

FILED

- 4 APR 2025



## NOTICE OF APPEAL

### COURT DETAILS

Court Supreme Court of New South Wales, Court of Appeal  
Registry Sydney  
Case number

### TITLE OF PROCEEDINGS

First appellant Sweta Prashant Changela  
Number of appellants 3  
Respondent Dracoma Pty Ltd

### PROCEEDINGS IN THE COURT BELOW

Title below Dracoma Pty Ltd v Changela & Ors  
Court below Supreme Court of New South Wales  
Case number below 2023/00298052  
Dates of hearing 2–5, 9, 19 December 2024, further written submissions  
20 and 23 December 2024  
Material date 14 March 2025  
Decision of Justice Stevenson

### FILING DETAILS

Filed for Sweta Changela, Prashant Changela &  
Vijay Pandya Pty Ltd – Appellants  
Legal representative Akash Lodhia – Lodhia Lawyers  
Contact name and telephone Akash Lodhia – 0414 375 773  
Contact email [Alodhia@lodhialawyers.com.au](mailto:Alodhia@lodhialawyers.com.au)

### HEARING DETAILS

This notice of appeal is listed for directions at:

30/4/25 @ 9:00am

### TYPE OF APPEAL

Other (Commercial List)

### DETAILS OF APPEAL

- 1 This appeal is brought under s 101(1)(a) of the *Supreme Court Act 1970* (NSW).
- 2 This notice of appeal is not filed pursuant to leave to appeal.
- 3 The appellants have not filed a notice of intention to appeal.

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- 4 The appellants appeal from the part of the decision below in relation to the appellants' liability in respect of payments of \$250,000.00 on 20 September 2017.

#### APPEAL GROUNDS

- 1 The primary judge erred at [240] in finding that the payment of \$250,000.00 to the first and second appellants and the payment of \$250,000.00 to the third appellant made on 20 September 2017 were unreasonable director-related transactions, within the meaning of s 588FDA of the *Corporations Act 2001* (Cth).

#### ORDERS SOUGHT

- 1 Appeal allowed.
- 2 Judgment of the Supreme Court made on 14 March 2025 be varied:
- a. in paragraph 1, by substituting "\$119,738.15, including interest of \$13,120.15" for "\$400,502.53, including interest of \$43,884.53"; and
  - b. in paragraph 4, by substituting "\$870,369.59, including interest of \$95,369.59" for "\$1,151,133.97, including interest of \$126,133.97".
- 3 Pursuant to rule 51.19, the respondent pay restitution:
- a. of \$280,764.38 plus interest to the first and second appellants; and
  - b. of \$280,764.38 plus interest to the third appellant.
- 4 The respondent pay the appellants' costs of the appeal.

#### UCPR 51.22 CERTIFICATE

I certify under UCPR 51.22(2) that the amount in issue in this appeal exceeds the specified amount under s 101(2)(r) of the *Supreme Court Act 1970* (NSW).

#### SIGNATURE OF LEGAL REPRESENTATIVE

This notice of appeal does not require a certificate under clause 4 of Schedule 2 to the *Legal Profession Uniform Law Application Act 2014*.

I have advised the appellants that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature

Capacity

Date of signature

Solicitor for the Appellants

4 April 2025

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## NOTICE TO RESPONDENT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the orders sought in the notice of appeal and for the appellant's costs of bringing these proceedings.

Before you can appear before the court, you must file at the court an appearance in the approved form.

## HOW TO RESPOND

**Please read this notice of appeal very carefully. If you have any trouble understanding it or require assistance on how to respond to the notice of appeal you should get legal advice as soon as possible.**

You can get further information about what you need to do to respond to the notice of appeal from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).
- The court registry for limited procedural information.

Court forms are available on the UCPR website at [www.ucprforms.nsw.gov.au](http://www.ucprforms.nsw.gov.au) or at any NSW court registry.

## REGISTRY ADDRESS

Street address	Supreme Court of New South Wales, Court of Appeal Law Courts Building Queen's Square Level 5, 184 Phillip Street Sydney NSW 2000
Postal address	GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272

## PARTY DETAILS

A list of parties must be filed and served with this notice of appeal.

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**FURTHER DETAILS ABOUT APPELLANTS****First appellant**

Name	<b>Sweta Prashant Changela</b>		
Address	52 Forbes	Farnell NSW	Street 2871

**Second appellant**

Name	<b>Prashant Girishbai Changela</b>		
Address	52 Forbes	Farnell NSW	Street 2871

**Third appellant**

Name	<b>Vijay Pandya Pty Ltd</b> (ACN 003 078 939)		
Address	c/- A R Williams & Co 148 Dubbo	Level 1 Brisbane NSW	Street 2830

**Legal representative for appellants**

Name	Akash Lodhia		
Practising certificate number	33247		
Firm	Lodhia Lawyers		
Address	Level 5 74 Sydney	Castlereagh NSW	Street 2000
Telephone	02 9233 7000		
Fax	02 9233 7111		
Email	<a href="mailto:Alodhia@lodhialawyers.com.au">Alodhia@lodhialawyers.com.au</a>		
Electronic service address	Not applicable.		

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**DETAILS ABOUT RESPONDENT****Respondent**

Name

**Dracoma Pty Ltd**

(ACN 002 816 373)

as trustee of the Alex Wheeler Family Settlement Trust

Address

c/- William James

Level 11

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Sydney

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