

WU07

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



Companies House

For further information, please
refer to our guidance at
www.gov.uk/companieshouse

1 Company details

Company number 0 8 8 6 1 2 7 3
Company name in full Twelve-By-Seventy-Five Limited

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

2 Liquidator's name

Full forename(s) Elliot
Surname Green

3 Liquidator's address

Building name/number Dephna House
Street 24-26 Arcadia Avenue
Post town London
County/Region
Postcode N 3 2 J U
Country

4 Liquidator's name ①

Full forename(s)
Surname

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

5 Liquidator's address ②

Building name/number
Street
Post town
County/Region
Postcode
Country

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

WU07

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

6

Period of progress report

From date	^d 1	^d 4	^m 0	^m 5	^y 2	^y 0	^y 2	^y 0
To date	^d 1	^d 3	^m 0	^m 5	^y 2	^y 0	^y 2	^y 1

7

Progress report

☒ The progress report is attached

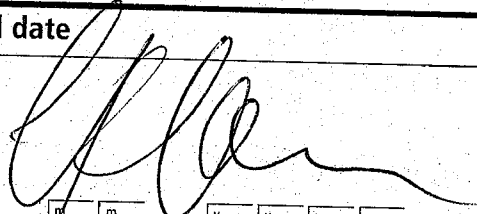
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Sign and date

Liquidator's signature

Signature

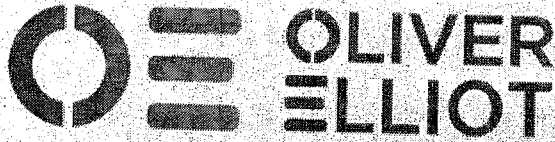
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X

Signature date

^d 1	^d 2	^m 0	^m 7	^y 2	^y 0	^y 2	^y 1
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**TO ALL KNOWN CREDITORS AND MEMBERS OF
TWELVE-BY-SEVENTY-FIVE LIMITED - (IN LIQUIDATION)**

**LIQUIDATOR'S ANNUAL PROGRESS REPORT FOR THE YEAR ENDING 14 MAY
2021**

12 July 2021

Our Ref: EGR12/EG

Dear Sirs

Twelve-By-Seventy-Five Limited (In Liquidation) ("the Insolvent Estate")
Court: High Court of Justice No 0010585 of 2018

Insolvent Estate Company Number: 08861273
Registered Office: Dephna House, 24-26 Arcadia Avenue, London, N3 2JU
Trading Address: Unit 7, Holts Court, Threshers Bush, Harlow, CM17 0NS

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Oliver Elliot Limited, Trading as "Oliver Elliot", Company Number: 11746967, Registered in England and Wales, VAT Number: 324072435
Registered Office: Dephna House, 24/26 Arcadia Avenue, London, N3 2JU, Director: Elliot Green FCA, Insolvency Practitioner Number: 2260
Elliot Green is licensed as an insolvency practitioner in UK by the Institute of Chartered Accountants in England and Wales



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INTRODUCTION

I was appointed Liquidator ("the Office-Holder") of the Insolvent Estate on 14/05/2019, following a Winding-up Order being made on 30/01/2019. Reference in this report to the Insolvent Estate is also to 'the Company'.

In accordance with Rules 18.3 and 18.8 of the Insolvency (England & Wales) Rules 2016 ("IR 2016"), I now provide an annual progress report for the year ended 14 May 2021 ("the Period"), which should be read in conjunction with any previous report(s). Additional information in respect of the Insolvent Estate and Office-Holder is detailed below.

This report provides the following information:

- The work undertaken in the period covered by the report.
- Remuneration and Expenses.
- An explanation of anticipated future work that remains to be done and why it is required.
- Details of time costs and expenses for dealing with these matters during the period covered by this report for my administration of the Insolvent Estate and to date.

RECEIPTS AND PAYMENTS ACCOUNT

An account of my actual (not accrued) receipts and payments for the period of this report is enclosed. Expenses may be recharged to the estate as and when funds become available.

REALISATION OF ASSETS

Work undertaken on the realisation of assets may provide a direct financial benefit to creditors by way of a distribution of funds, subject to costs of recovery.

