

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

For further information, please  
refer to our guidance at  
[www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

### 1 Company details

Company number 0 9 7 5 9 8 1 8

Company name in full ABC PROP CO HOLDINGS LIMITED

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

### 2 Liquidator's name

Full forename(s) Mark Grahame

Surname Tailby

### 3 Liquidator's address

Building name/number 8 Warren Park Way

Street Enderby

Post town Leicester

County/Region

Postcode L E 1 9 4 S A

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.

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Notice of progress report in voluntary winding up

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Period of progress report

|           |                |                |                |                |                |                |                |                |  |
|-----------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|--|
| From date | <sup>d</sup> 1 | <sup>d</sup> 4 | <sup>m</sup> 0 | <sup>m</sup> 2 | <sup>y</sup> 2 | <sup>y</sup> 0 | <sup>y</sup> 2 | <sup>y</sup> 1 |  |
| To date   | <sup>d</sup> 1 | <sup>d</sup> 3 | <sup>m</sup> 0 | <sup>m</sup> 2 | <sup>y</sup> 2 | <sup>y</sup> 0 | <sup>y</sup> 2 | <sup>y</sup> 2 |  |


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Progress report

|   |  |
|---|--|
| <input checked="" type="checkbox"/> The progress report is attached |  |
|---|--|

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Sign and date

|                        |   |                |                |                |                |                |                |                |  |
|------------------------|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|--|
| Liquidator's signature | Signature<br><b>X</b>  | <b>X</b>       |                |                |                |                |                |                |  |
| Signature date         | <sup>d</sup> 1  | <sup>d</sup> 3 | <sup>m</sup> 0 | <sup>m</sup> 4 | <sup>y</sup> 2 | <sup>y</sup> 0 | <sup>y</sup> 2 | <sup>y</sup> 2 |  |

# LIQ03

## Notice of progress report in voluntary winding up



### 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 **Craig Andrew Ridgley**

Company name **Elwell Watchorn & Saxton LLP**

Address **8 Warren Park Way**

**Enderby**

Post town **Leicester**

County/Region

Postcode **L E 1 9 4 S A**

Country

DX

Telephone **03300 889038**



### 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](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto: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](http://www.gov.uk/companieshouse)**

## ELWELLWATCHORNSAXTON

**Private and Confidential**

Our ref MGT.CAR.ABC02

Your ref

Date 13 April 2022

### TO ALL KNOWN MEMBERS & CREDITORS

Dear Sirs

#### **ABC PROP CO HOLDINGS LIMITED ("the Company") IN CREDITORS VOLUNTARY LIQUIDATION**

With effect from 1st March 2022, I am carrying out the administration of this case under Voscap Limited, rather than under Elwell Watchorn & Saxton LLP. Any fees arrangements previously agreed will continue to apply unless and until creditors approve any variation.

This is my report to members and creditors following the anniversary of my appointment as Liquidator. My appointment as Liquidator followed my initial appointment as Joint Administrator on 11 November 2016. This report should be read in conjunction with our previous progress reports that were issued during the course of the administration and liquidation.

I attach the following additional information:

- a) Additional details of work undertaken in this reporting period.
- b) Receipts and payments account.

Elwell Watchorn & Saxton LLP uses personal information in order to fulfil the legal obligations of our Insolvency Practitioners under the Insolvency Act and other relevant legislation, and also to fulfil the legitimate interests of keeping creditors and others informed about the insolvency proceedings. You can find more information on how Elwell Watchorn & Saxton LLP uses your personal information on our website at [www.ewslip.co.uk/privacy/stakeholders](http://www.ewslip.co.uk/privacy/stakeholders) or, if a shareholder, at [www.ewslip.co.uk/privacy/directors-shareholders-owners](http://www.ewslip.co.uk/privacy/directors-shareholders-owners).

If creditors have any queries regarding the conduct of the Liquidation, or if they want hard copies of any of the documents made available on-line, they should contact us by phone on 0207 769 6831.

#### **Disclaimer**

This report has been circulated for the sole purpose of providing creditors with an update for information purposes only to fulfil the necessary statutory requirement. The contents are private and confidential and may not be relied upon, referred to, reproduced in whole or in part or otherwise used by creditors for any purpose other than providing an update for them for information purposes, or by any other person for any purpose whatsoever.

