

LIQ10

Notice of removal of liquidator by court in MVL or CVL



Companies House

WED THURSDAY



A15 *A900N3KW* 12/03/2020 #397
COMPANIES HOUSE
A02 *A904BK08* 04/03/2020 #50
COMPANIES HOUSE

1 Company details

Company number 0 8 5 1 2 9 3 1

Company name in full Canary Care Limited

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

2 Former liquidator's name

Full forename(s) Alan Peter

Surname Whalley

3 Former liquidator's address

Building name/number James Cowper Kreston

Street The White Building

1-4 Cumberland Place

Post town Southampton

County/Region

Postcode S O 1 5 2 N P

Country

4 Former liquidator's email address or telephone number ^①

Email

Telephone number 02380 221 222

① You must give an email address or
telephone number. All information
on this form will appear on the
public record.

5 Court order

Court order date ^d2 ^d0 ^m0 ^m2 ^y2 ^y0 ^y2 ^y0

☒ I attach a copy of the court order

6 Sign and date

Former liquidator's
signature

Signature

X

Signature date ^d0 ^d2 ^m0 ^m3 ^y2 ^y0 ^y2 ^y0

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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 Sam Kelly

Company name James Cowper Kreston

Address The White Building

1-4 Cumberland Place

Post town Southampton

County/Region

Postcode S O 1 5 2 N P

Country

DX

Telephone 02380 221 222



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 HIGH COURT OF JUSTICE
CHANCERY DIVISION
COMPANIES COURT

No



CR-2020-001229

IN THE MATTER OF EMOOV LIMITED (IN ADMINISTRATION) AND OTHERS
AND IN THE MATTER OF GARY ALLAN BHAGWANANI (A BANKRUPT) AND OTHERS
AND IN THE MATTER OF AN OFFICE HOLDER
AND IN THE MATTER OF THE INSOLVENCY ACT 1986

Between:

(1) THOMAS CHARLES RUSSELL

(2) SANDRA LILLIAN MUNDY

Applicants

and

(1) ALAN PETER WHALLEY

Respondent

ORDER

UPON the Application of the Applicants dated 18 February 2020 ("the **Application**") and the Witness Statement of Thomas Charles Russell dated 18 February 2020

IT IS HEREBY ORDERED THAT

- 1 Each of the County Court cases listed in the Appointments Schedule (attached to this order) be transferred to High Court of Justice, Business and Property Courts of England and Wales, Insolvency and Companies List, ChD for the purpose only of this application.
- 2 Immediately upon the order taking effect, the County Court cases listed in the Appointments Schedule (attached to this application) be transferred back to the County Court.
- 3 The Respondent (**Outgoing Officeholder**) be removed from office in respect of each of the cases listed in the Appointments Schedule (**block transfer cases**) from the date of this order.