Director Settlement

During the Period the key matter was the issuance of legal proceedings on 5 August 2020 ("the Proceedings") against the Director, Riccardo De'Nardis ("RD") which sought to address the sums paid by the Company to RD on or around 6 September 2017 and 8 November 2017 seeking to apply credits to his overdrawn Directors's Loan Account in the sum of £510,000.

In addition, the proceedings issued against RD sought to also consider the position of RD causing or permitting the Company to loan monies to RD and the other Director, Sultan Rashid ("SR") who appeared to have an overdrawn Director's Loan Account with an outstanding balance in the sum of £657,171 as at 31 January 2017.

I instructed Freeths LLP on a time costs based, subject to recoveries, to advise, assist and progress the Proceedings against RD. The Proceedings were issued after I had assembled with the assistance of my instructed solicitors, the facts and evidence gathered from the review of the Company's records and documents obtained from other parties such as banks and accountants. These facts and evidence were pulled together in a detailed Witness Statement to attempt to enable me to prove the case.

During the Period the work undertaken on assembling this evidence involved some considerable liaison with my instructed solicitors to enable progression of the Proceedings.

Notwithstanding the sums involved, after consideration of the prospects of being able to enforce a judgment for the full amount claimed against RD, I was advised by my instructed solicitors to look to settle the Proceedings with RD.

That position culminated in a settlement being reached with RD that was sealed by the Court on 21 December 2020 for RD to pay to the Company the sum of £120,000. That sum has been received and appears in the Receipts and Payments Account enclosed within this report.

Claim In Bankruptcy

I had intended to bring the Proceedings against both RD and SR. However, SR was the subject of a bankruptcy order and therefore I have submitted a Proof of Debt in the bankruptcy.

I have during the Period been in contact with the Trustee in Bankruptcy, Andrew McTear and his team who have day to day control of the administration of the estate for SR, in exchanging and affording information. The purpose of this was to assist their administration of the bankruptcy. I now await developments in relation to the potential realisation of assets within that bankruptcy estate. It is anticipated that there may accordingly be a distribution from the bankruptcy estate to the Company in due course but this will depend upon the realisations ascertained subject to the costs and expenses of the bankruptcy.

Stock

During the Period Venello Assets Limited ("VAL") paid for the stock referred to in the last progress report and the sum of £20,000 plus VAT was realised.

During the Period time was spent dealing with the bonded warehouse in relation to the matter of the outstanding rent claimed by EHD London No 1 Bond Ltd for the storage costs of the stock that was sold during the Period. A settlement was agreed that culminated in the payment to EHD of £2,000.15. The figures claimed was higher but a commercial settlement was agreed after a period of negotiation was undertaken.

Bank Interest

Bank interest of £5.44 was received during the Period.

The time and cost summaries enclosed with this report refer to the category of work having incurred time costs of £8,010.

INVESTIGATIONS

I have a duty to maximise realisations into the Estate for the benefit of creditors. This work will not necessarily provide any direct financial benefit to creditors unless it results in recoveries into the estate which will enable a distribution to be made, subject to costs.

As Liquidator, I undertook into the Insolvent Estate's affairs which included a review of the financial information available and obtaining further information from third parties.

In respect of each of the issues identified below, I have continued to progress those investigations referred to in the last Progress Report which has involved:

- Communicating with the Insolvent Estate's bankers and obtaining all relevant bank records.
- Attempting to further reconstruct the Insolvent Estate's books and records to deal with any incompleteness, perceived or otherwise as to the position of the records.

I have instructed solicitors, Freeths LLP in relation to investigation of the claims referred to in the last Progress Report that ultimately culminated in the Proceedings referred to above.

The time and cost summaries record investigations undertaken during the Period to support the build up to the Proceedings:

- Assembling, reconstructing, review and forensic analysis of accounting records.
- Interviews with former Directors, SR and RD.
- Communication with accountants to reconstruct accounting records and review of those records.
- Instructions to my solicitors.
- Time spent interrogating the data on a computer handed over to me by SR.

