

THE BURN FREELAY COMPANY LTD.

Case no. 7739/07

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

COMPANIES COURT

IN THE MATTER OF THE LICENCE HOLDERS

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

AND IN THE MATTER OF APH REALISATIONS LIMITED (A COMPANY) AND OTHERS

AND IN THE MATTER OF MOHAMMAD AKBAR (AN INDIVIDUAL) AND OTHERS

Mr Justice Blackburne
25th October 2007

BETWEEN

COLIN MICHAEL TREVETHYN HAIG

(applying on his own behalf and on behalf of those listed in Schedule 1 to the Application)

Applicants

- and -

ADRIAN RICHARD STANWAY
DAVID GERALD LANCELOT HARGRAVE
DAVID JOHN BLENKARN
DAVID MALCOLM WALKER
DAVID ROBERT WILTON
GORDON IAN BENNET
PAUL ANTHONY BRERETON EVANS

Respondents

ORDER

UPON THE APPLICATION of the Applicants by Notice of Application issued on 19 October 2007

AND UPON HEARING Counsel on behalf of the Applicant

AND UPON the Respondents being neither present nor represented

AND UPON READING those documents recorded upon the Court File as having been read

IT IS ORDERED THAT:

- In respect of those bankruptcies, individual voluntary arrangements ("IVAs"), administrations, company voluntary arrangements ("CVAs"), creditors voluntary liquidations and compulsory

liquidations listed in Schedule 2 attached to this Order ("**Schedule 2**") which are the subject of proceedings in county court and district registries, those proceedings be transferred to the High Court solely for the purpose of making the Order contained in Paragraphs 2 to 9 below

- 2 The Respondents be removed from office as trustee in bankruptcy, IVA/CVA supervisor, liquidator (compulsory, voluntary or provisional) and/or administrator (as the case may be) of the estates listed in the Schedule 2, these removals to take effect immediately
3. The Respondents be replaced as such office holder in the case of each such estate by the Applicant named in Schedule 1 attached to this order ("**Schedule 1**") as his proposed replacement, these replacements to take effect immediately
4. The Respondents shall be released from all liability pursuant to the relevant sections of the Insolvency Act 1986 in respect of their acts and omissions and otherwise in respect of their conduct as administrators of the companies listed as being in administration pages 1 to 3 of Schedule 2, such release to take effect either 28 days after they have filed their final abstracts in accordance with the Insolvency Rules 1986 or 28 days after the giving of notice pursuant to paragraph 6 of this order, whichever is the later.
- 5 The Applicant shall be entitled
 - 5 1 to publish in the Gazette one composite notice relating to all new appointments which are required by law to be published in the Gazette;
 - 5 2 to apportion the costs of the said composite Gazette notice between the said estates equally, and
 - 5 3 to charge to each individual estate the cost of obtaining an insolvency practitioner's licence bond in respect of that estate up to a maximum £40 per estate
- 6 Without incurring any additional expense to any of the said estates, the Applicant shall, when the next routine report is due to the creditors of each estate, notify each creditor of the making of this order, such notice to contain the following matters
 - 6 1 An explanation of the effect of the Order
 - 6 2 Express reference to the liberty to apply contained in paragraph 7 below
 - 6 3 In the case of IVAs, CVAs and administrations, the provision of all such information as might reasonably be required with regard to the conduct of the voluntary arrangement, or administration (as the case may be)

6 4 In the case of creditors voluntary and compulsory liquidations and bankruptcies under the Insolvency Act 1986 where liquidation or creditors committees have been appointed, an explanation that (to the extent that any information which would otherwise required to be provided under Insolvency Rule 4 108(3) or Rule 6 126(2) has not already been provided as part of the routine report) it is open to that committee to require the applicant appointed to provide an account of the administration of the estate, including

6 4 1 a summary of receipts and payments, and

6 4 2 a statement that he has reconciled his accounts

6 5 In the case of creditors voluntary and compulsory liquidations and bankruptcies under the Insolvency Act 1986 where no liquidation or creditors committees have been appointed, an explanation that, to the extent that such information has not already been provided as part of the routine report, it is open to any creditor to apply to court for an order that the applicant appointed do provide such information as might otherwise be required by Rule 4 108(3) or Rule 6 126(2) (as the case may be) that is to say, an account of the administration of the estate, including

6 5 1 a summary of receipts and payments,

6 5 2 a statement that he has reconciled his accounts

6 6 Notification that if any applicant appointed has been required to provide the information referred to in 6 5 or 6 6 above, whether by the liquidation/creditors committee or by court order on the application of any individual creditors, the appointed Applicant's costs of so complying will, unless there are good reasons to the contrary, be paid as an expense of the bankruptcy or winding up as the case may be

