

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	30/06/2025 11:54:11 AM AEST
Date Accepted for Filing:	30/06/2025 12:50:26 PM AEST
File Number:	NSD1084/2025
File Title:	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v DELTA POWER & ENERGY (VALES POINT) PTY LTD (ACN 162 696 335)
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 2
Rule 2.2

Originating process

Federal Court of Australia

No. of 2025

District Registry: New South Wales

Division: General

Commercial and Corporations NPA

Australian Securities and Investments Commission

Plaintiff

Delta Power & Energy (Vales Point) Pty Ltd (ACN 162 696 335)

Defendant

A. Details of application

This application is made under sections 1317E and 1317G(1) of the **Corporations Act 2001** (Cth).

The plaintiff seeks declarations of contraventions of the Corporations Act, pecuniary penalty orders and ancillary orders, including costs.

For the purposes of this Originating Process, the following terms have the following meanings:

- A. **ASX** means Australian Securities Exchange Limited (ACN 000 943 377).
- B. **ASX Clear (Futures)** means ASX Clear (Futures) Pty Ltd (ACN 050 615 864).
- C. **ASX 24** means the electronic trading platform known as “ASX 24” operated by ASX in Australia for the trading of derivatives and other financial products.
- D. **Quarterly DSP** means the Daily Settlement Price for Quarterly Futures for a specified calendar quarter, as calculated by ASX on each trading day immediately following the close of trading at 4:00pm AEST/AEDT, for purposes that included margining by ASX Clear (Futures).
- E. **Quarterly Futures** means derivatives styled “New South Wales Peak Load Electricity Futures Contracts – Calendar Quarter”, as authorised by ASX for trading on ASX 24.

Filed on behalf of (name & role of party)	Australian Securities and Investments Commission (Plaintiff)		
Prepared by (name of person/lawyer)	Rayma Gupta, Litigation Counsel, ASIC		
Law firm (if applicable)			
Tel	03 9280 3387	Fax	N/a
Email	rayma.gupta@asic.gov.au		
Address for service (include state and postcode)	Australian Securities and Investments Commission Level 7 120 Collins Street, Melbourne, Victoria, 3000 Attention: Rayma Gupta/Katie Webber		



On the facts stated in the accompanying Concise Statement, the plaintiff claims:

1. Declarations pursuant to section 1317E of the Corporations Act that the defendant, between 8 September 2022 and 6 October 2022, on each of the occasions specified in the Annexure to the Concise Statement:
 - (a) placed an order to enter into a Quarterly Futures contract, as buyer, through ASX 24:
 - (i) on which platform ASX operated a financial market for trading Quarterly Futures;
 - (ii) which order had or was likely to have the effect of influencing the level at which the relevant Quarterly DSP was generated and/or administered by ASX;
 - (b) intended for that order to have the effect identified in sub-paragraph (a)(ii) above;
 - (c) further, did so for a sole or dominant purpose, or alternatively a purpose, being to affect the outcome of ASX's calculation of the relevant Quarterly DSP, such that the Quarterly DSP would be higher than it otherwise would be, but for the order, which purpose was not disclosed,and thereby contravened:
 - (d) section 908DA(1) of the Corporations Act, by doing an act that had or was likely to have the effect of influencing the level at which a financial benchmark is generated or administered, with the intention that the act have that effect; and
 - (e) section 1041B(1) of the Corporations Act, by doing, or omitting to do, an act that had or was likely to have the effect of creating, or causing the creation of, a false or misleading appearance with respect to the market for, or the price for trading in, the relevant Quarterly Futures on ASX 24.
2. An order pursuant to section 1317G(1) of the Corporations Act that the defendant pay to the Commonwealth such pecuniary penalties as the Court determines appropriate in relation to the contraventions of sections 908DA(1) and 1041B(1) of the Corporations Act referred to in paragraph 1 above.
3. An order that the defendant pay the plaintiff's costs of, and incidental to, this proceeding.
4. Such further or other orders as the Court considers appropriate.

Date: 30 June 2025

A handwritten signature in blue ink, appearing to be 'P. H. H.', is located in the bottom right area of the page.

.Signature of plaintiff's legal practitioner

This application will be heard by at [address of Court] at *am/*pm on



B. NOTICE TO DEFENDANT

TO: Delta Power & Energy (Vales Point) Pty Ltd (ACN 162 696 335)
Level 9, 580 George Street,
SYDNEY NSW 2000

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

Note: Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. FILING

Date of filing:

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Registrar

This originating process is filed by Rayma Gupta, solicitor for the plaintiff.

D. SERVICE

The plaintiff's address for service is:

Place: Australian Securities and Investments Commission
Level 7 120 Collins Street, Melbourne, Victoria, 3000
Attention: Rayma Gupta/Katie Webber
Email: rayma.gupta@asic.gov.au/ katie.webber@asic.gov.au

It is intended to serve a copy of this originating process on the defendant.