

## **Current report no. 41/2021 of 16 September 2021**

### **Subject:**

Information on bringing an action for declaring invalidity or revoking resolutions of the Ordinary General Meeting of Shareholders of Elektrociepłownia "Będzin" S.A.

### **Report content:**

Acting pursuant to Art. 19 sec. 1 point 10 of the Regulation of the Minister of Finance of 29 March 2018 on current and interim information delivered by issuers of securities and the conditions for recognising as equivalent the information required by the laws of a non-member state, the Management Board of Elektrociepłownia "Będzin" S.A. [the Company] announces that on 15 September 2021, The Company received a lawsuit filed by the shareholders of the Company :

VALUE Fundusz Inwestycyjny Zamknięty with its registered office in Warsaw, FAMILIAR S.A., SICAV-SIF with its registered office in Luxembourg (Complainant) for declaring invalidity or revoking resolutions of the Ordinary General Meeting of Shareholders of Elektrociepłownia "Będzin" S.A. of 30 June 2021.

I. The complainant petitioned for declaring invalidity, pursuant to Art. 425 § 1 of the CCPC in conjunction with Art. 422 § 2 point 2 of the CCPC1 of the following resolutions adopted by the Ordinary General Meeting of Shareholders on 30 June 2021:

- 1) Resolution No. 4 on the approval of the separate financial statement of Elektrociepłownia "Będzin" S.A. for the year 2020;
- 2) Resolution No. 5 on the approval of the separate financial statement of Elektrociepłownia "Będzin" S.A. Group of Companies for the year 2020;
- 3) Resolution No. 6 on the approval of the report of the Management Board of the Parent Company on the operations of Elektrociepłownia "Będzin" S.A. Group of Companies in 2020, (taking into account the requirements regarding the disclosure for the report of the Management Board on the operation of the Parent Company for the aforementioned period).
- 4) Resolution No. 9 on adopting a concept for further functioning of Elektrociepłownia "Będzin" S.A. Group of Companies

II. In the event that the request described in point I of the petition is not taken into consideration, the complainant petitioned for revoking, pursuant to Art. 422 § 1 of the CCPC in conjunction with Art. 422 § 2 point 2 of the CCPC of the following resolutions adopted by the Ordinary General Meeting of Shareholders on 30 June 2021:

- 1) Resolution No. 4 on the approval of the separate financial statement of Elektrociepłownia "Będzin" S.A. for the year 2020;
- 2) Resolution No. 5 on the approval of the separate financial statement of Elektrociepłownia "Będzin" S.A. Group of Companies for the year 2020;
- 3) Resolution No. 6 on the approval of the report of the Management Board of the Parent Company on the operations of Elektrociepłownia "Będzin" S.A. Group of Companies in 2020, (taking into account the requirements regarding the disclosure for the report of the Management Board on the operation of the Parent Company for the aforementioned period).
- 4) Resolution No. 9 on adopting a concept for further functioning of Elektrociepłownia "Będzin" S.A. Group of Companies

III. The complainant petitioned for revoking, pursuant to Art. 422 § 1 of the CCPC in conjunction with Art. 422 § 2 point 2 of the CCPC of the following resolutions adopted by the Ordinary General Meeting of Shareholders on 30 June 2021:

- 1) Resolution No. 11 on granting a vote of approval to the President of the Management Board of Elektrociepłownia "Będzin" S.A. for the year 2020, and
- 2) Resolution No. 23 on granting a vote of approval to the Member of the Supervisory Board of Elektrociepłownia "Będzin" S. A. for performance of their duties in 2020.

The text of the Resolutions was made public by the Company in current report No. 21/2021.

The Company directed the Company's attorneys to prepare a response to the lawsuit within 30 days of service of the lawsuit.

**Legal basis:**

Art. 56 sec. 1 pt. 2 of the Act on Public Offering - current and periodic information.

**Signatures:**

Kamil Kamiński - Member of the Management Board