6 7 In the case of liquidations under the Insolvency Act 1986, notification to each creditor and member of his right under r11(1) (compulsory winding up) and r11(2) (voluntary winding up) of the Insolvency Regulations 1994 to require the appointed applicant to supply a statement of receipts and payments free of charge

6 8 In the case of bankruptcies under the Insolvency Act 1986, notification to each creditor of his right under r25 of the Insolvency Regulations 1994 to require the appointed applicant to supply a statement of receipts and payments free of charge

7 Liberty to each creditor of each estate to apply or vary or discharge this order within 21 days of receipt of the notices directed to be sent under paragraph 6 above

8 The costs of this application (including VAT) be aggregated and apportioned equally between each of the estates listed in Schedule 2, provided that

8 1 if the costs which fall to be borne by any of the estates exceed 10% of the realisable assets within that estate,

8 2 that estate shall only bear part of those apportioned costs, that part being an amount equal to 10% of that estate's readily realisable assets;

8 3 the excess shall be borne by PricewaterhouseCoopers itself

9 Service of the said Notice of Application be dispensed with

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SCHEDULE 1 TO THE ORDER

APPLICANTS:

	Licensing body	No of new appointments
Colin Michael Trevethyn Haig	ICEAW	17
Derek Anthony Hoewell	ICEAW	2
David Matthew Hammond	ICEAW	2
David Thornhill	ICEAW	3
Dan Yoram Schwarzmenn	ICEAW	1
Douglas Nigel Rackman	ICEAW	2
Edward Klempka	ICEAW	6

Graham Hunter Martin	ICAS	5
Ian David Green	ICEAW	1
Ian David Stokoe	ICEAW	3
Ian Christopher Oakley Smith	ICEAW	2
Mark Charles Batten	ICEAW	3
Mark David Charles Hopkins	ICEAW	1
Michael Horrocks	ICEAW	3
Nicholas Edward Reed	ICEAW	28
Patrick Michael Boyden	ICEAW	2
Richard Victor Yerburch Setchin	ICEAW	7
Robert William Birchall	ICEAW	7
Russell Downs	ICEAW	21
Stephen Andrew Ellis	ICEAW	1
Timothy Gerald Walsh	ICEAW	1
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Add triple appointments becoming joints		2
Add quadruple appointments becoming triples		6
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		129

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SCHEDULE 2 TO THE ORDER

Case No: 7739/07

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

COMPANIES COURT

IN THE MATTER OF THE LICENCE HOLDERS

AND IN THE MATTER OF AC REALISATIONS
(2007) LIMITED (A COMPANY) AND OTHERS

AND IN THE MATTER OF MOHAMMAD AKABAR
(AN INDIVIDUAL) AND OTHERS

BETWEEN.

COLIN MICHAEL TREVETHYN HAIG

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Respondents

ORDER

DLA Piper Rudnick Gray Cary UK LLP
3 Noble Street
London
EC2V 7EE
Tel 08700 111 111

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Internet Files\OLK19\
16322142_1_UKMATTERS(amended order for
Counsel 2) DOC (SMITHLOI)

