

# Liquidator's Progress Report

# S.192

Pursuant to Sections 92A and 104A and 192  
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

07347734

Name of Company

1st Energy Limited

I / ~~We~~

Alan J Clark, Recovery House, 15-17 Roebuck Road, Hainault Business Park, Ilford, Essex, IG6 3TU

the liquidator(~~s~~) of the company attach a copy of my/~~our~~ Progress Report  
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 25/11/2015 to 24/11/2016

Signed



Date

12/12/16

Carter Clark  
Recovery House  
15-17 Roebuck Road  
Hainault Business Park  
Ilford, Essex  
IG6 3TU

Ref 1SE3015/JJ

FRIDAY



A01

\*A5LZGIYG\*

16/12/2016

#480

COMPANIES HOUSE

**1st Energy Limited**  
**(In Liquidation)**  
**Liquidator's Abstract of Receipts & Payments**

Statement of Affairs		From 25/11/2015 To 24/11/2016
	<b>ASSET REALISATIONS</b>	
Uncertain	Plant & Machinery	NIL
2,000 00	Stock	NIL
Uncertain	Book Debts	NIL
	VAT Refund	NIL
	Rates Refund	526 52
		<u>526 52</u>
	<b>COST OF REALISATIONS</b>	
	Preparation of S of A	280 81
	Office Holders Expenses	73 13
	Agents - Capa	157 96
	Irrecoverable VAT	14 62
		<u>(526 52)</u>
	<b>UNSECURED CREDITORS</b>	
(412,880 04)	Trade & Expense Creditors	NIL
(4,699 80)	HMRC - PAYE/CIS	NIL
(2,207 00)	HMRC - VAT	NIL
		<u>NIL</u>
	<b>DISTRIBUTIONS</b>	
(1 00)	Ordinary Shareholders	NIL
		<u>NIL</u>
<u>(417,787 84)</u>		<u>(0 00)</u>
	<b>REPRESENTED BY</b>	
		<u>NIL</u>

Alan J Clark  
Liquidator

Your ref  
Our ref 1SE3015/JJ/3  
Contact Julie Jackson  
Telephone 020 8559 5086  
Fax 020 8524 1457  
Date 9 December 2016

Recovery House  
Hainault Business Park  
15-17 Roebuck Road  
Ilford  
Essex  
IG6 3TU

**PRIVATE AND CONFIDENTIAL**  
**To All Known Creditors and Contributories**

Dear Sirs

**1<sup>st</sup> Energy Limited - In Liquidation**  
**Company No. 07347734**

Further to my appointment as Liquidator on 25 November 2015, I am now in a position to provide creditors and contributories with my first progress report on the liquidation. Please find enclosed receipts and payments accounts to the anniversary of my appointment 24 November 2016, which I trust is self explanatory. The realisations made were held in a non interest bearing account.

The company's registered office was changed to that of my office on 27 November 2015. Prior to that the registered office was Langford Hall Barn Witham Road, Langford, Maldon, Essex CM9 4ST. The last trading address of the company was Unit 7C, Beckingham Business Park, Tolleshunt Major, Maldon, Essex CM9 8LZ.

I can be contacted at the address shown on this report, however if you have any queries concerning this progress report I would be grateful if you would contact Julie Jackson who can be contacted on the telephone number shown above.

**LIQUIDATORS' ACTIONS SINCE APPOINTMENT**

Following my appointment I have undertaken the statutory formalities of my appointment including providing creditors with a report of the creditors meeting, advertising my appointment, notifying the Registrar of Companies of the details of my appointment and of the liquidation.

I was unable to recover the books and records of the company, although I did recover the company's bank statements which have been examined to ascertain whether any further matters require investigation either in relation to possible further assets that could be realised or in terms of the director's conduct. Any substantive matters which are being investigated further are outlined further in the report.

The claims of unsecured creditors which have been notified to me have been entered on my case management system although not yet adjudicated. Any queries raised by unsecured creditors have been answered either by telephone or in correspondence.

There is certain work that I am required by the insolvency legislation to undertake work in connection with the liquidation that provides no financial benefit for the creditors. A description of the routine work undertaken since my appointment as Liquidator is as follows.