Escrow Transactions

In addition, investigations during the Period have resulted from the joint cooperation between the Trustee in Bankruptcy of SR and my administration. This led to discovery of transactions in an escrow account. These have been reviewed and appear to warrant further investigation. I will report further in the next

progress report. Such transactions include payments to Anthony Kyprianou ("AK") who resigned as a Director of the Company on 6 November 2017.

The discovery of this escrow account was not information that appears to have been highlighted to me by the Company's Directors previously when they provided records to me about the Company. It therefore appears to be a new development during the Period arising from my Investigations work and contact with the Trustee in Bankruptcy of SR.

Tide Bank Account

The Company had a Tide Bank facility and it appears that since the date of the last filed accounts to 31 January 2017 the Company made payments from it to AK in the sum of £30,000. This appears to have arisen during the period 30 November 2017 to 21 May 2018. These have been reviewed and appear to warrant further investigation which I will report upon in the next progress report.

The time and cost summaries enclosed with this report refer to the category of work having incurred time costs of £5,490.

CREDITORS AND ESTIMATED RETURN

I am required, as Office-Holder, to undertake certain tasks in relation to creditors' claims. This work does not provide a direct financial benefit to the liquidation estate but is essential to the administration of the case.

Tasks in relation to creditors' claims

- Preparing the annual progress report which was the dominant creditor time during the Period.
- Ensure that all creditors' claims are listed with the correct addresses and references.
- Enter proof of debt forms/claims as and when they are received.
- Deal with enquires from creditors.

There has been considerable creditor interest in this case which has led to me regularly engaging with creditors addressing their queries about the progression of the case.

I have not adjudicated on any creditor claims as yet. If, and when, I am in a position to declare a dividend this work will be undertaken.

Estimated Return to Creditors: Dividend prospects are presently uncertain and any recoveries will be subject to costs before a distribution can be made. At the moment realisations are not sufficient to discharge a dividend to creditors.

The time and cost summaries enclosed with this report refer to the category of work having incurred time costs of £6,410.80.

ADMINISTRATION

I am required to meet a considerable number of statutory and regulatory obligations. This work does not provide a direct financial benefit to creditors but is a necessary requirement of the liquidation process.

Whilst these tasks do not have a direct benefit in enhancing realisations for the Insolvent Estate, they assist in the efficient and compliant progression of the liquidation.

During the Period Administration work has largely been confined to:

- Timely reviews of the case
- Monthly monitoring the level of the Bond to ensure it is adequate
- Monthly bank reconciliations and maintaining the case cashbook
- Preparing and submitting VAT returns.
- Review documents sought to be disclosed by HMRC.

The time and cost summaries enclosed with this report refer to the category of work having incurred time costs of £4,170.

OUTSTANDING MATTERS

The administration of the Insolvent Estate is a developing matter given I enter office as a stranger. A definitive outstanding matters list is impractical at this time. However, there are a number of matters that appear to require still to be addressed as follows:

- Awaiting the outcome of the bankruptcy of SR to see if a dividend will be paid from that estate to the Company.
- Further, investigation of transactions flowing through the Company's escrow facility referred to in the Investigations section of this report. This will involve instruction of my solicitors Freeths LLP.
- Further, investigation of transactions flowing through the Company's Tide Bank facility referred to in the Investigations section of this report. This will involve instruction of my solicitors Freeths LLP.

Upon such matters being undertaken I should be in a position to determine the future course of this case.

TIME COSTS AND EXPENSES SUMMARY

Fees

The basis of the Office-Holder's remuneration has been fixed by Time and Expenses following creditor approval on 25/07/2019. The fee estimate that has been approved to date in this case is £100,000 plus VAT.

The Fee Estimate has not been exceeded at this time. The matter is being kept under review in light of the further investigations matters.

