152. POMONA LIMITED

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153. MAGA JEFF MINING HOLDING CO LTD
 154. KTMJ CO., LTD.
 155. CORE4U INTERNATIONAL LTD
 156. WORLDWIDE TRADING LTD.
 157. TRISTAR GLOBAL LIMITED
 158. MACWORLD INDUSTRIES LIMITED
 159. BUMI ARMADA (LABUAN) LTD.
 160. BUMI ARMADA NAVIGATION LABUAN LIMITED
 161. PKT GLOBAL LOGISTICS (LABUAN) LTD
 162. AROM GRIPS LTD
 163. ASSET OPPORTUNITIES LTD.
 164. DYSON SPHERE INC.
 165. BIG APPLE AGENCY, INC
 166. ANGLO-EASTERN (LABUAN) LIMITED
 167. FIVE STONES INC LIMITED
 168. XERAYA CAPITAL LABUAN LTD
 169. DAVMAR CONSULTING LIMITED
 170. MLSCF MANAGEMENT (LABUAN), LLP
 171. C GLOBAL TRADE AND INVESTMENT, INC.
 172. CCT-CBI GLOBAL MANAGEMENT, INC.
 173. UNIVERSAL RESOURCES LTD
- ...APPLICANTS

And

1. DIRECTOR GENERAL OF INLAND REVENUE
 2. MINISTER OF FINANCE
- ... RESPONDENTS

BEFORE THE HIGH COURT JUDGE
ALEXANDER SIEW HOW WAI
ON THE 10TH DECEMBER 2024

IN OPEN COURT
VIA VIDEO CONFERENCE-BY ZOOM

CONSENT ORDER

UPON HEARING Anand Raj (Irene Yong, Cheong Wen Yie and Chantal Leann Barnabas with him) of Counsel for the Applicants, Mohammad Hafidz bin Ahmad, Senior Revenue Counsel (Mohamad Asyraf bin Zakaria, Revenue Counsel with him) for the First Respondent, and Muhammad Muhairi bin Mohd Noh, Federal Counsel (Nur Atirah Aiman binti Rahim, Federal Counsel with him) for the Second Respondent **IT IS HEREBY ORDERED BY CONSENT** that:-

- (a) the requirements imposed under the Labuan Business Activity Tax (Requirements for Labuan Business Activity) Regulations 2021 [P.U.(A)

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423/2021] (hereinafter referred to as “**PUA 423/2021**”), which was gazetted on 22 November 2021 (hereinafter referred to as “**the Substance Requirements**”), upon the Applicants falling under Item 20 of the First Schedule to PUA 423/2021 (hereinafter referred to as “**Item 20**”) shall only apply and have effect as from each such Applicant’s first complete annual period or full 12-month financial or accounting period commencing on or after 23 November 2021 (hereinafter referred to “**the First Annual Period**”) and shall not apply to the Applicants prior to the First Annual Period (hereinafter collectively referred to as “**this Settlement**”);

- (b) this Settlement shall be without any admission of liability by the Applicants or their affiliates, including, without limitation, that no civil or criminal proceedings shall be brought against, and no sanctions, penalties, liabilities, charges, surcharges or increases of any tax or duty shall be levied, imposed or sought to be imposed upon, the Applicants or any of their employees, officers, directors or affiliates for or in regard to any of the issues referred to herein and the subject-matter of this Judicial Review Application;
- (c) apart from the matters agreed to under this Settlement, no further revisions or adjustments shall be made by the Respondents to the Applicants’ tax liabilities for the period in dispute and this Settlement shall constitute a full and final global settlement of all the issues raised in this Judicial Review Application;
- (d) apart from what has been expressly provided for herein and in this Settlement, there shall be no other form, agreement, document, computation or return that the Applicants, or any of their directors, employees, officers, office bearers or advisers, will have to prepare, submit, furnish, exchange or execute in regard to the subject-matter of this Settlement in regard to the issues covered by this Settlement; and
- (e) this Judicial Review Application shall be discontinued with no order as to costs;

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AND IT IS ORDERED that the parties be at liberty to apply to this Court for the purpose of enforcing the terms of this Consent Order.

Dated the 10th day of December 2024.

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DEPUTY REGISTRAR
HIGH COURT OF SABAH AND
SARAWAK
FEDERAL TERRITORY OF LABUAN

This Consent Order is filed by Messrs Shearn Delamore & Co., solicitors for the Applicants whose address for service is at 7th Floor, Wisma Hamzah-Kwong Hing, No. 1, Leboh Ampang, 50100 Kuala Lumpur. (RefNo: SD (TAX) 3474467 (IY)) 2609716_3