

LIQ03

Notice of progress report in voluntary winding up



Companies House

FRIDAY



A18 *A7JBXRNU* 23/11/2018 #90
COMPANIES HOUSE

1 Company details

Company number 0 5 9 3 8 9 4 1

Company name in full C & E Power Limited

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Diana

Surname Frangou

3 Liquidator's address

Building name/number RSM Restructuring Advisory LLP, St Philips Point

Street Temple Row

Post town Birmingham

County/Region

Postcode B 2 5 A F

Country

4 Liquidator's name ①

Full forename(s) Guy Edward Brooke

Surname Mander

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number RSM Restructuring Advisory, St Philips Point

Street Temple Row

Post town Birmingham

County/Region

Postcode B 2 5 A F

Country

② Other liquidator

Use this section to tell us about
another liquidator.

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Period of progress report

From date	d 2	d 4	m 1	m 0	y 2	y 0	y 1	y 7
To date	d 2	d 3	m 1	m 0	y 2	y 0	y 1	y 8

7

Progress report

☒ The progress report is attached

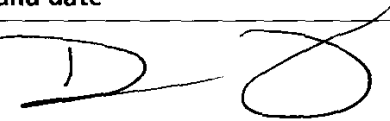
8

Sign and date

Liquidator's signature

Signature

X



X

Signature date

d 2	d 2	m 1	m 1	y 2	y 0	y 1	y 8
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LIQ03

Notice of progress report in voluntary winding up



Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name **Diana Frangou**

Company name **RSM Restructuring Advisory LLP**

Address **St Philips Point**

Temple Row

Post town **Birmingham**

County/Region

Postcode **B 2 5 A F**

Country

DX

Telephone **0121 214 3100**



Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



Important information

All information on this form will appear on the public record.



Where to send

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.



Further information

For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

In the matter of

**C & E Power Limited In Creditors' Voluntary Liquidation
(‘the Company’)**

Joint Liquidators' progress report

22 November 2018

**Diana Frangou and Guy Edward Brooke Mander
Joint Liquidators**

**RSM Restructuring Advisory LLP
St Philips Point
Temple Row
Birmingham
B2 5AF
Tel: 0121 214 3100
Email: restructuring.birmingham@rsmuk.com**

Sections

1. Progress of the liquidation
2. Details of what remains to be done and matters preventing closure
3. Creditors' claims and dividend prospects
4. Receipts and payments summary
5. Joint Liquidators' remuneration, expenses and disbursements
6. Creditors' right to information and ability to challenge remuneration and expenses

Appendices

- A. Statutory information
- B. Dividend Prospects
- C. Summary of receipts and payments
- D. RSM Restructuring Advisory LLP charging, expenses and disbursements policy statement
- E. RSM Restructuring Advisory LLP Birmingham current charge out and disbursement rates
- F. Statement of expenses incurred in the period from 24 October 2017 to 23 October 2018
- G. Joint Liquidators' time cost analysis for the period from 24 October 2017 to 23 October 2018
- H. Proof of debt form

This report has been prepared in accordance with insolvency legislation to provide creditors, members and the Registrar of Companies with information relating to the progress of the liquidation in the period from 24 October 2017 to 23 October 2018. This report should be read in conjunction with previous reports that have been issued, copies of which are available on request.

This report has been prepared solely to comply with the requirements of the relevant legislation. It has not been prepared for use in respect of any other purpose, or to inform any investment decision in relation to any debt or financial interest in the company. Any estimated outcomes for creditors are illustrative and may be subject to significant change.

Neither the Liquidators nor RSM Restructuring Advisory LLP accept any liability whatsoever arising as a result of any decision or action taken or refrained from as a result of information contained in this report.

1 Progress of the liquidation

1.1 Realisation of assets

The Joint Liquidators are obliged to realise and get in the Company's property and maximise realisations. In some cases this does not result in sufficient realisations to enable a financial return to creditors, after taking into account the costs and expenses of realisation and dealing with the legislative requirements of administering the case. Details of the realisations made in the period are set out below, with information relating to dividends, if any, contained within Appendix B.

