

The Insolvency Act 1986

**Administrator's progress report**

Name of Company
Atraverda Limited

Company number
02652922

In the High Court of Justice
(full name of court)

Court case number
9588 of 2012

(a) Insert full name(s) and address(es) of administrator(s)

I/We (a)  
 Alan Peter Whalley  
 James Cowper LLP  
 Latimer House  
 5 Cumberland Place  
 Southampton  
 SO15 2BH

Susan Rosemary Staunton  
 James Cowper LLP  
 Latimer House  
 5 Cumberland Place  
 Southampton  
 SO15 2BH

administrator(s) of the above company attach a progress report for the period

(b) Insert date

From
(b) 20 December 2012

To
(b) 19 June 2013

Signed

  
 Joint / Administrator(s) ALAN PETER WHALLEY

Dated

19 / 8 / 12

**Contact Details:**

You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form

The contact information that you give will be visible to searchers of the public record

Alan Peter Whalley  
 James Cowper LLP  
 Latimer House  
 5 Cumberland Place  
 Southampton  
 SO15 2BH

DX Number

023 8022 1222  
 DX Exchange

When you have completed and signed this form, please send it to the  
 registrar of Companies at -  
 Companies House, Crown Way, Cardiff CF14 3UZ DX 33050 Cardiff

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TUESDAY



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 COMPANIES HOUSE

**Atraverda Limited (In Administration)**

Administrator's progress report in accordance with  
Rule 2.47 of the Insolvency Rules 1986

For the period from 20 December 2012  
to 19 June 2013

Susan Rosemary Staunton & Alan Peter Whalley  
James Cowper LLP  
Latimer House  
5 Cumberland Place  
Southampton  
SO15 2BH

**SUMMARY INFORMATION**

<b>Court</b>	High Court of Justice Court No 9588 of 2012
<b>The Company</b>	Atraverda Limited
<b>Registered Number</b>	02652922
<b>Registered Address</b>	Latimer House 5 Cumberland Place Southampton SO15 2BH
<b>Trading Address</b>	Units A & B Roseheyworth Business Park Abertillery Blaenau Gwent NP13 1SX
<b>Activity of the Company</b>	Battery development
<b>Date of the Administration</b>	20 December 2012
<b>Appointer Details</b>	The directors of Atraverda Limited, Unit A and B, Roseheyworth Business Park, Abertillery, Blaenau Gwent, NP13 1SX
<b>Purpose of Administration Order</b>	Resulting in a more advantageous realisation of the company's assets than would be likely in a winding up
<b>Administrator Details</b>	Susan Rosemary Staunton & Alan Peter Whalley James Cowper LLP Latimer House 5 Cumberland Place Southampton SO15 2BH
<b>Changes to Office Holders</b>	N/A
<b>Date of Approval of Proposals</b>	26 February 2013
<b>Extensions to Administration period</b>	N/A
<b>End of Administration period</b>	20 December 2013
<b>Functions of the Joint Administrators</b>	In accordance with Paragraph 100 (2) there are no functions, which must be exercised by both administrators acting jointly All the administrators' functions may be exercised by either administrator acting alone, or by both administrators acting jointly
<b>Dividend Prospect</b>	There is no prospect of a dividend being made

## **Introduction**

This report has been prepared in accordance with Rule 2.47 of the Insolvency Rules 1986 to provide creditors with an update on the progress of the Administration of Atraverda Limited ("the Company") for the period from 20 December 2012 to 19 June 2013. It should be read in conjunction with my previous reports and correspondence to creditors.

The following attachments accompany this report:

Appendix A – Receipts and payments account for the period of this report (including a trading account)

Appendix B – Statement of remuneration and expenses

## **Overall Strategy**

The joint administrators' proposals dated 12 February 2013 set out the following objectives,

- Achieving a better result for the Company's creditors as a whole than would be likely if the Company were wound up (without first being in administration)

The joint administrators expected to achieve better realisations of the intangible assets than would be likely if the Company were wound up.

