

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 94562 / March 30, 2022

Admin. Proc. File No. 3-20729

In the Matter of  
BLUENRGY GROUP LTD.

ORDER REGARDING SERVICE

The Securities and Exchange Commission (“Commission”) issued an Order Instituting Proceedings (“OIP”) on January 31, 2022, pursuant to Section 12(j) of the Securities Exchange Act of 1934, against respondent BlueNRGY Group Ltd. (“Respondent”).<sup>1</sup>

On March 7, 2022, the Division of Enforcement filed a Declaration of Gina Joyce, which stated that the Commission’s Office of the Secretary mailed a copy of the OIP to Respondent by U.S. Postal Service priority mail to the Sydney, New South Wales, Australia address on Respondent’s most recent EDGAR filing. The declaration also states that there was attempted delivery of the OIP on February 14, 2022.

It is not clear that the OIP has been served in a manner that complies with Rule of Practice 141(a)(2)(ii), (iv).<sup>2</sup> The Australian state of New South Wales may object to service by mail and the declaration did not present authority establishing otherwise.<sup>3</sup>

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<sup>1</sup> *BlueNRGY Group Ltd.*, Exchange Act Release No. 94113, 2022 WL 294319 (Jan. 31, 2022).

<sup>2</sup> 17 C.F.R. § 201.141(a)(2)(ii), (iv); *see Water Splash, Inc. v. Menon*, 137 S. Ct. 1504, 1512-13 & n.7 (2017) (holding that “in cases governed by the Hague Service Convention, service by mail is permissible if . . . the receiving state has not objected to service by mail; and . . . service by mail is authorized under otherwise-applicable law”);

<sup>3</sup> *See Waraich v. Nat’l Australia Bank Ltd.*, No. H-18-4069, 2019 WL 1003625, at \*3 (S.D. Tex. Feb. 28, 2019) (stating that “Australia ‘does not object to service by postal channels, where it is permitted in the jurisdiction in which the process is to be served’ and that “the court cannot conclude that Australia authorizes service by mail in New South Wales”); *Stafford v. Grifols*

To assist the Office of the Secretary in maintaining a record of service that establishes that the OIP has been properly served,<sup>4</sup> IT IS ORDERED that the Division of Enforcement file a status report concerning service of the OIP by April 27, 2022, and every 28 days thereafter until service is accomplished.

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman  
Secretary

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*Int'l S.A.*, No. 1:18-CV-321, 2019 WL 3521957, at \*3 n.5 (N.D. Ga. Feb. 25, 2019) (stating that service by mail to an address in an Australian state that permits service by mail is permissible).

<sup>4</sup> See 17 C.F.R. § 201.141(a)(3).