

WU07

Notice of progress report in a winding-up by the court



Companies House

FRIDAY



A18 *A87389CY* #229
07/06/2019
COMPANIES HOUSE

1 Company details

Company number 0 7 4 3 9 1 2 5
Company name in full SMART CONSTRUCTION AND CIVIL ENGINEERING LIMITED
FORMERLY SMART PLANT LIMITED

→ Filling in this form
Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) DAVID JOHN
Surname STANDISH

3 Liquidator's address

Building name/number KPMG LLP
Street GATEWAY HOUSE
TOLLGATE
Post town CHANDLERS FORD
County/Region HAMPSHIRE
Postcode S O 5 3 3 T G
Country ENGLAND

4 Liquidator's name ①

Full forename(s) JOHN DAVID THOMAS
Surname MILSOM

① Other liquidator
Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number KPMG LLP
Street GATEWAY HOUSE
TOLLGATE
Post town CHANDLERS FORD
County/Region HAMPSHIRE
Postcode S O 5 3 3 T G
Country ENGLAND

② Other liquidator
Use this section to tell us about
another liquidator.

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6 Period of progress report

From date	d	2	d	6	m	0	m	4	y	2	y	0	y	1	y	8
To date	d	2	d	5	m	0	m	4	y	2	y	0	y	1	y	9

7 Progress report☒ The progress report is attached**8** Sign and date

Liquidator's signature

Signature

X

Df Sale X

Signature date

d	2	d	5	m	0	m	5	y	2	y	0	y	1	y	9
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Progress Report

For the period from 26 April 2018 to 25 April 2019

Case name	Smart Construction & Civil Engineering Limited Formerly Smart Plant Limited - in Liquidation
Court details	High Court of Justice No. 1332 of 2017
Winding up order date	03 April 2017
Appointment date	26 April 2017
Liquidators	David John Standish and John David Thomas Milsom
Contact details for case administrator	Megan Allen 02380 206003 Email: Megan.Allen@KPMG.co.uk
Assets	There have been no assets realised in the period. The assets remaining to be realised and the progress made in the realisation of these assets are shown in Appendix 2.
Dividend prospects	On present information it is expected no dividend will be paid to unsecured creditors. However, this depends on the final outcome from the realisation of the assets and the liquidators' investigations.
Liquidators' remuneration	The basis for the liquidators' remuneration has been fixed by reference to a set amount of £12,000 plus VAT up to and including SIP2, review by a creditors' decision dated 7 June 2017.
Liquidators' expenses	Expenses totalling £88 have been incurred for this period and are shown in Appendix 5. The receipts and payments for the period are shown in Appendix 1.

Creditors' rights are explained in detail in Appendix 5



Receipts and payments

Smart Construction & Civil Engineering Limited - in Liquidation

Abstract of receipts & payments

Statement of affairs (£)		From 26/04/2018 To 25/04/2019 (£)	From 26/04/2017 To 25/04/2019 (£)
OTHER REALISATIONS			
	Petitioner's Deposit	NIL	1,600.00
		NIL	1,600.00
COST OF REALISATIONS			
	Official Receiver Fees	NIL	(11,000.00)
	Secretary of State fee	NIL	(44.00)
	Bank charges	(88.00)	(132.00)
		(88.00)	(11,176.00)
UNSECURED CREDITORS			
(15,959.00)	Trade & expense	NIL	NIL
		NIL	NIL
(15,959.00)		(88.00)	(9,576.00)
REPRESENTED BY			
	ISA		(9,576.00)
			(9,576.00)



Appendix 2

Assets Realisation and Progression

1. Assets realised in the reporting period

There have been no assets realised in the period.

2. Progress report on the realisation of the remaining assets

There are no known assets.

3. Other matters

Statutory Investigations

As previously reported, one of the major purposes of my seeking to be appointed liquidator of this company was to facilitate my investigations into other, connected appointments.

I have continued my statutory investigations into the company's affairs, following on from my forensic analysis of the Company's bank account I have contacted numerous third parties requesting further information. Unfortunately, some of the responses I have received to date have been unsatisfactory and therefore my investigations are ongoing.

As per my previous report, on present information my investigations are unlikely to result in realisations in this liquidation. I consider the work I have completed to date has added value for creditors elsewhere in relation to connected appointments. As my findings may form the basis of future legal proceedings in this liquidation or connected appointments, I am unable to elaborate here, so as not to prejudice my position. However, the majority creditor is aware of the current position and I continue to provide periodic updates to them.