Yours faithfully



Mark Grahame Tailby, Liquidator

Licensed in the United Kingdom to act as an insolvency practitioner  
by the Insolvency Practitioners Association

**Tel** 03300 889038 / **Fax** 03300 889028 / **Email** [leicester@ewslip.co.uk](mailto:leicester@ewslip.co.uk) / **Web** [ewslip.co.uk](http://ewslip.co.uk)  
Elwell Watchorn & Saxton LLP, 8 Warren Park Way, Enderby, Leicester LE19 4SA

Elwell Watchorn & Saxton LLP is a limited liability partnership registered in England number OC311000  
VAT registration number: 655 0983 15  
Registered office: 8 Warren Park Way, Enderby, Leicester LE19 4SA  
Members: Graham Wolloff Limited Joe Sadler Limited  
Liam Short Limited Mark Tailby Limited

Nigel Price Limited



**ABC PROP CO HOLDINGS LIMITED  
IN CREDITORS' VOLUNTARY LIQUIDATION**

**LIQUIDATOR'S PROGRESS REPORT TO CREDITORS AND MEMBERS**

**For the period ending 13 February 2022**

**STATUTORY INFORMATION**

|                                   |  |
|-----------------------------------|--|
| Company name:                     | ABC PROP CO HOLDINGS LIMITED                                       |
| Registered office:                | 8 Warren Park Way,<br>Enderby,<br>Leicester<br>LE19 4SA            |
| Former registered office:         | 21 High View Close<br>Hamilton office Park<br>Leicester<br>LE4 9JL |
| Registered number:                | 09759818   |
| Liquidator's name:                | Mark Grahame Tailby  |
| Liquidator's address:             | 8 Warren Park Way, Enderby, Leicester LE19 4SA                     |
| Liquidator's date of appointment: | 14 February 2019   |

**LIQUIDATORS' ACTIONS SINCE PREVIOUS PROGRESS REPORT**

As referred to in the previous progress report, the principal remaining matters to be dealt with were the determination of the trust position of the ABC Companies and to appropriately distribute the balance of funds held in the liquidation. An application for directions had been submitted and a hearing listed on 19 May 2020 to consider the arguments of whether the funds held in the liquidation were subject to the asserted trust or, in lack of being held in trust, should be distributed to the unsecured creditors which principally comprises a claim from Hutchinson Telecom FZCO.

Due to the difficulties brought about by the Coronavirus Pandemic, it was agreed by all parties that the hearing in May be vacated, and the court granted a consent order to that effect. A further hearing was scheduled for 09 September 2020. Prior to the hearing taking place an agreement was reached with all parties, and a further consent order was granted by court on 04 September 2020.

The principal matter agreed being that a dividend be paid from the liquidation no later than 14 weeks from the date of the order and that the Alpha Companies, should they wish to assert an interest in the funds, initiate appropriate proceedings within 6 weeks of the date of the order. The necessary notice of intention to pay a dividend was sent to creditors and advertised accordingly and no such proceedings were commenced by the Alpha Companies.

As a result of the advertising for claims however, a number of unsecured claims were received from individuals relating to investments they had made into the ABC bonds. In November 2020, I formally rejected these claims in full on the grounds that they had been submitted after the last date for proving and as the investors had provided insufficient evidence to substantiate that their claims against the company were valid. In December, an application was made on behalf of some of the investor creditors to challenge the decision to reject their claims and a hearing was originally convened on 23 March 2021. Subsequently, we received a request that this hearing be vacated and that it be re-listed for the first available date after 23 May 2021, on the grounds that there are ongoing proceedings in the UAE which it was anticipated would be concluded in May and that the outcome of these proceedings would be determinative on the application.

A hearing was held on 11 October 2021 at which the Court ordered that the determination of the outcome of the UAE proceedings was of principle importance to the Court to make a decision on the rejection of the claims. A consent order was subsequently agreed prior to this matter being heard again on 7 February 2022 to adjourn the matter again, and a further hearing is due to be held on 16 May 2022. Once this matter has been dealt with, I intend to distribute the funds held in the liquidation accordingly and to subsequently formally close the liquidation.