Time costs are recorded at the prevailing charge out rate of the member of staff on the date that the time is recorded. The hourly rates applicable until 30 June 2021 are:

Director £450, Manager £300, Senior Administrator £200

With effect from 1 July 2021 the hourly rates applicable are:

Director £525, Manager £350, Senior Administrator £225

These rates are based inter alia on the level of skill and experience required to carry out the different tasks and prevailing market conditions and are subject to change. Time is charged in 6 minute units. Oliver Elliot is currently a sole practitioner firm operated solely by the Office-Holder, who has since 1 July 2019

undertaken all of the case work. Certain tasks that might be considered not to require the skills of an Office-Holder have been identified and charged where appropriate at the Manager and Senior Administrator rate. All other work has been undertaken at the Director rate. This is considered to be a fair and reasonable approach in view of the speed, efficiency and experience that comes with having the Office-Holder undertaking all the case work.

Time Records

Enclosed are tables relating to my time costs for the period covered by this report and where this is not the first anniversary of my appointment, for my administration of the Insolvent Estate as a whole. It also provides details of the activity costs to date incurred by me, by grade, together with details of the hourly charge-out rates.

In the period covered by this report, I have recorded time costs of £24,080.80 representing 60.90 hours at an average hourly rate of £395.42. A summary of total time costs which amount to £76,358.60 is also enclosed, being 196.60 hours at an average hourly rate of £388.40. I have drawn fees of £52,755.01 to date which is the level of fees drawn during the period covered by this report. These summaries include details of average hourly rates across categories of work and also shows breakdowns of my cumulative time costs. The complexity of the case has resulted in the average hourly due to the attention that the office-holder has had to give to the case.

A narrative explanation of the time records is provided within the relevant sections of this report. They match those headings in the time records summaries but for the avoidance of doubt such explanations can be found in the above categories of work in the sections for Realisation of Assets, Investigation, Creditors and Administration.

Information on creditor rights in relation to office-holder remuneration, expenses and information can be found in Statement of Insolvency Practice Number 9 (Payments To Insolvency Office Holders And Their Associates From An Estate) which can be viewed here:

<https://www.oliverelliot.co.uk/wp-content/uploads/2021/03/sip-9-payments-to-insolvency-office-holders-and-their-associates-from-an-estate-ew-1.pdf>

In addition, creditors can find more information on the insolvency process at <http://www.creditorinsolvencyguide.co.uk/>.

Expenses

'Expenses' are amounts properly payable by the Office-Holder from the estate. These may include, but are not limited to, legal and agents' fees.

Expenses met by the Office-Holder and reimbursed to the Office-Holder in connection with an insolvency appointment and will fall into two categories, category 1 and category 2. Where category 1 and category 2 expenses are 'incurred' they will have been recorded but not necessarily paid by the Insolvent Estate. These expenses incurred and or paid are as follows:

- Expenses paid to date total £133,671.55 and during the period of this report are £124,062.51. The Official Receiver's Fee and Secretary of State Fees (inclusive of banking fees) arise automatically and do not result from my instruction of agents and or subcontractors.

- Category 1 expenses incurred during the period of this report which have not been invoiced during the Period is £670 in respect of a bond increase.
- Category 2 expenses of £0 have been drawn since my appointment.

The expenses incurred or expected to be incurred have exceeded the details given to the creditors prior to the determination of the basis of remuneration. The reason for the increase is largely because of the instruction of solicitors, Freeths LLP.

Category 1 Expenses Paid

Category 1 expense paid during the Period are referred to in the Receipts and Payments account enclosed with this report.

After The Event Insurance

After the Event Insurance was taken out and the premium of £25,000 was paid with £3,000 insurance premium tax during the Period. This was a policy to protect me from the risk of adverse costs arising from the Proceedings.

Task Associates

Task Associates were instructed on a combination of a time costs basis and commission basis subject to recoveries but based on the recoveries that they have effected. In the Period they were paid £3,770. I consider that their costs are fair and reasonable for the work that they have undertaken in engaging in the process of investigation the sale of the wine stock and then liaising with VAL to eventually enable a sale to arise.

Petitioner

The Petitioning Creditor is entitled to the costs of their petition as an expense of the Company. They have been paid £3,777.50 during the Period.

Bonded Warehouse Expenses

The bonded warehouse company EHD were paid £2,000.15 as explained in the Asset Realisation section of this report.

