



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

1 Company details

Company number 0 9 3 1 0 4 2 7

Company name in full Eversmart Energy Ltd

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Administrator's name

Full forename(s) Howard

Surname Smith

3 Administrator's address

Building name/number c/o Interpath Ltd

Street 5th Floor, 130 St Vincent Street

Post town Glasgow

County/Region

Postcode G 2 5 H F

Country

4 Administrator's name ①

Full forename(s) William James

Surname Wright

① Other administrator

Use this section to tell us about
another administrator.

5 Administrator's address ②

Building name/number c/o Interpath Ltd

Street 10th Floor, One Marsden Street

Post town Manchester

County/Region

Postcode M 2 1 H W

Country

② Other administrator

Use this section to tell us about
another administrator.

AM10

Notice of administrator's progress report

6 Period of progress report

| | | | | | | | | |
|-----------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| From date | ^d 1 | ^d 3 | ^m 0 | ^m 9 | ^y 2 | ^y 0 | ^y 2 | ^y 3 |
| To date | ^d 1 | ^d 2 | ^m 0 | ^m 3 | ^y 2 | ^y 0 | ^y 2 | ^y 4 |

7 Progress report

☒ I attach a copy of the progress report

8 Sign and date

Administrator's
signature

Signature

X

Harold Smith

X

Signature date

| | | | | | | | |
|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| ^d 0 | ^d 5 | ^m 0 | ^m 4 | ^y 2 | ^y 0 | ^y 2 | ^y 4 |
|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|

**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 **Francine Pearlman**

Company name **Interpath Ltd**

Address **5th Floor, 130 St Vincent Street
Glasgow**

Post town **G2 5HF**

County/Region

Postcode

Country

DX

Telephone **Tel +44 (0) 113 521 7510**

**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

Joint
Administrators'
progress report
for the period 13
September 2023
to 12 March 2024

Eversmart Energy Ltd - in Administration

5 April 2024

Notice to creditors

This progress report provides an update on the administration of the Company.

We have included (Appendix 2) an account of all amounts received and payments made since the date of our appointment.

We have also explained our future strategy for the administration and how likely it is that we will be able to pay each class of creditor.

You will find other important information in this progress report such as the costs which we have incurred to date.

A glossary of the abbreviations used throughout this document is attached (Appendix 5).

Finally, we have provided answers to frequently asked questions and a glossary of insolvency terms on the following website:

www.ia-insolv.com/case+INTERPATH+JJ83050026.html.

We hope this is helpful to you.

Should you require a hard copy of this report or other document available on the insolvency portal, please contact Francine Pearlman at Interpath Advisory, 5th Floor, 130 St Vincent Street, Glasgow G2 5HF, United Kingdom, 0118 214 5925.

Please also note that an important legal notice about this progress report is attached (Appendix 6).

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1 Executive summary

This progress report covers the period from 13 September 2023 to 12 March 2024.

Please note that on 22 March 2024 an order was made in the High Court appointing Howard Smith as Joint Administrator of the Company in place of Neil Morley, following his resignation from Interpath. In accordance with the order, creditors were given notice of the replacement of Neil Morley as Joint Administrator by advertisement in the London Gazette.

We are continuing to progress the administration in line with the strategy originally outlined in our Proposals. We have continued to work with Utilita in order to progress the realisations of the debtor book, which is nearing completion. In addition, we have continued with a claims agreement process for unsecured creditors' claims and a formal notice of intended dividend will shortly be issued in relation to the Prescribed Part distribution (Section 2 - Progress to date).

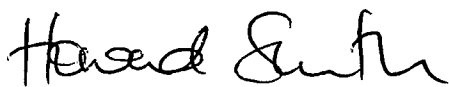
As previously reported, the Secured creditor will suffer a significant shortfall in respect of funding provided to the Company (Section 3 - Dividend prospects and dividends paid).

The preferential creditors have been paid in full (Section 3 - Dividend prospects and dividends paid).