Appendix 3

Statutory Information

Appointment	
Description	Smart Construction and Civil Engineering Limited, Unit 8 Bold Lane, St Helens, Merseyside, WA9 4TX Company Registration: 07439125
Petition details	Petition presented on 17 February 2017.
Date of order	The winding up order was made on 3 April 2017 in the High Court of Justice number 1332 of 2017.
Appointment of liquidators	26 April 2017 by the Secretary of State.
Office holder details	David John Standish was appointed on 26 April 2017 and is authorised to act as an insolvency practitioner by the Institute of Chartered Accountants in England & Wales.
	John David Thomas Milsom was appointed on 26 April 2017 and is authorised to act as an insolvency practitioner by the Institute of Chartered Accountants in England & Wales.
Functions	The functions of the office holders are being exercised by any or one of them in accordance with section 292(3) Insolvency Act 1986.
Application of EC regulations	EC regulations apply and these proceedings are Main Proceedings as defined in Article 3 of the EC regulations.



Appendix 4

Remuneration

The basis for the liquidators' remuneration has been fixed by reference to a set amount of £12,000 plus VAT up to and including SIP2 review by a creditors' decision dated 7 June 2017. No remuneration has been drawn in the period, and at present I do not intend to seek revised approval of the amount I am permitted to draw, although if circumstances change materially in future, I reserve the right to do so.

KPMG Restructuring policy for the recovery of disbursements

Where funds permit the officeholder will look to recover both Category 1 and Category 2 disbursements from the estate. For the avoidance of doubt, such expenses are defined within SIP 9 as follows:

Category 1 disbursements: These are costs where there is specific expenditure directly referable both to the appointment in question and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses, and equivalent costs reimbursed to the officeholder or his or her staff.

Category 2 disbursements: These are costs that are directly referable to the appointment in question but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage.

Any disbursements incurred in the period are disclosed within the attached summary of disbursements.

Category 2 disbursements charged by KPMG Restructuring include mileage, this is calculated as follows:

Mileage claims fall into three categories:

Use of privately-owned vehicle or car cash alternative – 45p per mile

Use of company car – 60p per mile

Use of partner's car – 60p per mile

For all of the above car types, when carrying KPMG passengers an additional 5p per mile per passenger will also be charged where appropriate.

Appendix 5

Schedule of expenses incurred for the period

Account	Total £
Secretary of State fee	88.00
TOTAL	88.00

For reporting purposes it is KPMG's policy to show costs and expenses net of VAT. The company was registered for the purposes of VAT and the liquidators will, therefore, be able to recover VAT incurred on certain costs of the liquidation, where allowed under current legislation.

Creditors' rights

As a creditor you have a right to request further information and to challenge the liquidators' remuneration and expenses.

Creditors are reminded that the basis upon which the liquidators' remuneration is to be charged has been agreed. The quantum is supported by an analysis of time costs in Appendix 4. Any additional information regarding liquidators' remuneration and / or other expenses incurred for the period is available from the liquidators upon request by any secured creditor or one or more unsecured creditor(s) whose claim(s) total at least 5% in value of the unsecured debt (in accordance with rule 18.9 of the Insolvency (England and Wales) Rules 2016 ("IR2016")). This request must be made within 21 days of receipt of the report.

In addition, creditors are reminded that the quantum can be challenged by any secured creditor or one or more unsecured creditor(s) whose claim(s) total at least 10% in value of the unsecured debt (in accordance with rule 18.34 IR2016) by making an application to court within eight weeks of receipt of this report.

The full text of these rules can be provided upon request or can be viewed on the following website:

<http://www.legislation.gov.uk/ukSI/2016/1024/contents/made>



Appendix 6

About this report

This report has been prepared by David John Standish and John David Thomas Milsom, the Joint Liquidators in liquidation of Smart Construction & Civil Engineering Limited Formerly Smart Plant Limited, solely to comply with their statutory duty to report creditors under the Insolvency (England and Wales) Rules 2016, and to provide an account of their acts and dealings and of the conduct of the liquidation, and for no other purpose. It is not suitable to be relied upon by any other person, or for any other purpose, or in any other context.

Any person that chooses to rely on this report for any purpose or in any context other than under The Insolvency (England and Wales) Rules 2016 does so at its own risk. To the fullest extent permitted by law, the joint trustees do not assume any responsibility and will not accept any liability in respect of this report to any such person.

The appointments of the joint liquidators are personal to them and, to the fullest extent permitted by law, KPMG LLP does not assume any responsibility and will not accept any liability to any person in respect of this report or the conduct of the liquidation.