§ 9-b. Actions or special proceedings by superintendent or attorney-general.

1. In addition to any action or special proceeding which may be maintained by either of them under any other section of this chapter, the superintendent or the attorney-general may maintain an action or special proceeding:

(a) To annul the corporate existence or dissolve a corporation formed under any article of this chapter or formed under any other statute or special act having as its purpose or among its purposes a purpose for which a corporation may be formed under this chapter that has acted beyond its capacity or power or to restrain it from the doing of unauthorized business.

(b) To annul the corporate existence or dissolve any such corporation that has not been duly formed.

(c) To restrain any person or persons from acting as such a corporation within this state without being duly incorporated or from exercising in this state any corporate rights, privileges or franchises not granted to them by the law of the state.

(d) To dissolve a corporation under section nine-c.

2. In any action or special proceeding brought under this section:

(a) If an action, it is triable by jury as a matter of right.

(b) The court may confer immunity in accordance with the provisions of section 50.20 of the criminal procedure law.

(c) A temporary restraining order to restrain the commission or continuance of the unlawful acts which form the basis of the action or special proceeding may be granted upon proof, by affidavit, that the defendant or defendants have committed or are about to commit such acts. Application for such restraining order may be made ex parte or upon such notice as the court may direct.

(d) When final judgment in such action or special proceeding is rendered against the defendant or defendants, the court may direct the costs to be collected by execution against any or all of the defendants or by order of attachment or other process against the person of any director or officer of a corporate defendant.

(e) In connection with any such proposed action or special proceeding

the superintendent or the attorney-general may take proof and issue subpoenas in accordance with the civil practice law and rules.