We are now in a position to declare a small dividend to unsecured creditors, by virtue of the Prescribed Part. The exact quantum of the dividend is dependent on the overall quantum of the adjudicated creditors' claims and, to date, not all of the claims have been received (Section 3 - Dividend prospects and dividends paid).

The administration is currently due to end on 12 September 2024.

Please note: you should read this progress report in conjunction with our previous progress reports and proposals issued to the Company's creditors which can be found at www.ia-insolv.com/case+INTERPATH+JJ83050026.html. Unless stated otherwise, all amounts in this progress report and appendices are stated net of VAT.



pp Howard Smith
Joint Administrator

2 Progress to date

This section updates you on our strategy for the administration and on our progress to date. It follows the information provided in our previous progress report.

2.1 Strategy and progress to date

Strategy

We have continued to follow the strategy as detailed in the Proposals, with the primary aim of maximising the return to creditors. Our focus has been on collecting out the debtor book, being the most significant asset of the Company, and to make distributions to preferential, secured and unsecured creditors of the Company (by virtue of the Prescribed Part).

Debtor collection – agreement with Utilita

As previously advised, the customer debtor book is made up of amounts owed to the Company, by its former customers, for energy supplied up to the date of the SoLR transfer of customers to Utilita. It was considered that Utilita (acting in their capacity as SoLR) were best placed to assist us in realising the Company's debtor book and as such, we entered into a Debt Services Agreement ('DSA') with them on 13 September 2019. Since that date, Utilita's credit control department has been realising the Company's debts and in return have been paid a commission for this work, on an incentivised ratchet basis. The debt collection process is now complete with no further realisations expected.

Further progress

As previously reported, the progress of this case was slowed following an application to the Court by ten officeholders of other failed energy suppliers, where these officeholders were seeking clarification on a number of issues arising in those insolvencies. A number of these matters were also pertinent to this insolvency, specifically in relation to unsecured claims which can be made in an insolvency where a SoLR has taken place. A judgment has now been handed down in that other insolvency case and therefore, we have been reviewing and considering the ruling to understand any potential impact or considerations for this insolvency.

Following the Court judgement, above, it is now anticipated that the Prescribed Part distribution to unsecured creditors can move forward. We are therefore taking steps to review and adjudicate unsecured creditors' claims and we will shortly be writing to unsecured creditors in relation to the Prescribed Part distribution.

2.2 Asset realisations

There have been no realisations during the period. A copy of our latest receipts and payments account is attached for reference (Appendix 2).

2.3 Costs

There have been no payments made in this period. A copy of our latest receipts and payments account is attached for reference (Appendix 2).

2.4 Schedule of expenses

We have detailed the costs incurred during the period, whether paid or unpaid, in the schedule of expenses attached (Appendix 3).

3 Dividend prospects and dividends paid

3.1 Secured creditors

Please refer to our Proposals for details of the security held and indebtedness at the date of our appointment.

During the period no further distributions have been made to the Secured Creditor, under its floating charge, but we anticipate that a further distribution will be made in the future. The quantum of any future dividend is dependent on if there are any future realisations and the associated costs of these realisations.

The Secured Creditor will suffer a significant shortfall in respect of the funding it provided to the Company.

3.2 Preferential creditors

The preferential claims have been agreed at £19,259 and repaid in full.

3.3 Unsecured creditors

Based on current estimates, we anticipate that unsecured creditors should receive a dividend by way of the Prescribed Part. We have not yet determined the value of the Prescribed Part, but we will do so shortly, as part of providing notices to the unsecured creditors and adjudicating claims.

4 Joint Administrators' remuneration and expenses

Time costs

From 13 September 2023 to 12 March 2024, we have incurred time costs of £12,194. These represent 24 hours at an average rate of £506 per hour.

From the date of our appointment to 12 March 2024, we have incurred time costs of £915,515. This represents 2,341 hours at an average rate of £391 per hour. Please see detailed analysis of time spent and a narrative description of the work performed in Appendix 4 of this progress report and in our previous progress reports.