1.1.1 Directors loan account ('DLA')

As detailed in the directors' Statement of Affairs, a balance was due from the directors of £31,669 in respect of the overdrawn directors' loan accounts. As previously reported, Michael Emerson (a director) repaid his DLA balance of £11,496 in full shortly after the date of the liquidation.

Our investigations identified a number of transactions which related to personal expenditure and should have been included in the DLA balance. The amount of £2,161.96 was therefore added to Craig Calder's DLA balance of £20,173.00, bringing this to a total of £22,334.96. Payments have been received totalling £18,670, of which £10,500 was received during this period.

Craig failed to keep to his repayment arrangement with us. As a result, Pickerings solicitors were instructed to recover the amount due. As Craig failed to respond to our solicitor's letter before action, a statutory demand was served.

Following receipt of the statutory demand, Craig contacted the Liquidators and made a number of payments, leaving a balance outstanding of £3,664.96. If the remaining balance is not received shortly, our solicitors will be instructed to take appropriate action to recover the amount due.

During the period, time has been spent preparing and issuing correspondence to the director chasing payment, instructing solicitors and providing background information, reviewing documentation prepared by the solicitors and liaising with the director regarding payment.

1.1.2 Bank interest

Bank interest of £46.22 has been received to date, of which £26.84 was received during the period.

1.1.3 S455 refund

The Liquidators have prepared and submitted the S455 relief claim, which is based on the relief due following repayment of the director's loan account. This was in respect of repayments received during the period 24 October 2016 to 23 October 2017 as HM Revenue and Customs ('HMRC') advised that a claim would not be accepted until after 24 July 2018 in respect of the year ended 23 October 2017.

The refund has not been received and further correspondence has been issued to HMRC.

1.1.4 Claim for compensation for mis-selling of Interest Rate Hedging Product ('IRHP')

The Joint Liquidators have now completed their investigations and can confirm that the Company was not sold an IRHP.

1.1 Investigations

In accordance with our statutory obligations, we have filed the appropriate documentation with the Department for Business, Energy & Industrial Strategy in relation to the conduct of the directors.

As previously reported, when undertaking our statutory investigations, it became apparent that £2,161.96 of expenses were in fact personal expenditure. The amount has been added to Craig's DLA balance as mentioned in paragraph 1.1.1.

1.2 Administration and planning

Certain aspects of the work that the Joint Liquidators undertake are derived from the underlying legal and regulatory framework for cases of this nature. This work, which does not usually result in any direct financial return to creditors, is a necessary aspect of ensuring that the Joint Liquidators are complying with both their legislative and best practice responsibilities and ensuring that the case is managed efficiently and effectively. It includes matters such as:

- periodic case reviews, ongoing case planning and strategy;
- filing;
- maintaining and updating computerised case management records;
- *dealing with routine correspondence not attributable to other categories of work;*
- ongoing consideration of ethical and anti-money laundering regulations;
- general taxation matters, including submitting a corporation tax return and VAT 426 form;
- preparation of receipts and payments accounts, maintenance of cashiering records including bank reconciliations;
- preparing, reviewing and issuing a progress report to creditors and other parties;
- filing of statutory documentation at Companies House; and
- correspondence with the directors

1.3 Case specific matters

The only case specific matter dealt with during the period is time spent liaising with the solicitors in relation to the balance due from one of the directors.

2 Details of what remains to be done and matters preventing closure

2.1 Assets remaining to be realised

The only assets remaining to be realised are the director's loan account balance of £3,664.96 and a further S455 tax relief claim in relation to the repayment of the DLA made during this period to be submitted in July 2019.

3 Creditors' claims and dividend prospects

Dividend prospects and projected returns to creditors, where known, are attached, including any amount under the prescribed part, if any.