- 4 The Applicants (**Replacement Officeholders**) be appointed as replacement officeholders in respect of each of the block transfer cases listed in the Appointments Schedule, as set out therein.
- 5 Where the appointments referred to in this Order are joint appointments, the functions of the officeholders may be exercised by any or all of the persons appointed.
- 6 The Outgoing Officeholder shall be released from all liability pursuant to the relevant sections of the Insolvency Act 1986 in respect of his acts and omissions and otherwise in respect of his conduct in relation to each of the cases in the Appointments Schedule attached, without being required to: (i) apply to the Secretary of State for release or discharge as appropriate pursuant to s173(2)(b), s174(4)(b), s299(3)(b) or Para 98 of Sch B1 of the Insolvency Act 1986 (as appropriate); or (ii) file a receipts and payments account, such release to take effect in relation to each relevant estate 28 days after the date that the notices referred to in paragraph 7 of this application are published. Save that, this order may be subject to further order of the Court in the event of an application by any creditor or member under paragraph 10 of this order for the specific case subject to that application.
- 7 The creditors in each of the block transfer cases be notified of this order by one composite advertisement placed in the London Gazette within 14 days of receipt of the sealed court order and by notification in the relevant annual report filed in each of the block transfer cases.
- 8 Service of the Application and any subsequent order on each of the companies or individuals listed in the Appointments Schedule attached to this application be dispensed with.
- 9 The Applicants shall file a copy of the final order with each of the County Courts listed in the attached Appointments Schedule.
- 10 Any creditor, or, in the case of any members' voluntary liquidation, any member, in respect of any of the companies or persons listed the Appointments Schedule who has an objection to this order shall have 28 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 until further or other order by the court.
- 11 The Replacement Officeholders shall give notice to the Secretary of State and the Registrar of Companies in respect of the liquidations and administrations listed in the Appointments Schedule of the terms of this order as soon as reasonably practicable.
- 12 The Outgoing Officeholder shall file a copy of this order with each of the courts listed in the Appointments Schedule.
- 13 Nothing in this order shall release the Outgoing Officeholder from any obligation to give and file notices in respect of his removal under this order in respect of the block transfer cases listed in the Appointments Schedule.
- 14 The costs of this Application (including VAT) shall be paid by James Cowper Kreston LLP, without recourse, directly or indirectly to the estates listed in the Appointments Schedule.
- 15 Subject to paragraph 14 above, in the event that, as a result of the implementation of the order James Cowper Kreston LLP incurs any additional cost in respect of the administration of those estates where the Respondent was the office-holder (that is to say over and above those costs incurred in the ordinary course of the administration of those estates), those costs shall be borne

by James Cowper Kreston LLP and shall not be charged as an expense of the administration of those estates.

16 Nothing contained in paragraphs 12 or 13 shall prejudice the Applicants or the Respondent from:

- (a) Charging to each individual estate the cost of obtaining an Insolvency Practitioner's licence bond in respect of that estate; and
- (b) Apportioning between the said estates equally the cost of the composite Gazette notice to be placed under paragraph 7 above.

17 Without incurring any additional expense for any of the said estates, the relevant Applicants or Respondent shall notify each creditor of this application and any subsequent order by way of notice in the next routine report that shall be due to the creditors of each estate, such notice to contain the following matters:

- (a) An explanation of the effect of this order;
- (b) Express reference to the liberty to apply contained in paragraph 10;
- (c) In the case of Liquidations, where Liquidation Committees or Creditors' Committees have been appointed, an explanation that, to the extent that any information which would otherwise be required to be provided under Rule 6.25(5) or Rule 7.61(5) (as the case may be) of the Insolvency (England and Wales) Rules 2016 has not already been provided as part of the report, it is open to that committee to require the relevant Applicants or Respondent to provide an account of the administration of the estate, including a summary of receipts and payments, and a statement that he has reconciled his accounts;
- (d) In the case of Liquidations where no Liquidation Committees or Creditors' Committees have been appointed, an explanation that, to the extent that such information as aforesaid has not already been provided as part of the report, it is open to any creditor to apply to court for an order that the relevant Applicants or Respondent do provide an account of the administration of the estate, including a summary of receipts and payments, and a statement that he has reconciled his accounts;
- (e) Notification that if any Applicants or Respondent has been required to provide the information referred to in sub-paragraphs 17(c) and 17(d) above, whether by a Liquidation Committee or by court order on the application of any creditor(s), the costs of any appointed Officeholder of so complying will, unless there are good reasons to the contrary, be paid as an expense of the winding up or bankruptcy as the case may be;
- (f) In the case of Liquidations, notification to each creditor of his right under regulation 11(2) of the Insolvency Regulations 1994 to require the appointed office-holders to supply a statement of receipts and payments free of charge; and
- (g) In the case of the CVAs, the provision of all such information as might reasonably be required with regard to the conduct of the CVA.

- 18 The Applicants shall, when the next routine report is due to the creditors of each appointment, give written notice of the making of this Order to each such creditor, such notice to include the following matters
- (a) An explanation as to the effect of the order; and
 - (b) Express reference to the liberty to apply as set out in the order.
- 19 The terms of the order shall not apply to any case which is listed in the Appointments Schedule but which, prior to the order being made, is concluded and the case closed.
- 20 Such further or other order or direction as the Court thinks fit.