Administrators' Expenses

During the period, we have not incurred any expenses.

Additional information

We have attached (Appendix 4) an analysis of the time spent, the charge-out rates for each grade of staff and the expenses paid directly by Interpath for the period from 13 September 2023 to 12 March 2024. We have also attached our charging and expenses policy.

5 Future strategy

5.1 Future conduct of the administration

We will continue to manage the affairs, the business and the property of the Company in order to achieve the purpose of the administration. This will include but not be limited to:

- Work through the potential implications and considerations of the judgement handed down in the court case on a similar insolvency;
- Making a further distribution to the Secured Creditor;
- Agreeing claims and paying a Prescribed Part dividend to the unsecured creditors;
- Obtaining VAT and tax clearance; and
- Attending to any remaining statutory and compliance matters.

5.2 Future reporting

We intend to provide our final progress report by 12 September 2024.

Appendix 1 Statutory information

| | |
|--|---|
| Company name | Eversmart Energy Ltd |
| Date of incorporation | 13 November 2014 |
| Company registration number | 09310427 |
| Present registered office | Interpath Ltd, 10th Floor, One Marsden Street, Manchester, M2 1HW |
| Administration appointment | The administration appointment granted in High Court of Justice, The Business and Property Courts in Manchester, 000921 of 2019 |
| Appointor | Contract Natural Gas Limited |
| Date of appointment | 13 September 2019 |
| Joint Administrators' details | Howard Smith and Will Wright |
| Former Joint Administrators' details | Neil Morley and Andrew Stone |
| Estimated values of the Net Property and Prescribed Part | <p>Estimated Net Property is £1,410,435. Estimated Prescribed Part is £285,087.</p> <p>The Prescribed Part has been taken into account when determining the dividend prospects for unsecured creditors (Section 3).</p> |
| Prescribed Part distribution | <p>The Joint Administrators do not intend to apply to Court to obtain an order that the Prescribed Part shall not apply.</p> <p>Accordingly, the Joint Administrators intend to make a Prescribed Part distribution to the unsecured creditors.</p> |
| Functions | The functions of the Joint Administrators are being exercised by them individually or together in accordance with Paragraph 100(2) |
| Current administration expiry date | 12 September 2024 |

Appendix 2 Joint Administrators' receipts and payments account

Eversmart Energy Ltd - in Administration

Abstract of receipts & payments

| Statement of affairs (£) | | From 13/09/2023 To 12/03/2024 (£) | From 13/09/2019 To 12/03/2024 (£) |
|--------------------------|-------------------------------|--------------------------------------|--------------------------------------|
| ASSET REALISATIONS | | | |
| | Deposit from Utilita | NIL | 50,000.00 |
| | Contribution to costs | NIL | 478,192.22 |
| | Funds to be paid to UEL | NIL | 566,923.01 |
| 14,057.00 | Furniture & equipment | NIL | 2,500.00 |
| | Retention | NIL | 60,000.00 |
| | Book debts | NIL | 1,416,229.59 |
| | Retention monies to be repaid | NIL | 140,000.00 |
| | Cash at bank | NIL | 899,622.61 |
| | | NIL | 3,613,467.43 |
| OTHER REALISATIONS | | | |
| | Bank interest, gross | NIL | 6,253.39 |
| | Sundry refunds | NIL | 74,846.94 |
| | | NIL | 81,100.33 |
| COST OF REALISATIONS | | | |
| | Finance subcontractors | NIL | (4,080.00) |
| | Administrators' fees | NIL | (499,473.00) |
| | Utilita commission | NIL | (384,095.92) |
| | IT systems | NIL | (477,074.30) |
| | Agents'/Valuers' fees | NIL | (3,000.00) |
| | Legal fees | NIL | (57,639.48) |
| | Pre administration legal fees | NIL | (32,820.50) |
| | Heat & light | NIL | (594.11) |
| | Storage costs | NIL | (225.89) |
| | Funds paid to UEL | NIL | (566,923.01) |
| | Statutory advertising | NIL | (73.00) |
| | Rent | NIL | (8,967.35) |
| | Rates | NIL | (1,562.21) |
| | Other property expenses | NIL | (472.26) |
| | Insurance of assets | NIL | (1,628.48) |
| | Wages & salaries | NIL | (33,121.46) |
| | Bank charges | NIL | (565.00) |
| | | NIL | (2,072,315.97) |