## **Assets**

The following steps have been taken to realise the Company's assets:

- As anticipated in our proposals dated 26 February 2013, the assets were sold to Ebonex Technologies Limited ('the Purchaser') on 8 March 2013. The Purchaser is a UK based subsidiary of Atraverda Inc, a company incorporated in the USA by an investor in the Company and is connected on that basis - pursuant to Statement of Insolvency Practice 13 ('SIP 13'), I can confirm that each party took their own legal advice. The Purchaser paid £70,000 as consideration for the sale and accepted the transfer of a number of staff from the Company by TUPE - thereby reducing employee liabilities in respect of redundancy and pay in lieu of notice. In addition, Atraverda Inc issued share capital amounting to 25% of the purchasing entity to the Company's loan note holders.
- £18,113 has been received from the Company's only debtor.
- Cash at bank of £32,012.52 has been received from the Company's bank account.
- Two refunds totalling £1,114, being a refund of utilities and council tax, have been received during the administration.
- Royalties were received from a Canadian company for the value of £944 in relation to sales of Ebonex products in Canada.

## **Trading**

The Company continued to operate following the appointment of administrators for the purpose of protecting the position of creditors while the business was marketed for sale. Given that production had ceased prior to the appointment of administrators, no revenues were generated during this period.

At the time of my appointment, given that there was no production, the majority of the staff were made redundant and a small number of staff were retained in order to maintain the asset position. These employees transferred to the Purchaser on sale of business.

A schedule of trading expenses is shown in appendix A. This trading was funded from the cash received from the sale of the business and in part from a contribution by the eventual purchaser prior to the

completion of the sale in respect of salaries for the February period. There were insufficient funds for the administrators to continue to employ staff in the February period and the eventual purchaser was anxious that their services be retained prior to the sale and was prepared to make this contribution to enable the sale to go ahead.

The patent costs incurred were paid to a specialist patent solicitor in respect of fees and charges to maintain the Company's current patent position.

### **Administrator's Remuneration**

The meeting of creditors on 26 February 2013 approved the basis of the joint administrators' pre appointment and post appointment remuneration on the basis provided by Rule 2 106(2)(c) of the Insolvency Rules 1986 by reference to time properly given by the joint administrators and their staff.

The joint administrators' fees were fixed at £50,000 plus VAT in accordance with Rule 2 106(2)(c). During the course of the administration the joint administrators have drawn remuneration of £44,000 plus VAT.

In the reporting period the joint administrators have drawn disbursements of £973.72.

The joint administrators have reviewed the work undertaken and reported here and consider this level of costs to be appropriate bearing in mind the value of the work done, the complexity of the case and the nature of the work undertaken.

### **Charging Policy**

The firm's policy is to recharge the following:

- a Cash disbursements such as company searches, legal notices, postage, external photocopying and subsistence where appropriate at cost
- b Mileage in relation to the assignment at rates comparable with those advised by motoring organisations for the vehicles used by firm and its staff
- c No charge is made for office overheads, the use of rooms in house, or for incidental expenses

### **Statutory Rights**

Rule 2 48A of the Insolvency Rules 1986 states that certain creditors can formally request further information in respect of the joint administrator's remuneration or expenses and that this request should be made in writing within 21 days of the receipt of this report.

The request can be made by a secured creditor or any unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question) or any unsecured creditor who has the permission of the court upon an application made within 21 days.

Rule 2 109 of the Insolvency Rules 1986 states that certain creditors can apply to the court for an order on the basis that the remuneration charges by the joint administrators, the basis fixed for the joint administrators' remuneration or the expenses incurred by the joint administrators are excessive or inappropriate.

The application can be made by a secured creditor or any unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors (including the creditor in question) or the permission of the court.

Creditors' statutory rights notwithstanding, the joint administrators would be happy to discuss any queries creditors may have.

## **Creditors**

### **Prescribed Part**

No funds are to be set aside under the provisions of Section 176A of the Insolvency Act 1986, as there were insufficient net realisations to enable one to be made

### **Preferential creditors**

The Statement of Estimated Financial Position indicated that there were no preferential claims. No preferential claims have been received.