Freeths LLP (Solicitors)

Instruction of Freeths LLP is on a contingency basis based on time costs. Liability for costs will only crystallise upon a recovery being made. In this case Freeths LLP have been instructed by me in such similar terms. They have been selected as firm of solicitors with dedicated teams of solicitors and other persons specialising in providing insolvency legal services. I have prior experience of the persons whom I have instructed and the rates that they charge appear to me to be competitive. However, I have also selected them not merely by virtue of their hourly rates but also my confidence in their ability to undertake such works on an efficient and effective basis. Unless otherwise suggested any solicitors would be instructed not as sub-contractors but their skills are deployed to enable provision of advice and enforcement of obligations that appear reasonably required for the administration of the insolvent estate.

Freeths LLP have been paid £18,837.59 during the Period for the work that they have undertaken that has been referred to in the Asset Realisation and Investigation sections of this report.

The unpaid Freeths LLP time costs during the Period are £11,855.20, along with disbursements of £145. The unpaid Freeths LLP time costs for the time since instruction are £11,245.30 along with disbursements of £0. These figures are exclusive of VAT.

NET FINANCIAL BENEFIT

The net financial benefit to the liquidation estate will currently mean that a return to creditors will depend upon realisations exceeding the current level of my time costs and other expenses of the liquidation as referred to above.

CREDITOR RIGHTS

If you are aware of any matters, which I should be aware of in relation to the Liquidation, please let me know.

Creditors' Rights to Challenge Office-Holder's Remuneration and Expenses

Within 21 days of the receipt of a progress report a secured creditor or an unsecured creditor with concurrence of at least 5% in value of the unsecured creditors or any unsecured creditor with the permission of the court can request further information from me regarding my remuneration and expenses which have been detailed in a progress report.

Any creditor (secured creditor or an unsecured creditor with concurrence of at least 10% in value of the unsecured creditors or any unsecured creditor with the permission of the court) may within 8 weeks of receipt of progress report have a right to challenge my remuneration and expenses via application to Court on the grounds that the remuneration charged or the expenses incurred by me as set out in such a report are, in all the circumstances, excessive or, the basis fixed for remuneration is inappropriate.

These rights are set out in full at the following link: <https://www.oliverelliott.co.uk/creditors-rights-in-insolvency/>

Prescribed Part for Unsecured Creditors

Section 176A(1)(a) requires me as Office-Holder to set aside the prescribed part of the Insolvent Estate's net property for the satisfaction of unsecured debts. "Net property" means the amount which would, if it were not for this provision, be available to floating charge holders (i.e. after accounting for preferential debts and the cost of realisation). The prescribed part is 50% of the first £10,000 and 20% of the remaining net property (up to a maximum of £800,000).

As Office-Holder I will not be required to set aside the prescribed part if:

The net property is less than £10,000 and think that the cost of distributing the prescribed part would be disproportionate to the benefit;

Or if the net property is more than £10,000, if the provision is dis-applied by the court on the application of the Office-Holder on cost-benefit grounds.

Or if the charge was created before 15 September 2003.

I estimate that the Insolvent Estate's net property is £0.00 and accordingly I do not believe that Section 176A(3) of the Insolvency Act 1986 applies. Furthermore, I do not consider that Section 176A is applicable in this instance given the apparent absence of any floating charge holders.

The amount paid to unsecured creditors by virtue of Section 176A is £0.

STATUTORY AND COMPLIANCE INFORMATION

Insolvent Estate information

- Insolvent Estate name: Twelve-By-Seventy-Five Limited
- Insolvent Estate Number: 08861273
- Registered Office: Dephna House, 24-26 Arcadia Avenue, London, N3 2JU
- Trading Address: Unit 7, Holts Court, Threshers Bush, Harlow, CM17 0NS
- Trading name: Twelve-By-Seventy-Five Limited
- Nature of business: Wine Traders
- Court name: High Court of Justice
- Court reference: 0010585 OF 2018
- Petitioning creditor: Stuart Reid Gregor Reid Shona Reid
- Former registered office: 54 Sun Street, Waltham Abbey, Essex EN9 1EJ
- Winding-up order: 30/01/2019

Office-Holder's details

- Name: Elliot Green
- IP number: 9260
- Name of firm: Oliver Elliot Chartered Accountants
- Firm's address: Depha House, 24/26 Arcadia Avenue, London, N3 2JU
- Date of Appointment: 14/05/2019

NEXT REPORT

I will report again following the next anniversary of my appointment or sooner if the administration is complete.