Eversmart Energy Ltd - in Administration

Abstract of receipts & payments

| Statement of affairs (£) | | From 13/09/2023 To 12/03/2024 (£) | From 13/09/2019 To 12/03/2024 (£) |
|---------------------------|---------------------------|--------------------------------------|--------------------------------------|
| PREFERENTIAL CREDITORS | | | |
| | Subrogated EP(C)A claim | NIL | (10,497.21) |
| | Employees' wage arrears | NIL | (8,656.02) |
| | | NIL | (19,153.23) |
| FLOATING CHARGE CREDITORS | | | |
| (9,725,235.00) | Floating charge | NIL | (800,000.00) |
| | | NIL | (800,000.00) |
| UNSECURED CREDITORS | | | |
| (2,523,788.00) | Trade & expense | NIL | NIL |
| (62,731.00) | Employees | NIL | NIL |
| | | NIL | NIL |
| DISTRIBUTIONS | | | |
| (1.00) | Ordinary shareholders | NIL | NIL |
| | | NIL | NIL |
| (12,297,698.00) | | NIL | 803,098.56 |
| REPRESENTED BY | | | |
| | Floating ch. VAT rec'able | | 293,408.44 |
| | Floating charge current | | 803,098.56 |
| | Floating ch. VAT payable | | (95,942.66) |
| | Floating ch. VAT control | | (197,465.78) |
| | | | 803,098.56 |

Appendix 3 Schedule of expenses

| Schedule of expenses (13/09/2023 to 12/03/2024) | | | |
|---|-------------------------------------|---|------------------|
| Expenses (£) | Incurred and paid in the period (£) | Incurred in the period not yet paid (£) | Total (£) |
| Cost of realisations | | | |
| Joint Administrators' fees | 0.00 | 12,194.00 | 12,194.00 |
| TOTAL | 0.00 | 12,194.00 | 12,194.00 |

Requests for further information and right to challenge our remuneration and expenses

Creditors' requests for further information

If you would like to request more information about our remuneration and expenses disclosed in this progress report, you must do so in writing within 21 days of receiving this progress report.

Requests from unsecured creditors must be made with the concurrence of at least 5% in value of unsecured creditors (including, the unsecured creditor making the request) or with the permission of the Court.

Creditors' right to challenge our remuneration and expenses

If you wish to challenge the basis of our remuneration, the remuneration charged, or the expenses incurred during the period covered by this progress report, you must do so by making an application to Court within eight weeks of receiving this progress report.

Applications by unsecured creditors must be made with concurrence of at least 10% in value of unsecured creditors (including the unsecured creditor making the challenge) or with the permission of the Court.

The full text of the relevant rules can be provided on request by writing to Francine Pearlman at Interpath Ltd, 10th Floor, One Marsden Street, Manchester, M2 1HW.

Appendix 4 Joint Administrators' charging and expenses policy

Joint Administrators' charging policy

The time charged to the administration is by reference to the time properly given by us and our staff in attending to matters arising in the administration. This includes work undertaken in respect of in-house Interpath Advisory tax, VAT and employee specialists.

Our policy is to delegate tasks in the administration to appropriate members of staff considering their level of experience and requisite specialist knowledge, supervised accordingly, so as to maximise the cost effectiveness of the work performed. Matters of particular complexity or significance requiring more exceptional responsibility are dealt with by senior staff or us.

