

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMERCIAL COURT  
CORPORATIONS LIST

S ECI 2023 05593

IN THE MATTER of Yitrikas Pty Ltd (In Liquidation) (ACN 600 483 314)

**BETWEEN:**

MATTHEW KUCIANSKI

Plaintiff

- and -

YITRIKAS PTY LTD (IN LIQUIDATION) (ACN 600 483  
314)

Defendant

**GENERAL FORM OF ORDER**

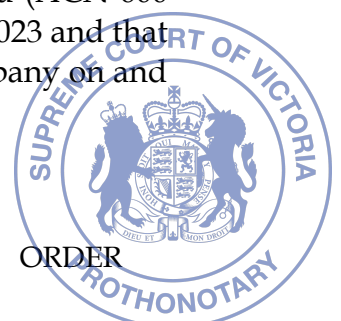
JUDGE: The Honourable Associate Justice Efthim  
DATE MADE: 8 December 2023  
ORIGINATING PROCESS: Filed on 28 November 2023  
HOW OBTAINED: At the hearing of the proceeding  
APPEARANCES: Mr P Agardy of counsel for the plaintiff  
Mr J Marks for Alesci Distribuzione Pty Ltd (third party)

OTHER MATTERS:

- A. The Court is satisfied that the technical requirements in s 42G of the *Evidence (Miscellaneous Provisions) Act 1958* (Vic) ('Evidence Act') are met and that all parties consent to the making of the direction.
- B. The Court directs under s 42E(1) of the Evidence Act that all persons shall appear, give evidence and make submissions in this proceeding on 8 December 2023 by audiovisual/audio link.
- C. This Order is authenticated by the Prothonotary pursuant to r 60.02(1)(a) of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) ('Rules').

**THE COURT ORDERS THAT:**

1. Leave be granted to the plaintiff nunc pro tunc pursuant to s 490(1)(a) of the *Corporations Act 2001* (Cth) ('Act') for the defendant, Yitrikas Pty Ltd (ACN 600 483 314) to resolve that it be wound up voluntarily on 22 November 2023 and that the plaintiff, Matthew Kucianski, be appointed liquidator of the company on and from that date.



2. The plaintiff's costs associated with this application be costs in the liquidation of the defendant.
3. The costs incurred by the petitioning creditor, Alesci Distribuzione Pty Ltd (ACN 007 200 197), in the winding up proceeding filed on 20 November 2023 in the Supreme Court of Victoria in proceeding S ECI 2023 05445 be fixed in the sum of \$4,000 and payable in accordance with s 556(1)(b) of the Act.
4. Pursuant to s90-15 of the Insolvency Practice Schedule (Corporations) of the Act in relation to the external administration of the defendant, that s 91 of the Act operates such that the relation back day be fixed at the date on which the winding up proceedings were filed, namely, 20 November 2023

DATE AUTHENTICATED: 11 December 2023

---

PROTHONOTARY