**Partners**  
Gary A Carter  
Alan J Clark\*  
Philip Gautier

**Associate**  
Alistair Whipps

[www.carterclark.co.uk](http://www.carterclark.co.uk)

\*Licensed to carry out insolvency work in the UK by the Institute of Chartered Accountants in England and Wales

### Administration

- Case planning - devising an appropriate strategy for dealing with the case and giving instructions to the staff to undertake the work on the case
- Setting up electronic case files
- Setting up the case on the practice's electronic case management system and entering data
- Issuing the statutory notifications to creditors and other required on appointment as office holder, including gazetting the office holder's appointment
- Obtaining a specific penalty bond
- Convening and holding general meetings of creditors and members (as applicable)
- Dealing with all routine correspondence and emails relating to the case
- Opening, maintaining and managing the office holder's estate bank account
- Creating, maintaining and managing the office holder's cashbook
- Undertaking regular bank reconciliations of the bank account containing estate funds
- Reviewing the adequacy of the specific penalty bond on a quarterly basis
- Undertaking periodic reviews of the progress of the case
- Overseeing and controlling the work done on the case by case administrators
- Preparing, reviewing and issuing annual progress reports to creditors and members
- Filing returns at Companies House
- Preparing and filing VAT returns
- Preparing and filing Corporation Tax returns

During the period covered by this report I and my staff have spent 9 4 hours on administration on the file at an average hourly rate of £186 60 and a total charge to the insolvent estate of £1,754 This work has not resulted in any benefit to creditors but has had to be done either as a statutory requirement or as a professional requirement that is imposed on me

### Creditors

- Dealing with creditor correspondence, emails and telephone conversations regarding their claims and warranties
- Maintaining up to date creditor information on the case management system
- Reviewing proofs of debt received from creditors

During the period covered by this report I and my staff have spent 11 2 hours on creditor claims at an average hourly rate of £172 77 and a total charge to the insolvent estate of £1,935 This work has not resulted in any benefit to creditors but has had to be done either as a statutory requirement or as a professional requirement that is imposed on me

### Investigations

- Preparing a report or return on the conduct of the directors as required by the Company Directors Disqualification Act 1986
- Pursuing the submission of books and records
- Reviewing the Bank Statements
- Reviewing Creditor Statements
- Preparing a schedule of debts and age of debts
- Preparing schedules of findings

The work that has been in respect of investigations is detailed in the body of the report. Myself and my staff's time spent on investigations in the period covered by this report amounts to 3 1 hours at an average rate of £214 84 per hour and a total charge of £666 All investigations were done either with a view to ascertaining whether any monies could be recovered for the benefit of creditors or as I was under a statutory or professional duty to undertake the investigations This work has not resulted in any benefit to creditors but has had to be done either as a statutory requirement or as a professional requirement that is imposed on me

### **Realisation of assets**

- Liaising with the bank regarding the closure of the account and seek any credit balance
- Liaising with utility company regarding possible credit balance which was offset against the final period
- Liaise with CAPA to seek whether there may be a non-domestic rates refund which was received
- Novating the contract of the motor vehicle on hire

The work done in connection with asset realisations is detailed in the body of the report. Myself and my staff's time spent on asset realisations amounts to 24 hours at an average rate of £191.67 per hour and a total charge of £460. Unfortunately, only a small realisation was made and thus this work has not resulted in any benefit to creditors but has had to be done either as a statutory requirement or as a professional requirement that is imposed on me.

### **Assets realisations**

Within the statement of affairs assets consisted plant & machinery, stock and book debts. As expected due to the age and nature of the plant & machinery no realisations were made. In respect of the stock this was estimated to realise the sum of £2,000 unfortunately this stock consisted of remnants and therefore of no real value to a purchaser. The book debts had been written down due to various disputes and retentions. As anticipated no recoveries were made.

### **Connected party transactions**

Since the commencement of the liquidation the only transaction made was the novation of the hire contract to the director.

### **Further asset realisations**

No asset realisations are expected in this matter.

### **Secured Creditors**

An examination of the Company's mortgage register held by the Registrar of Companies, showed that the company has no current charges over its assets.

### **Preferential creditors**

There were no known preferential creditors in the director's statement of affairs and no claims have been received.

### **Unsecured creditors**

The unsecured creditors were estimated at £419,786 in the director's statement of affairs. To date 13 claims have been received, totalling £382,746. A further 16 creditors with anticipated claims totalling £44,359 have yet to submit claims.