Transfer of Appointments

Name	App date	Existing Appointee 1	Existing Appointee 2	Ongoing Appointee 1	Ongoing Appointee 2	Company Court no	Court no
Company Voluntary Arrangement							
Knight Machinery (Holdings) Limited	12-Feb-04	David Walker	Ian Green	Nicholas Reed	Douglas N Rockham	849861	2531 of 2002
London United Investments Plc	17-Oct-01	Mark Batten	Paul Evans	Mark Batten	Derek Howell	322537	4042 of 1990
Mace & Son (Mon) Limited G P	24-Nov-00	David Witton	Paul Harding	Paul Harding	Roger Marsh	372570	2 of 2000
The Cathedral Church of St Peter Bradford	12-Aug-04	David Walker	Roger Marsh	Nicholas Reed	D Matthew Hammond	3611530	24 of 2004
Velocity Developments Limited	21-Mar-00	Mark Hopkins	David Witton	Mark Hopkins			1420 of 1999
Creditors Voluntary Liquidation							
Airedale Glass & Glazing Limited	29-Jan-07	David Walker	Edward Klempla	Ian Stokoe	Edward Klempla	1258722	
Appedale Hall Limited	24-Dec-96	Nicholas Reed	David Walker	Nicholas Reed	Edward Klempla	2825615	
APL Cubic Limited	19-Apr-06	David Walker	Ian Green	Nicholas Reed	Ian Green	5164218	
Allianic Telecommunications Limited	19-Dec-02	David Thornhill	A Starway / G I Bennet	David Thornhill	Graham Martin	2810478	
B C E Realisations Limited	12-Dec-01	David Blenkins	I Oakley Smith	I Oakley Smith	Robert Birchall	368177	
BenQ Mobile UK Limited	23-Apr-07	Rob Birchall	David Blenkins	Rob Birchall	I Oakley Smith	6547397	
Bretton Holdings (One) Limited	19-Dec-06	I Oakley Smith	David Blenkins	I Oakley Smith	Colin Haig	3487206	
Brianva Contracting Services Limited	23-Mar-07	David Blenkins	I Oakley Smith	I Oakley Smith	Colin Haig	3499287	
Burn Fireday Company Limited The	20-Dec-98	David Thornhill	Adrian Starway	David Thornhill	Michael Horrocks	313318	
Burslem Engineering Associates Limited	06-Feb-97	Nicholas Reed	David Walker	Nicholas Reed	Edward Klempla	1920130	
Clarebeck Construction Services Limited	01-Sep-99	I Oakley Smith	David Blenkins	I Oakley Smith	Colin Haig	3544987	
Composite Contracting Limited	04-Nov-03	Gordon Iain Bennet	David Blenkins	Graham Martin		2885957	
Crossco 925 Limited	01-Nov-06	David Walker	Ian Green	Nicholas Reed	Ian Green	1858156	
EHR 18 Limited	02-May-07	David Blenkins	I Oakley Smith	I Oakley Smith	Robert Birchall	5425740	
EHR 19 Limited	02-May-07	David Blenkins	I Oakley Smith	I Oakley Smith	Robert Birchall	5425753	
Enron Broadband Services Marketing Limited	03-Dec-01	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	4006737	
Enron Coal Services Limited	09-Apr-02	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	3787263	
Enron Energy Services Limited	13-Jun-02	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	3787266	
Enron Europe Construction Limited	08-Jan-07	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	2809888	
Enron Europe EPC Services	24-Nov-06	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	3140720	
Enron Europe Operations Limited	10-Nov-08	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	3025386	
Enron Europe Power	02-Nov-08	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	3218948	
Enron Europe Power 2 Limited	19-Oct-08	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	3576567	
Enron Europe Power Holdings	12-Sep-08	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	3428675	
Enron Europe Trading Limited	26-Oct-06	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	3974529	
Enron Europe Xchange Trading Limited	10-Nov-08	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	4223070	
Enron Gas Construction Limited	19-Jan-07	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	2877347	
Enron Power Construction Limited	20-Mar-06	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	2463986	
Enron SB Operations & Maintenance Limited	24-Nov-06	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	3140727	
Enron SB2	22-Jul-03	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	3440849	
Enron SB3 Limited	26-Oct-06	I Oakley Smith	David Blenkins	I Oakley Smith	Russell Downs	3785315	
ESB2 Investments Limited	14-Dec-05	David Walker	Ian Green	Nicholas Reed	Russell Downs	3890650	
Estrow Limited	02-Aug-07	I Oakley Smith	David Blenkins	I Oakley Smith	Ian Green	2490700	
European Power Holdings	20-Jan-00	Timothy Walsh	Adrian Starway	Timothy Walsh	Russell Downs	3892532	
Fearnley Construction Limited	20-Jan-00	Timothy Walsh	Adrian Starway	Timothy Walsh	David Thornhill	407141	
Fearnley Holdings Limited	01-Aug-02	David Thornhill	Adrian Starway	David Thornhill	Graham Martin	2256071	
First Telecom Group Plc	12-Dec-01	David Blenkins	I Oakley Smith	I Oakley Smith	Robert Birchall	3290628	
G F E Bartlett (Property) Limited	04-Sep-00	Paul Harding	Adrian Starway	Paul Harding	Derek Howell	384120	
G K R Construction Limited	20-Sep-01	Nicholas Reed	Adrian Starway	Nicholas Reed	Edward Klempla	1464861	
Gull Aviation Limited	09-Jan-02	David Thornhill	David Blenkins	David Thornhill	Michael Horrocks	956819	
Harrison Logistics (Scotland) Limited	15-Mar-07	I Oakley Smith	David Blenkins	I Oakley Smith	Colin Haig	2758664	
HCCT (Holidays) Limited	18-Jul-03	I Oakley Smith	David Blenkins	I Oakley Smith	Colin Haig	1700509	
Hire for Lower (Car Hire) Limited						3394984	