The Joint Liquidators are obliged to deal with a number of matters in relation to creditors to comply with both the legislative and best practice requirements and to ensure creditors are kept informed. Creditors will only derive an indirect financial return from this work on cases where a dividend has been paid or is due to be paid. These matters include:

- preparation and issue of a progress report and associated documentation;
- maintenance of schedules of preferential and unsecured creditors' claims;
- dealing with correspondence and telephone calls;
- issuing a notice of a qualifying decision procedure and preparing a record of votes received;
- *consideration of creditors' claims, acceptance or rejection of claims and complying with legislative obligations in relation to adjudication of creditors' claims generally for voting and dividend purposes;*
- review of creditor claim supporting documentation; and
- calculation and payment of a first dividend to preferential and unsecured creditors.

4 Receipts and payments summary

We attach a summary of our receipts and payments for the period from 24 October 2017 to 23 October 2018, together with cumulative figures.

4.1 VAT basis

Receipts and payments are shown net of VAT with any amount due to or from HM Revenue and Customs shown separately.

5 Joint Liquidators' remuneration and expenses

5.1 Authority for remuneration, disbursements and expenses

The Joint Liquidators' remuneration and drawing of disbursements and expenses was approved on 22 November 2016 by the general body of creditors, when the following resolutions were passed:

- 'That in accordance with the fee estimate provided to creditors on 3 November 2016 the Joint Liquidators shall be authorised to draw their remuneration (plus VAT) based upon their time costs limited to the sum of £15,508.'
- 'That the Joint Liquidators shall be authorised to draw 'category 2' disbursements plus VAT out of the assets of the Company as an expense of the Liquidation, at the rates prevailing when the cost is incurred'.

Following unanticipated additional time being incurred in the liquidation, the Joint Liquidators sought an increase in the remuneration from the general body of creditors. The following resolution was passed on 31 May 2018:

- 'That in accordance with the fees proposal provided to creditors on 10 May 2018 the Joint Liquidators shall be authorised to draw remuneration based upon time costs limited to the sum of £37,298 (plus VAT).'

Consequently, the Joint Liquidators cannot draw more than £37,298 plus VAT without obtaining the further approval of creditors or the court.

5.2 Remuneration and expenses incurred in the period from 24 October 2017 to 23 October 2018 and since appointment

Sums drawn, both in respect of the current period of the report, and since appointment, in accordance with the relevant approvals set out above, are detailed in the attached receipts and payments account.

The Joint Liquidators are required to report remuneration 'charged' in the period. This reflects the time charged to the case for any category of work where remuneration has been approved on a time cost basis. The Joint Liquidators can only draw remuneration based on time costs, that has been approved in accordance the fee estimates, as set out above.

The Joint Liquidators have incurred time costs of £16,376.50 in the period under review. An analysis of time incurred in the period is attached at Appendix G.

Since the date of appointment, the Joint Liquidators have incurred time costs totalling £35,148.30. Of this, a total of £34,458 (plus VAT) has been paid and the balance remains outstanding.

Fees drawn are within the estimated amount approved by the relevant approving body and no further increase is being sought at present.

5.3 Expenses and disbursements

Attached are the Joint Liquidators' charging, expenses and disbursement policy statement, together with the current rates. Details of the expenses (including category 1 and category 2 disbursements) that the Joint Liquidators have incurred in the period of the report are also attached, along with cumulative figures.

5.3.4 Other professional costs

As mentioned earlier in the report, Pickerings solicitors were engaged to assist in the collection of the DLA. Pickerings are remunerated based on their time costs incurred and during the period £1,140 (plus VAT) was incurred and paid in accordance with their engagement letter.

6 Creditors' right to information and ability to challenge remuneration and expenses

In accordance with the provisions of relevant legislation creditors have a right to request further information about remuneration or expenses and to challenge such remuneration or expenses.

A request for further information must be made within 21 days of receipt of this report in writing by any secured creditor or an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors.

Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to court on the grounds that the remuneration charged, the basis fixed or expenses incurred by the liquidator are in all the circumstances excessive.

Any such challenge must be made no later than eight weeks after receipt of the report which first discloses the charging of remuneration or incurring of the expenses in question.