### **Secured creditors**

As set out in the Statement of Estimated Financial Position, the amount due to the loan note holders was £4,584,000, secured by a fixed and floating charge over the Company's assets.

Atraverda Inc issued share capital amounting to 25% of the purchasing entity to the loan note holders of the Company as partial consideration for the sale of the business.

### **Unsecured creditors**

It is anticipated that the Company will not be in a position to make a distribution to unsecured creditors. Unsecured claims have not been agreed as there is no prospect of a distribution.

### **Dividends**

Based on current projections there will not be a distribution to creditors because there are insufficient funds to do so.

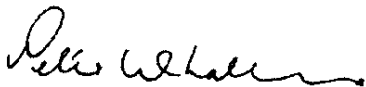
### **Investigation**

We have complied with our statutory duty to report on the conduct of all directors who have held office in the 3 year period prior to the administration.

### **Conclusion of administration**

It is anticipated that the Company will move from Administration into Dissolution in the next few months.

Should any creditor have any queries regarding this report, please do not hesitate to contact me.



**Peter Whalley**  
**Joint Administrator**  
19 August 2013

## Appendix A

### Atraverda Limited (In Administration)

#### Summary of Receipts & Payments 20 December 2012 to 19 June 2013

##### Non-Trading

	Statement of Financial Position (£)	Total (£)
<b>Receipts</b>		
Business Assets	70,000 00	70,000 00
Book Debts	18,000 00	18,113 40
Council Tax Refund	-	73 61
Utility Refund	-	1,040 99
Cash at Bank	32,000 00	32,012 52
Royalties	-	944 03
	<b>120,000.00</b>	<b>122,184 55</b>
<b>Payments</b>		
Specific Bond		240 00
Administrators' Fees		44,000 00
Statutory Filing		224 63
ERA Solutions*		3,401 40
Agents/Valuers Fees (2)		7,387 43
Legal Fees (1)		8,718 00
Pension Advice**		600 00
Stationery & Postage		32 00
Statutory Advertising		75 39
Insurance of Assets		878 97
Bank Charges		290 91
		<b>65,848.73</b>

\*ERA Solutions were subcontracted to assist the joint administrators with regard to employee redundancy and claims

\*\*Alexander Forbes Trustee Services Limited were engaged to advise on the pension affairs of the Company

**Appendix A cont.**

**Trading**

**Receipts**

February Payroll Contribution	33,001 15
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<b>33,001.15</b>
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**Payments**

January Salaries	30,003 94
January PAYE & NIC	14,276 86
February PAYE & NIC	15,550 61
February Salaries	17,450 54
Pension contributions	1,730 40
Payroll costs	495 50
Heat & Light	2,164 62
Telephone	1,462 00
Bank Charges	160 00
Patent Costs	3,150 75
Waste Collection	30 00
Water	52 43
IT Services	100 00

<b>86,627.65</b>
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**Total**

(£)

Receipts	155,185 70
Payments	152,476 38

<b>2,709.32</b>
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**Made up of**

VAT Recievable	1,177 55
Current Account	1,531 77

<b>2,709.32</b>
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**Appendix B**

**Atraverda Limited  
(In Administration)  
Statement of Remuneration / Expenses  
For period 20/12/2012 to 19/06/2013**

<b>Account</b>	<b>Incurred In Period</b>	<b>Accrued In Period</b>	<b>Total In Period</b>
Specific Bond	240 00	-	240 00
Administrators' Fees	44,000 00	6,000 00	50,000 00
Statutory Filing	224 63	-	224 63
Payroll costs	495 50	-	495 50
ERA Solutions	3,401 40	-	3,401 40
Agents/Valuers Fees (2)	7,387 43	-	7,387 43
Legal Fees (1)	8,718 00	-	8,718 00
Pension Advice	600 00	-	600 00
Stationery & Postage	32 00	-	32 00
Statutory Advertising	75 39	-	75 39
Insurance of Assets	878 97	-	878 97
Bank Charges	290 91	-	290 91
	<b>66,344 23</b>	<b>6,000 00</b>	<b>72,344 23</b>