A copy of "A Creditors' Guide to Joint Administrators Fees" from Statement of Insolvency Practice 9 ('SIP 9') produced by the Association of Business Recovery Professionals is available at:

<https://www.r3.org.uk/technical-library/england-wales/technical-guidance/fees/more/29113/page/1/guide-to-administrators-fees/>

If you are unable to access this guide and would like a copy, please contact Francine Pearlman on 0118 214 5925.

Hourly rates

Set out below are the relevant hourly charge-out rates for the grades of our staff actually or likely to be involved on this administration. Time is charged by reference to actual work carried out on the administration; using a minimum time unit of six minutes.

All staff who have worked on the administration, including cashiers and secretarial staff, have charged time directly to the administration and are included in the analysis of time spent. The cost of staff employed in central administration functions is not charged directly to the administration but is reflected in the general level of charge-out rates.

| | |
|--------------------|-----|
| Managing Director | 780 |
| Director | 725 |
| Associate Director | 635 |
| Manager | 530 |
| Senior Associate | 370 |
| Associate | 265 |
| Support | 165 |

Table of charge-out rates

The charge-out rates used by us might periodically rise (for example to cover annual inflationary cost increases) over the period of the administration. In our next statutory report, we will inform creditors of any material amendments to these rates.

Policy for the recovery of expenses

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

Expenses: These are any payments which are neither an office holder's remuneration nor a distribution to a creditor or a member. Expenses also includes disbursements which are payments first met by the office holder, and then reimbursed to the office holder from the estate.

Category 1 expenses: These are payments to persons providing the service to which the expense relates who are not an associate of the office holder. 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 expenses: These are payments to associates or which have an element of shared costs. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage.

Associates: are defined in the insolvency legislation but also extends to parties where a reasonable and informed third party might consider there would be an association between the third party and the office holder or their firm.

Category 2 expenses charged by Interpath Restructuring include mileage.

Mileage claims are charged at up to a maximum of 45p per mile, depending on the member of staff and vehicle type. When carrying Interpath passengers an additional 5p per mile per passenger will also be charged where appropriate.

We have not incurred any expenses during the period.

We have the authority to pay Category 1 expenses without the need for any prior approval from the creditors of the Company.

Narrative of work carried out for the period 13 September 2023 to 12 March 2024

The key areas of work have been:

| | |
|---|---|
| Statutory and compliance | posting information on a dedicated web page; preparing statutory receipts and payments accounts; ensuring compliance with all statutory obligations within the relevant timescales. |
| Strategy documents, Checklist and reviews | monitoring and reviewing the administration strategy; briefing of our staff on the administration strategy and matters in relation to various work-streams; regular case management and reviewing of progress, including regular team update meetings and calls; reviewing and authorising junior staff correspondence and other work; dealing with queries arising during the appointment; reviewing matters affecting the outcome of the administration; allocating and managing staff/case resourcing and budgeting exercises and reviews; liaising with legal advisors; complying with internal filing and information recording practices, including documenting strategy decisions. |
| Reports to debenture holders | providing oral updates to representatives of the Secured Creditor regarding the progress of the administration and case strategy. |
| Cashiering | reconciling post-appointment bank accounts to internal systems; ensuring compliance with appropriate risk management procedures in respect of receipts and payments. |
| Tax | analysing VAT related transactions; dealing with post appointment tax compliance. |
| General | reviewing time costs data and producing analysis of time incurred which is compliant with Statement of Insolvency Practice 9; dealing with the ongoing storage of the Company's books and records. |
| Asset realisations | liaising with Utilita regarding debtor recoveries; working with Utilita to realise the Company's debtor book and management of debt collection strategy. |
| Creditors and claims | updating the list of unsecured creditors; responding to enquiries from creditors regarding the administration and submission of their claims; reviewing completed forms submitted by creditors, recording claim amounts and maintaining claim records; drafting our progress report. |

