

Case No. CR-2016-008066

IN THE HIGH COURT OF JUSTICE

COMPANIES COURT

BEFORE Mr Registrar Briggs

DATE 24th February 2017

IN THE MATTER OF AN OFFICE-HOLDER – BLOCK TRANSFER APPLICATION

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

AND IN THE MATTER OF THE INSOLVENCY RULES 1986

BETWEEN:

(1) ASHOK BHARDWAJ

(2) VIRGIL LEVY

(3) LYNN GIBSON



Applicants

- AND -

LYNN GIBSON

Respondent

ORDER

UPON the Applicants' Application following the death of Peter Maurice Levy dated 27 January 2017 ("the Supplemental Application")

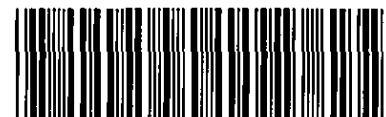
AND UPON the Respondent/3rd Applicant writing to the court on 20 February 2017 purporting to withdraw her Application dated 5 December 2016 ("the Originating Application") pursuant to the termination agreement dated 21 February 2017

AND UPON the Secretary of State having been duly served with a copy of the application and supporting documentation

AND UPON hearing counsel jointly instructed by all parties, Harriet Ter-Berg

AND UPON reading the court file

IT IS ORDERED THAT



- 1 The Supplemental Application be amended to add Lynn Gibson as an Applicant. The Applicants forthwith to file an amended Supplemental Application form with the amendment underlined in red.
- 2 The Originating Application is dismissed with no order as to costs.
- 3 The Stone Ark (Oxford) Ltd (Company Number 07451357; Court Reference 333 of 2012; County Court at Oxford)(**"the County Court case"**) be transferred to the High Court of Justice, Chancery Division, Companies Court for the purpose only of making this order.
- 4 Immediately upon this order taking effect, the County Court case be transferred back to the County Court.
- 5 Peter Maurice Levy (**"the Deceased Officeholder"**), being deceased, and Lynn Gibson (**"the Officeholder"**) be removed from office in respect of each of the cases listed in Schedule 1 (**"the Block Transfer cases"**) from the date of this order.
- 6 Ashok Bhardwaj (**"the Replacement Officeholder"**) be appointed as replacement officeholder in respect of each of the block transfer cases listed in Schedule 1 from the date of this order.
- 7 The creditors in each of the Block Transfer cases listed in Schedule 1 be notified of this order by advertisement published in the London Gazette within 10 working days from the date of this order.
- 8 Any creditor, or, in the case of any members' voluntary liquidation, any member, in respect of any of the companies listed in Schedule 1 who has an objection to this order shall have 14 days from the date of the advertisement to apply to court to set aside or vary the terms of this order. Such application shall not affect the transfer of the Block Transfer cases listed in Schedule 1 until further or other order by the court.
- 9 Rules 4.49B(5), 4.49C(3), 2.47(3A) and 6.78A(4) of the Insolvency Rules 1986 do not apply and the Deceased Officeholder and the Officeholder are not required to produce any progress reports on ceasing to act as officeholder of the Block Transfer cases.
- 10 The reporting periods for cases listed in Schedule 1 shall remain in place and the Replacement Officeholder is not required to produce any progress reports on being appointed officeholder of the Block Transfer cases. The Replacement Officeholder will notify creditors or members, in respect of the appointments, of any matters which they believe the creditors or members should be aware of.
- 11 *Rule 4(5)(b) of the Insolvent Companies (Report on Conduct of Directors) Rules 1996 (SI1996/1909)* shall (if but for this order it would apply) not apply and the Deceased Officeholder is not required to submit any reports in respect of any of the voluntary liquidations listed in Schedule 1.
- 12 The Replacement Officeholder shall notify the Secretary of State, and the Registrar of Companies in respect of the liquidations listed in Schedule 1, of the terms of this order as soon as reasonably practicable.
- 13 The Replacement Officeholder shall file a copy of this order with each of the courts listed in Schedule 1.

- 14 *The Deceased Officeholder and the Officeholder are released from any obligation to give and file notices in respect of their removal under this order in respect of the Block Transfer cases listed in Schedule 1.*
- 15 *The costs of this application shall be borne by the company of the Second Applicant and the Deceased Officeholder, LA Business Recovery Limited (Company No. 09334889), as per the agreement between the parties herein.*
- 16 *The Replacement Officeholder has the right to apply to the court to amend this order to include any appointments held by the Deceased Officeholder and Officeholder which have been inadvertently omitted from this application.*

Service of the order

The court has provided a sealed copy of this order to the 1st and 2nd Applicants' solicitor for service:

Irwin Mitchell LLP, DX 87 Chancery Lane (Reference: EJU/AWI/05247152-1)