Yours faithfully



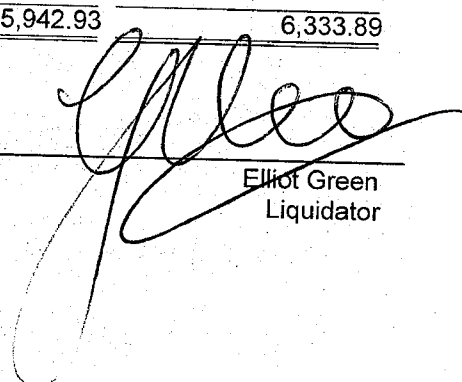
E.H Green
Liquidator

*Licensed by the Institute of Chartered Accountants in England & Wales
(Insolvency Practitioner Number 9260)*

**Twelve-By-Seventy-Five Limited Trading As: Twelve-By-Seventy-Five Limited
(In Liquidation)**

Liquidator's Summary of Receipts and Payments

	Statement of affairs £	From 14/05/2020 To 13/05/2021 £	From 14/05/2019 To 13/05/2021 £
RECEIPTS			
Stock		20,000.00	20,000.00
Bank Interest Gross		5.44	5.44
Director Settlement		120,000.00	120,000.00
		<u>140,005.44</u>	<u>140,005.44</u>
PAYMENTS			
Agents/Valuers Fees		3,770.00	3,770.00
Legal Disbursements		145.00	145.00
Legal Fees		18,837.59	18,837.59
After The Event Insurance		28,000.00	28,000.00
Brokers Commission		0.15	0.15
Official Receiver's Fee		0.00	9,400.00
Secretary of State Fee		151.49	360.53
Tax on Bank Interest		1.09	1.09
Petitioning Creditors Costs		3,777.50	3,777.50
Bonded Warehouse Settlement		2,000.15	2,000.15
Liquidators Fees		52,755.01	52,755.01
Liquidators Disbursements		255.01	255.01
VAT Receivable		14,369.52	14,369.52
		<u>124,062.51</u>	<u>133,671.55</u>
BALANCE - 13 May 2021		<u>15,942.93</u>	<u>6,333.89</u>
MADE UP AS FOLLOWS			
ISA		11,347.25	1,738.21
Solicitors Client Account		4,595.68	4,595.68
		<u>15,942.93</u>	<u>6,333.89</u>


Elliot Green
Liquidator

Time Entry - SIP9 Time & Cost Summary

EGR12 - Twelve-By-Seventy-Five Limited
Project Code: POST
From: 14/05/2020 To: 13/05/2021

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Administration & Planning	4.20	4.80	4.20	0.00	13.20	4,170.00	315.91
Case specific matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	7.70	9.50	0.50	0.00	17.70	6,410.80	362.19
Investigations	12.20	0.00	0.00	0.00	12.20	5,480.00	450.00
Realisations of Assets	17.80	0.00	0.00	0.00	17.80	8,010.00	450.00
Statutory Compliance	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	41.90	14.30	4.70	0.00	60.90	24,080.80	395.42
Total Fees Claimed						0.00	
Total Disbursements Claimed						0.00	

Time Entry - SIP9 Time & Cost Summary

EGR12 - Twelve-By-Seventy-Five Limited
All Post Appointment Project Codes
To: 13/05/2021

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Administration & Planning	12.50	5.10	4.80	18.10	40.50	10,846.40	267.81
Case specific matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	22.00	14.30	2.10	3.60	42.00	15,170.60	361.20
Investigations	75.40	0.00	0.00	2.90	78.30	34,231.60	437.19
Realisations of Assets	35.80	0.00	0.00	0.00	35.80	16,110.00	450.00
Statutory Compliance	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	145.70	19.40	6.90	24.60	196.60	75,358.60	388.40
Total Fees Claimed						52,755.01	
Total Disbursements Claimed						255.01	