A Creditors' Guide to Liquidators' Fees, which provides information for creditors in relation to the remuneration of a Liquidator, can be accessed at <http://rsm.insolvencypoint.com> under 'general information for creditors'. A hard copy can be requested from my office by telephone, email or in writing.

Should you have any further queries please do not hesitate to contact me.



Diana Frangou
RSM Restructuring Advisory LLP
Joint Liquidator

Diana Frangou and Guy Mander are licensed to act as Insolvency Practitioners in the UK by the Institute of Chartered Accountants in England and Wales.

Insolvency Practitioners are bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment.

Appendix A

Statutory, dividend and other information

Company information	
Company name:	C & E Power Limited
Company number:	05938941
Date of incorporation:	18 September 2006
Trading name:	C & E Power Limited
Trading address:	17.4, Amber Business Centre Greenhill Lane Riddings Alfreton DE55 4BR
Principal activity:	Industrial power supplies
Registered office:	c/o RSM Restructuring Advisory LLP St Philips Point Temple Row Birmingham B2 5AF

Liquidation information		
Joint Liquidators:	Diana Frangou and Guy Edward Brooke Mander	
Date of appointment:	24 October 2016	
Correspondence address & contact details of case manager:	Richard Voice RSM Restructuring Advisory LLP, St Philips Point, Temple Row, Birmingham B2 5AF Email: restructuring.birmingham@rsmuk.com	
Name, address & contact details of Joint Liquidators:	Primary Office Holder Diana Frangou RSM Restructuring Advisory LLP St Philips Point Temple Row Birmingham B2 5AF 0121 214 3100 IP Number: 9559	Joint Office Holder: Guy Edward Brooke Mander RSM Restructuring Advisory LLP St Philips Point Temple Row Birmingham B2 5AF 0121 214 3100 IP Number: 8845

Appendix B

Dividend prospects

	Owed*	Paid to date	Estimated future prospects
Preferential creditors	£411	100p in the £ on 16 February 2018	N/A
Unsecured creditors	£84,166.92	10.1p in £ on 18 July 2018	There is likely to be a further dividend to unsecured creditors, however the quantum and timing is currently unknown.
Estimated net property	N/A – no creditors secured by floating charges		
Estimated prescribed part available for unsecured creditors	N/A		

*Claims received

Any estimated outcome for creditors is illustrative and may be subject to change.

Appendix C

Summary of receipts and payments for the period 24 October 2017 to 23 October 2018

Statement of Affairs £		From 24/10/2017 To 23/10/2018 £	From 24/10/2016 To 23/10/2018 £
	ASSET REALISATIONS		
	Bank Interest Gross	26.84	46.22
14,500.00	Book Debts	NIL	19,311.29
1,000.00	Cash at Bank	NIL	1,708.73
31,669.00	Directors' Loan Accounts	10,500.00	30,166.00
1,016.00	Funds held in client account	NIL	1,069.06
2,500.00	IT Equipment	NIL	420.00
1,500.00	Motor Vehicles	NIL	1250.00
		<u>10,526.84</u>	<u>53,971.30</u>
	COST OF REALISATIONS		
	Advertisements	(84.60)	(295.26)
	Bank Charges	(2.22)	(2.59)
	Corporation Tax	(3.87)	(3.87)
	Courier	NIL	(115.02)
	Insolvency Point	NIL	(8.00)
	Land Registry Charges	NIL	(9.00)
	Legal Disbursements	(90.00)	(90.00)
	Legal Fees	(1,140.00)	(1,608.00)
	Liquidators' Fees	(18,950.00)	(34,458.00)
	Specific Bond	NIL	(85.00)
		<u>(20,270.69)</u>	<u>(36,674.74)</u>
	PREFERENTIAL CREDITORS		
(411.18)	First & final dividend to preferential creditors on 16/02/18	(411.18)	(411.18)
		<u>(411.18)</u>	<u>(411.18)</u>
	UNSECURED CREDITORS		
(34,333.00)	Associated Creditors*	3,467.63	3,467.63
(5,884.82)	Employees*	513.20	513.20
(40,211.00)	Trade and Expense Creditors*	5,033.23	5,033.23
		<u>(9,014.06)</u>	<u>(9,014.06)</u>
	DISTRIBUTIONS		
(100.00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
(28,755.00)		(19,169.09)	7,871.32
	REPRESENTED BY		
	Cash at Bank		5,941.32
	Vat Control Account		1,930.00
			7,871.32