### **Prescribed Part**

There are provisions of the insolvency legislation that require a liquidator to set aside a percentage of a company's assets for the benefit of the unsecured creditors in cases where the company gave a "qualifying floating charge" over its assets to a lender on or after 15 September 2003. This is known as the "prescribed part of the net property". A company's net property is that left after paying the preferential creditors, but before paying the lender who holds a floating charge. A liquidator has to set aside

- 50% of the first £10,000 of the net property, and
- 20% of the remaining net property up to a maximum of £600,000

There is no qualifying floating charge in this case so the prescribed part provisions do not apply

### **Dividend Prospects**

Due to the lack of realisations there will not be a dividend payable to any class of creditor

### **Investigation**

I undertook an initial investigation into the Company's affairs to establish whether there were any potential asset recoveries or conduct matters that justified further investigation, taking account of the public interest, potential recoveries, the funds likely to be available to fund an investigation, and the costs involved

In particular, I have obtained and reviewed copy bank statements for the 12 months prior to the Company ceasing to trade from the Company's bankers, and compared the information in the Company's last set of accounts with that contained in the statement of affairs lodged in the liquidation and made enquiries about the reasons for the changes

There were no matters that justified further investigation in the circumstances of this appointment

Within six months of my appointment as Liquidator, I am required to submit a confidential report to the Secretary of State to include any matters which have come to my attention during the course of my work which may indicate that the conduct of any past or present Director would make them unfit to be concerned with the management of the Company

I would confirm that my report has been submitted and I confirm that all salient matters relating to my investigation have been passed to the Department of Business Enterprise and Regulatory Reform at the Insolvency Service for consideration pursuant to the Company Directors' Disqualification Act 1986. In this regard, creditors are asked to note that I cannot comment further on this matter for reasons of confidentiality imposed upon me by the Act

### **Liquidator's remuneration, disbursements and expenses**

At the meeting of creditors held pursuant to section 98 of the Insolvency Act 1986, creditors resolved that a statement of affairs fee of £5,000 plus VAT be paid. This relates to assisting the directors in the preparation of the statement of affairs and for the calling and holding of the members and creditors meetings. Of this sum £280.81 has been received.

On 5 January 2016 I summoned a meeting of creditors by notice of resolutions by correspondence to fix the Liquidator's fees. A resolution was passed approving the liquidators fee fixed in the sum of £10,000. Unfortunately due to the lack of realisations no fee has been drawn.

Disbursements reimbursed to the office holder or his firm, and the basis of which they are calculated, are as follows

Category 1 Disbursements	Cost	Basis	Drawn
	£		£
Company searches	4 00	actual	0
Advertising	218 92	actual	73 13
Bordereau insurance	40 00	actual	0
	<u>262 92</u>		<u>73 13</u>

### **Category 2 Disbursements**

No category 2 disbursements have been incurred

I have used the following agents or professional advisors in the reporting period/liquidation

Professional Advisor	Nature of Work	Basis of Fees
CAPA	Valuer/Agents	30% of realisations

The choice of professionals used was based on my perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of my fee arrangement with them. I have reviewed the fees charged and am satisfied that they are reasonable in the circumstances of this case.

I instructed agents CAPA for their expertise to assist me in relation to various matters concerning the local authorities in connection with non domestic rates assessment refunds. Their fee for assisting me was on a no win no fee basis but if successful a 30% fee on realisations recovered.

#### Further Information

Creditors are entitled to seek further information concerning my remuneration, disbursements and expenses. Guidance on how to seek further information and question the fees incurred is available in the Guide to Liquidators Fees. A copy can be viewed in the CreditZone of our website [www.carterclark.co.uk](http://www.carterclark.co.uk). The relevant guide for this liquidation is the one for liquidations post 1 October 2015. Alternatively a copy will be supplied from this office upon request. Also available in the same section of our website is this firm's policy on fees. In the section on our website headed corporate information is the relevant information I am required to provide under the Provision of Goods and Services Regulations.

An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the unsecured creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the Liquidator's fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

#### Summary

The Liquidation is now ready to be closed. I will seek clearance from the relevant government departments.

If creditors have any queries regarding the conduct of the Liquidation, or if they want hard copies of any of the documents made available on-line, they should contact Julie Jackson on the above telephone number, or by email at [julie.jackson@carterclark.co.uk](mailto:julie.jackson@carterclark.co.uk).

Yours faithfully  
For and on behalf of 1<sup>st</sup> Energy Limited

  
A J Clark  
Liquidator

**1st Energy Limited**  
**(In Liquidation)**  
**Liquidator's Abstract of Receipts & Payments**

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		<u>NIL</u>	<u>NIL</u>
	<b>DISTRIBUTIONS</b>		
(1 00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>(417,787.84)</u>		<u>(0.00)</u>	<u>(0.00)</u>
	<b>REPRESENTED BY</b>		
			<u><u>NIL</u></u>

Alan J Clark  
Liquidator