

44 - 10 June

IN THE SUPERIOR COURT OF JUDICATURE

IN THE HIGH COURT OF JUSTICE

(COMMERCIAL DIVISION)

ACCRA A.D. 2026

FILED ON 12/15/26
AT 11:15 AM
REGISTRAR
COMMERCIAL DIVISION
HIGH COURT, ACCRA

IN THE MATTER OF KENPONG TRAVEL AND TOUR LIMITED

AND

IN THE MATTER OF THE CORPORATE INSOLVENCY AND
RESTRUCTURING ACT, 2020 (ACT 1015)

AND

IN THE MATTER OF A PETITION BY FIRST ATLANTIC BANK LTD FOR AN
ORDER FOR THE OFFICIAL WINDING UP OF KENPONG TRAVEL AND
TOUR LIMITED

BETWEEN

FIRST ATLANTIC BANK LIMITED
NO. 1 SEVENTH AVENUE
RIDGE WEST
ACCRA

...

PETITIONER

v

KENPONG TRAVEL & TOUR LIMITED

...

RESPONDENT

PETITION FOR THE WINDING UP OF KENPONG TRAVEL & TOUR
LIMITED

A Petition by First Atlantic Bank Ltd (the "Petitioner") acting by DANIEL MARFO, its Executive Director to wind up Kenpong Travel and Tour Limited (the "Respondent") due to its inability to pay its debts as a Company.

1. The Petitioner is a Universal Bank incorporated under the laws of Ghana.
2. The Respondent is a Travel and Tour company incorporated under the laws of Ghana and engaged in cross-border promotion of tourist activities, car rentals, ticketing and reservation.

3. The Registered address of the Respondent is Baptist Convention House, 11 Yiyiwa Road, Abelemkpe, Accra.
4. The Respondent was incorporated on the **11th of October 2013** and registered at the Registrar General's Department with a Registration Number of **CS289792013**. *Exhibited and marked as Exhibits A and B are copies of the Certificate of Incorporation and Certificate to commence business.*
5. The Respondent Company has an authorized share capital of **One Million Ghana Cedis (GHS1,000,000.00)** at the date of incorporation. *Exhibited and marked as Exhibit C is evidence of same.*
6. The Respondent Company at the date of incorporation had a paid-up capital of **Sixty Thousand Ghana Cedis (GHS60,000)**. *(Please see Exhibit C)*
7. That the sole shareholder of the Respondent Company is Kennedy Agyepong, while the Directors are Kennedy Agyepong and Robert Agyapong. *(Please see Exhibit C)*
8. That Robert Agyapong serves as the Company Secretary. *(Please see Exhibit C)*
9. It is important to note at the outset, that a corporate autopsy of the Respondent's financial position will show that the Respondent is a party that is unable to pay its debt.

10. That this Petition is for an unsecured Creditor who prays for the assets of the Respondent to be realized to enable it partake in the benefits.
11. That the Respondent company is unable to pay its debts as and when it falls due.
12. That under the circumstances, it is just and equitable that the company should be wound up.
13. That the circumstances of indebtedness and inability to pay same as set out in the Petition exist as at the date of the Petition.
14. That I have no reason to believe that the situation will change at the time of the hearing of this Petition.
15. That to all intent and purposes, the Petition is not based solely on the commercial interest of the Petitioner, but however it is important to note that the debt due and owing the Petitioner is an undisputed debt.
16. That the introductory passages out of the way, the Petitioner says that in 2019, it filed an action against the Respondent and five others in ***Suit No.CM/BFS/1191/2019, First Atlantic Bank vrs Kenpong Travel and Tour Limited & 5 Ors.***
17. The Petitioner says that the Court granted Judgment against the Respondent jointly and severally on the **15th of August 2022. Exhibited and marked as Exhibit D is a copy of the Judgment.**

18. The Petitioner says that subsequently it entered the Judgment against the Respondent and the five others. ***Exhibited and marked as Exhibit E is a copy of the Amended Entry of Judgment.***
19. The Petitioner says that ever since the Amended Entry of Judgment was served on the Respondent which is the primary debtor and his allies, they have taken to filing numerous frivolous Applications in order to stave off the execution processes of the Court. ***Exhibited and marked as Exhibits F, G, H and J are copies of some of the Rulings in respect of the frivolous Applications for Stay of Execution.***
20. That it is significant to note that this pretentious state of affairs by the Respondent was a tedious journey from the High Court to the Supreme Court on **two (2)** separate occasions throughout the judicial ladder.
21. That under the circumstances, the Respondent has taken part in **nine (9)** attempts to stay execution of the Judgment and that all have failed miserably.
22. That the Respondent has in the last four to five years engaged in the pretentious attitude of litigation when in truth and fact, it is merely engaged in using these Applications as a device to mask its inability to pay its debt from the world.
23. That despite its inability to pay off its debt, the Respondent is masquerading in official corridors as a viable entity while posing a substantial threat to the financial system.
24. That what is worse is that the 1st Respondent obtained a loan which led to the Judgment by relying on documentation which were found to be

dishonourable and so poor in integrity that, the Lands Commission was unable to put same down as a mortgage. ***Exhibited and marked as Exhibit K is evidence of same.***