*First dividend to unsecured creditors of 10.1p in the £ on 18 July 2018

Appendix D

RSM Restructuring Advisory LLP charging, expenses and disbursements policy statement

Charging policy

- Partners, directors, managers, administrators, cashiers, secretarial and support staff are allocated an hourly charge out rate which is reviewed from time to time.
- Work undertaken by cashiers, secretarial and support staff will be or has been charged for separately and such work will not or has not also been charged for as part of the hourly rates charged by partners, directors, managers and administrators.
- Time spent by partners and all staff in relation to the insolvency estate is charged to the estate.
- Time is recorded in 6-minute units at the rates prevailing at the time the work is done.
- The current charge rates for RSM Restructuring Advisory LLP Birmingham are attached.
- Time billed is subject to Value Added Tax at the applicable rate, where appropriate.
- It is the office holder's policy to ensure that work undertaken is carried out by the appropriate grade of staff required for each task, having regard to its complexity and the skill and experience actually required to perform it.
- RSM Restructuring Advisory LLP's charge out rates are reviewed periodically.

Expenses and disbursements policy

- Only expenses and disbursements properly incurred in relation to an insolvency estate are re-charged to the insolvency estate.
- Expenses and disbursements which comprise external supplies of incidental services specifically identifiable to the insolvency estate require disclosure to the relevant approving party, but do not require approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 1' disbursements.
- Expenses and disbursements which are not capable of precise identification and calculation (for example any which include an element of shared or allocated costs) or payments to outside parties that the firm or any associate has an interest, require the approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 2' disbursements.
- A decision regarding the approval of category 2 disbursements at the rates prevailing at the time the cost is incurred to RSM Restructuring Advisory LLP Birmingham will be sought from the relevant approving party in accordance with the legislative requirements.
- General office overheads are not re-charged to the insolvency estate as a disbursement.
- Any payments to outside parties in which the office holder or his firm or any associate has an interest will only be made with the approval of the relevant approving party.
- Expenses and disbursements re-charged to or incurred directly by an insolvency estate are subject to VAT at the applicable rate, where appropriate.

Appendix E

RSM Restructuring Advisory LLP Birmingham current charge out and category 2 disbursement rates

Hourly charge out rates		
	Rates at commencement £	Current rates £
Partner	450	525
Directors / Associate Directors	280 – 385	330 - 450
Manager	220	260
Assistant Managers	130 - 175	170 - 205
Administrators	100 – 145	150 - 170
Support staff	85	100

Category 2 disbursement rates	
Internal room hire	£25/80 per room
Subsistence	£25 per night
Travel (car)	42.5p per mile
'Tracker' searches	£10 per case

Appendix F

Statement of expenses incurred in the period from 24 October 2017 to 23 October 2018

Expenses (excluding category 2 disbursements) Type and purpose	Incurred in period	
	Paid £	Unpaid £
Statutory advertising – advertising for claims	84.60	-
Bank charges	2.22	-
Corporation tax	3.87	-
Legal fees – Pickerings costs in relation to the collection of the DLA	1,140.00	-
Sub Total	1,230.69	Nil
Category 2 disbursements		
Recipient, type and purpose		
	-	-
Sub Total	Nil	Nil
Total	1,230.69	Nil

NOTE: This Appendix may include estimated amounts where actual invoices have not been received. The amounts paid in the period are shown in the attached receipts and payments account. Invoices may have been paid in a period after that in which they were incurred.

