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Daily Construction A Daily Bulletin listing Decisions of Superior Courts of Australia

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Executive Summary (1 minute read)

Ross & Anor as Joint & Several Administrators Of GNC Homes P/L (Admin Apptd) v GNC Homes P/L (Admin Apptd) (SASC) - corporations - confirmation of validity of appointment of administrators of company - declaration



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Summaries With Link (Five Minute Read)

Ross & Anor as Joint & Several Administrators Of GNC Homes P/L (Admin Apptd) v GNC Homes P/L (Admin Apptd) [2015] SASC 168

Supreme Court of South Australia

Dart J

Corporations - plaintiffs appointed as administrators of defendant company following passing of resolution by sole director of company (Burrows) - four days after appointment solicitors of defendant shareholders advised administrators that shareholders had resolved to remove Burrows and that he had no authority to appoint administrators - plaintiffs sought declaration or order confirming validity of appointment - ss128, 129, 447A & 447C *Corporations Act 2001* (Cth) - indoor management rule - whether Burrows removed as director of company - held: in circumstances the appointment of the administrators was valid because company not entitled to dispute Burrows was sole director validly exercising powers - plaintiffs entitled to declaration.

[Ross](#)

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