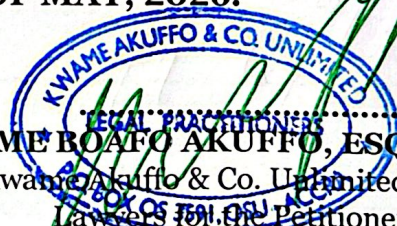
25. Further, the 1st Respondent has failed to present a credible payment plan and satisfactory collateral to secure the repayment of the Judgment debt.
26. That inquiries made of the Respondent's assets through its Counsel to enable us satisfy the Judgment has not yielded any useful result. ***Exhibited and marked as Exhibit L is a copy of our letter seeking the said information.***
27. From the foregoing, the Respondent has demonstrated that it is unable to pay its debt as they accrue and as sanctioned by a Court Judgment
28. Under the circumstances, it is just and fair for the Respondent to undergo official liquidation on the grounds that the Respondent is unable to pay its debts.
29. Wherefore the Petitioner prays for:
 - a. An order for the Respondent to be wound up under the Corporate Insolvency and Restructuring Act, 2020 (Act 1015).
 - b. An order that the assets of the Respondent be realized to satisfy the judgment debt of ***Two Million Five Hundred and Forty-Nine Thousand, Nine Hundred and Sixty-Nine Ghana Cedis Twenty Eight Pesewas (GHS2,549,969.28)*** in ***Suit No.CM/BFS/1191/2019*** together with the interest accrued on

the said sum at the prevailing commercial rate from the date the debt became due until final payment as well as the cost of **Twenty Thousand Ghana Cedis (GHS20,000.00)** imposed on the Respondent.

- c. An Order restraining the Directors of the Respondent Company from interfering with or clogging the assets of the Company in any Manner whatsoever until the final determination of the matter.
- d. Costs
- e. Any other orders that this Court may deem fit.

for COURT TO BE MOVED on *MON* the *1st* day of *JUNE, 2026* at 9 O'clock in the forenoon or so soon thereafter as Counsel for the Petitioner may be heard.

DATED AT KWAME AKUFFO & CO. UNLIMITED, AIRPORT RESIDENTIAL AREA, ACCRA, THIS 4TH DAY OF MAY, 2026.


KWAME BOAFO AKUFFO, ESQ
Kwame Akuffo & Co. Unlimited
Lawyers for the Petitioner
License Number: eGAR 00354/26

The Registrar,
High Court,
Commercial Division,
Accra.

IN THE SUPERIOR COURT OF JUDICATURE *B. 15/20*
IN THE HIGH COURT OF JUSTICE *11/15*
(COMMERCIAL DIVISION) *AM/PI*
ACCRA A.D. 2026 *REGISTRAR*
COMMERCIAL DIVISION OF THE
HIGH COURT, ACCRA

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... **RESPONDENT**

AFFIDAVIT IN VERIFICATION OF PETITION OF FIRST ATLANTIC BANK
LIMITED

I, **DANIEL MARFO**, of First Atlantic Bank, of No.1 Seventh Avenue, Ridge West, Accra make oath and say as follows:

1. That I am an Executive Director of First Atlantic Bank, the Petitioner herein.
2. That the statements in this Petition are true to the best of my personal knowledge and belief, having come to such knowledge in the course of my work.

3. That I swear to this Petition on behalf of the Petitioner Company, having obtained its authority, and that I am aware that it will be relevant to the determination of issues arising in this Proceedings.
4. That I am the Executive Director of the Petitioner Company, and that I have the authority of the Petitioner Company to swear to this Petition, on its behalf and on the basis of my personal information, knowledge and belief in respect of this matter.
5. That save where the contrary is expressly stated, the facts and matters set out below are within my own personal knowledge and are true, where they are not within my own personal knowledge, they are derived from the sources I have sought to identify, and are true to the best of my knowledge, information and belief.
6. That the Petition has been authorized by the Board of Directors.

Sworn in Accra this

)

[Handwritten Signature]
.....

Day of 13-5-2026.....

)

DEPONENT

BEFORE ME,

[Handwritten Signature]

ERIC BOTWEY
ACCRA - GHANA
COMMISSIONER FOR OATHS
TEL: 0244380000
COMMISSIONER FOR OATHS

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RESPONDENT

CERTIFICATE OF EXHIBITS

I, ERIC BOTWEY, Commissioner of Oaths/Registrar hereby certify that the documents listed below have been exhibited to the Petitioner's Petition for an order for the official winding up of the Respondent.

- I. Exhibits A, B:** Copies of the Certificate of Incorporation and Certificate to commence business.
- II. Exhibit C:** Evidence of same.
- III. Exhibit D:** Copy of Judgment
- IV. Exhibit E:** Copy of Amended Entry of Judgment

V. Exhibits *F, G, H and J*: Copies of all the Rulings in respect of the frivolous Application for Stay of Execution.

VI. Exhibit K: Evidence of same

VII. Exhibit L: Copy of our letter seeking the said information.

DATED AT KWAME AKUFO & CO. UNLIMITED, AIRPORT RESIDENTIAL AREA, ACCRA, THIS 4TH DAY OF MAY, 2026.

.....
Commissioner for Ombudsman



The Registrar
High Court
Accra.

AND FOR SERVICE ON THE PLAINTIFF OR ITS LAWYER, SAMUEL ATTA AKYEA ESQ. OF ZOE, AKYEA & CO., C114 ABORLEBU CRESCENT, NORTH-LABONE, ACCRA