Appendix G

Joint Liquidators' time cost analysis for the period from 24 October 2017 to 23 October 2018

Hours Spent	Partners	Directors / Associate Directors	Managers	Assistant Managers	Administrators	Assistants & Support Staff	Total Hours	Total Time Costs	Average Rates
Administration and Planning									
Case Management	0.8	0.7	0.8	0.0	12.9	1.4	16.6	£ 3,289.50	198.16
Director(s)/debtor/bankrupt	0.0	0.0	0.0	0.0	1.8	0.0	1.8	£ 346.50	192.50
Receipts and Payments	0.1	0.0	0.2	9.3	1.4	0.2	11.2	£ 1,846.50	164.87
Tax Matters	0.2	0.0	0.0	2.7	2.9	0.0	5.8	£ 976.00	168.28
Total	1.1	0.7	1.0	12.0	19.0	1.6	35.4	£ 6,458.50	182.44
Realisation of Assets									
Assets - general/other	0.0	1.4	0.4	0.0	3.0	0.0	4.8	£ 1,122.50	233.85
Debtors & sales finance	0.0	0.0	0.8	0.0	0.0	0.0	0.8	£ 196.00	245.00
Total	0.0	1.4	1.2	0.0	3.0	0.0	5.6	£ 1,318.50	235.45
Creditors									
1st creditors/shareholders meetings and reports	0.5	0.0	0.0	0.0	0.0	0.0	0.5	£ 247.50	495.00
Employees	0.0	0.0	0.6	0.0	1.0	0.0	1.6	£ 278.00	173.75
Other Creditor Meetings and Reports	0.5	0.0	0.5	0.0	16.4	1.5	18.9	£ 3,157.50	167.06
Preferential Creditors	0.0	0.0	0.0	0.0	0.2	0.0	0.2	£ 39.00	195.00
Secured Creditors	0.0	0.0	0.0	0.5	0.0	0.0	0.5	£ 80.00	160.00
Unsecured Creditors	0.7	0.5	0.2	3.2	17.3	0.0	21.9	£ 4,174.50	190.62
Total	1.7	0.5	1.3	3.7	34.9	1.5	43.6	£ 7,976.50	182.95
Case Specific Matters - Legal Matters									
Legal Matters	0.0	0.2	0.0	0.0	2.8	0.0	3.0	£ 623.00	207.67
Total	0.0	0.2	0.0	0.0	2.8	0.0	3.0	£ 623.00	207.67
Total Hours	2.8	2.8	3.5	15.7	59.7	3.1	87.6	£ 16,376.50	186.95
Total Time Cost	£ 1,404.50	£ 909.50	£ 806.50	£ 2,527.00	£ 10,439.00	£ 290.00	£ 16,376.50		
Total Hours	2.8	2.8	3.5	15.7	59.7	3.1	87.6	£ 16,376.50	186.95
Total Time Cost	£ 1,404.50	£ 909.50	£ 806.50	£ 2,527.00	£ 10,439.00	£ 290.00	£ 16,376.50		
Average Rates	501.61	324.82	230.43	160.96	174.86	93.55	186.95		

Appendix H Proof of debt form

C & E Power Limited - In Liquidation ("the Company") Company No: 05938941 Diana Frangou and Guy Mander appointed as Liquidators to the above Company on 24 October 2018	
Relevant date for creditors' claims: 24 October 2018	
1	Name of creditor If a company please also give company registration number
2	Address of creditor for correspondence.
3	Total amount of claim, including any Value Added Tax and outstanding uncapitalised interest as at the relevant date. Less any payments made after that date in relation to the claim, any deduction in respect of discounts and any adjustment by way of mutual dealings and set off in accordance with relevant legislation
4	Details of any documents by reference to which the debt can be substantiated. There is no need to attach them now unless the Joint Liquidator has requested it
5	If amount in 3 above includes outstanding uncapitalised interest please state amount.
6	Particulars of how and when debt incurred If you need more space append a continuation sheet to this form
7	Particulars of any security held, the value of the security, and the date it was given.
8	Particulars of any reservation of title claimed in respect of goods supplied to which the claim relates.
	Signature of creditor or person authorised to act on his behalf
	Name in BLOCK LETTERS
	Date
	Position with or in relation to creditor
	Address of person signing (if different from 2 above)