Time costs

SIP 9 –Time costs analysis (13/09/2023 to 12/03/2024)

| | Hours | Time Cost (£) | Average Hourly Rate (£) |
|--|--------------|------------------|-------------------------|
| Administration & planning | | | |
| Cashiering | | | |
| General (Cashiering) | 1.60 | 508.00 | 317.50 |
| Reconciliations (& IPS accounting reviews) | 0.60 | 222.00 | 370.00 |
| Statutory and compliance | | | |
| Appointment and related formalities | 0.10 | 63.50 | 635.00 |
| Checklist & reviews | 2.10 | 972.00 | 462.86 |
| Strategy documents | 0.30 | 159.00 | 530.00 |
| Tax | | | |
| Post appointment VAT | 2.70 | 1,339.00 | 495.93 |
| Creditors | | | |
| Creditors and claims | | | |
| Agreement of unsecured claims | 0.60 | 381.00 | 635.00 |
| General correspondence | 0.20 | 127.00 | 635.00 |
| Payment of dividends | 0.90 | 477.00 | 530.00 |
| Secured creditors | 2.20 | 1,166.00 | 530.00 |
| Statutory reports | 12.80 | 6,779.50 | 529.65 |
| Total in period | 24.10 | 12,194.00 | 505.98 |
| Brought forward time (appointment date to SIP 9 period start date) | 2,316.66 | 903,321.35 | |
| SIP 9 period time (SIP 9 period start date to SIP 9 period end date) | 24.10 | 12,194.00 | |
| Carry forward time (appointment date to SIP 9 period end date) | 2,340.76 | 915,515.35 | |

All staff who have worked on this assignment, including cashiers and secretarial staff, have charged time directly to the assignment and are included in the analysis of time spent. The cost of staff employed in central administration functions is not charged directly to the assignment but is reflected in the general level of charge out rates.

All time shown in the above analysis is charged in units of six minutes.

Appendix 5 Glossary

| | |
|---------------------------------------|--|
| Company | Eversmart Energy Ltd - in Administration |
| DSA | Debt Service Agreement |
| Interpath/Interpath Advisory | Interpath Ltd |
| Joint Administrators/we/our/us | Howard Smith and Will Wright |
| Pinsent Masons | Pinsent Masons LLP |
| Secured Creditor | Contract Natural Gas Limited |
| SoLR | Supplier of Last Resort |
| Utilita | Utilita Energy Limited |

Any references in this progress report to sections, paragraphs and rules are to Sections, Paragraphs and Rules in the Insolvency Act 1986, Schedule B1 of the Insolvency Act 1986 and the Insolvency Rules (England and Wales) 2016 respectively.

Appendix 6 Notice: About this report

This report has been prepared by Howard Smith and Will Wright, the Joint Administrators of Eversmart Energy Ltd – in Administration (the ‘Company’), solely to comply with their statutory duty to report to creditors under the Insolvency Rules (England and Wales) 2016 on the progress of the administration, 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.

This report has not been prepared in contemplation of it being used, and is not suitable to be used, to inform any investment decision in relation to the debt of or any financial interest in the Company.

Any estimated outcomes for creditors included in this report are illustrative only and cannot be relied upon as guidance as to the actual outcomes for creditors.

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

Howard Smith and William James Wright are authorised to act as insolvency practitioners by the Institute of Chartered Accountants in England & Wales.

We are bound by the Insolvency Code of Ethics.

The Officeholders may be Data Controllers of personal data as defined by the Data Protection Act 2018. Personal data will be kept secure and processed only for matters relating to the appointment. For further information, please see our Privacy policy at – www.interpathadvisory.com/privacy-insolvency.

The Joint Administrators act as agents for the Company and contract without personal liability. The appointments of the Joint Administrators are personal to them and, to the fullest extent permitted by law, Interpath Ltd does not assume any responsibility and will not accept any liability to any person in respect of this report or the conduct of the administration.

www.interpathadvisory.com

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