

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 94974 / May 24, 2022

Admin. Proc. File No. 3-20729

In the Matter of
BLUENRGY GROUP LTD.

ORDER TO SHOW CAUSE

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”).¹ On March 7, 2022, the Division of Enforcement filed a declaration that established that on February 14, 2022, attempted delivery was made of a mailed copy of the OIP addressed to the Sydney, New South Wales, Australia address on Respondent’s most recent EDGAR filing. On May 17, 2022, the Division filed a status report establishing that such attempted delivery by mail satisfies the service requirements of Rule of Practice 141(a)(2)(ii) and (iv).²

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

² 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”); *see also Shoham v. Islamic Republic of Iran*, 922 F. Supp. 2d 44, 50 (D.D.C. 2013) (recognizing that Australia does not object to service by postal channels where it is permitted in the jurisdiction in which process is to be served); Rule of the Uniform Civil Procedure Rules of New South Wales § 10.5(1)(d) (2005) (providing that a document may be served on a New South Wales corporation “by serving the document on the corporation in any manner in which service of such a document may, by law, be served on the corporation”), <https://legislation.nsw.gov.au/view/html/inforce/2021-12-01/sl-2005-0418#sec.10.5>; Service and Execution of Process Act § 9(1) (1992) (providing that service of process “on a company is to be effected by leaving it at, or by sending it by post to, the company’s registered office”), http://classic.austlii.edu.au/au/legis/cth/consol_act/saeopa1992325/s9.html.

As stated in the OIP, Respondent's answer was required to be filed within ten days of the service of the OIP.³ As of the date of this order, Respondent has not filed an answer. The prehearing conference and hearing are thus continued indefinitely as to Respondent.

Accordingly, Respondent is ORDERED to SHOW CAUSE by June 7, 2022, why the registration of its securities should not be revoked by default due to its failure to file an answer and to otherwise defend this proceeding. When a party defaults, the allegations in the OIP will be deemed to be true and the Commission may determine the proceeding against that party upon consideration of the record without holding a public hearing.

If Respondent fails to respond to this order to show cause, it may be deemed in default, the proceeding may be determined against it, and the registration of its securities may be revoked.⁴ Upon review of the filings in response to this order, the Commission will either direct further proceedings by subsequent order or issue a final order resolving the matter.

The parties' attention is directed to the most recent amendments to the Commission's Rules of Practice, which took effect on April 12, 2021, and which include new e-filing requirements.⁵

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

Vanessa A. Countryman
Secretary

³ *BlueNRGY Group Ltd.*, 2022 WL 294319, at *2; Rules of Practice 151(a), 160(b), 220(b), 17 C.F.R. §§ 201.151(a), 201.160(b), 201.220(b).

⁴ Rules of Practice 155, 180, 17 C.F.R. §§ 201.155, 201.180; *see BlueNRGY Group Ltd.*, 2022 WL 294319, at *2 (“If Respondent fails to file the directed Answer, . . . [it] may be deemed in default and the proceedings may be determined against [it] . . .”).

⁵ *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a new redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465–81.