

**IN THE COUNTY COURT AT CENTRAL
LONDON
ROYAL COURTS OF JUSTICE
STRAND, LONDON WC2A 2LL**

ACTION NO: 731/2019

**IN THE MATTER OF SUNRISE RECORDS AND
ENTERTAINMENT LIMITED AND IN THE
MATTER OF THE COMPANIES ACT 2006**

*Amend
Be
25 JUL 19.*

Before: Deputy District Judge Colquhoun
Dated: 15 July 2019

BETWEEN:



RP *R8BRT6TC* #41
13/08/2019
COMPANIES HOUSE

**HMV RETAIL LIMITED (In administration)
and**

Claimant

**(1) SUNRISE RECORDS AND ENTERTAINMENT
LIMITED**

(2) THE REGISTRAR OF COMPANIES

Order



UPON THE APPLICATION of the Claimant by Part 8 Claim Form dated 25 April 2019 (the "Application")

AND UPON READING the evidence

AND UPON HEARING Counsel for the Claimant, Ben Griffiths

AND UPON the Court making no order on the Claimant's Application Notice dated 8 July 2019

AND UPON the Court having declared that

(i) the form MR01 filed on 15 February 2019 ("form MR01") in respect of a debenture dated 5 February 2019 between (1) the First Defendant, (2) the Claimant and (3) William James Wright, David John Pike and Neil David Gostelow as the administrators of the Claimant under which the First Defendant granted security to the Claimant in the form of a first legal mortgage, assignment, first fixed charge and a floating charge over certain assets and a negative pledge (the "Debenture"); and

(ii) the certificate of the registration of a charge issued in respect of the Debenture with charge code 0838 0689 0004 and dated 18 February 2019 (the "Certificate of Registration")

are factually inaccurate in that they wrongly identified the Claimant and not the First Defendant as the chargor and, in the case of the Certificate of Registration, is derived from something that is factually inaccurate



AND UPON the Court being satisfied that the failure to register the Debenture correctly was accidental and/or due to inadvertence and/or due to some other sufficient cause and/or that on other grounds it is just and equitable to grant relief

IT IS ORDERED THAT:

1. Pursuant to Section 1096 of the Companies Act 2006, the Second Defendant do remove the form MR01, the copy instrument of the Debenture filed with the form MR01 and the Certificate of Registration from the register.
2. Pursuant to Section 859F of the Companies Act 2006, the time for registration of the Debenture be extended to 21 days from the date of this Order.
3. This Order is without prejudice to the rights of any person acquired between the date of the creation of the Debenture and the date of its registration.
4. The Claimant do deliver an office copy of this Order to the Second Defendant.
5. There be no order as to Costs.