Proceedings have been brought against the Liquidator in UAE by Hutchinson Telecom LLC in relation to allegations that the former Joint Administrators sold the property assets owned by the Company for less than market value. These proceedings are being defended and the Liquidator believes that these proceedings have no merit and have been brought to attempt to frustrate the ongoing proceedings in the UK Courts referred to above.

There is also certain work that I am required by the insolvency legislation to undertake in connection with the liquidation that provides no financial benefit for the creditors. These activities specifically include returns required by the Crown and statutory reporting requirements dictated by the insolvency legislation, this report being one such example. A description of the routine work undertaken since my appointment as Joint Liquidator is contained in the Schedule of further information attached.

## **RECEIPTS AND PAYMENTS**

My Receipts & Payments Account for the period from 14 February 2021 to 13 February 2022 is attached. The balance of funds is held in an interest bearing estate bank account.

## **ASSETS**

The majority of the company assets were dealt with and realised during the course of the prior administration. Details of these realisations have been provided in the previous progress reports.

There are no assets that remained to be dealt with and the only sums realised during the period relate to bank interest.

## **LIABILITIES**

### Secured Creditors

An examination of the Company's mortgage register held by the Registrar of Companies, showed that the Company has no current registered charges over its assets.

However, as referred to above, the Alpha Companies were asserting an interest in the proceeds of the sale of Caroline House and Prospect House through an alleged Trust. The Alpha Companies are currently in Administration with Simon David Chandler and Scott Christian Bevan of Mazars LLP appointed Joint Administrators. As referred to above no application was made by the Alpha Companies asserting an interest in the funds within the period prescribed in the consent order. Consequently, the funds held will be available for the unsecured creditors.

### Preferential Creditors

There were no preferential creditors disclosed on the estimated statement of affairs and I confirm that no claims have been received in this regard.

### Non-preferential unsecured Creditors

As stated in the previous report to creditors, the Director is indisposed and is unable to approve a version of the directors Statement of Affairs. However, it was estimated that there are 11 creditors with unsecured claims of £1,187,742.

Unsecured claims received to date amount to £1,572,464 from 8 creditors. Of the claims outstanding, £1,539,660 relates to a claim by Hutchinson Telecom FZCO (in respect of the transfer of Caroline House from TPS).

As referred to above, upon advertising for claims, additional claims against the company had been received from individual investors relating to funds invested in ABC bonds. These claims were rejected,

but an application has been made to appeal the decision to reject their claims. The hearing is listed for the 16 May 2022 and the outcome of that hearing will determine the validity of these claims.

## **DIVIDEND PROSPECTS**

Following the failure by the Alpha companies to make a formal application that the funds should be held on trust, the funds remaining in the liquidation are now available to the unsecured creditors. I await the outcome of the hearings on the appeal to reject the claims of the individual investors referred to above, and the proceedings being brought in UAE against the Liquidator, before being in a position to be able to declare a dividend to the unsecured creditors.

## **INVESTIGATION INTO THE AFFAIRS OF THE COMPANY**

Investigations in the affairs of the company were undertaken during the previous administration and the outcomes of those investigations were detailed in the progress reports pertaining to the administration. I can confirm that there are no new issues that have been raised or determined during the course of the liquidation that warrant further investigation.

## **LIQUIDATORS' REMUNERATION**

In accordance with Rule 18.20 (4) of the Insolvency Rules 2106, where an administrator becomes liquidator the basis of remuneration fixed under rule 18.18 for the administrator is treated as having been fixed for the liquidator.

The bases of the Joint Administrators' fees were unanimously approved by those unsecured creditors in attendance (in person or by proxy), at a meeting of creditors held on 18 January 2017 as follows:

In relation to work performed in realising the Company's assets, conditional fees calculated as follows (together, "the Conditional Fees"):

- 5% of the sale consideration (from property sales); and
- 25% of realisations (from all other assets).

And a set fee of £25,000 plus VAT in relation to work completed post-appointment ("the Basic Fee").

It is best practice to provide a brief explanation as to why the approved fee basis is fair and reasonable. In this case, most of the Joint Administrators' remuneration has been directly linked to the results achieved in respect of asset realisations.

The Joint Administrators believed that the Basic Fee is a reasonable reflection of the likely costs in dealing with statutory matters and that the Conditional Fees are appropriate as;

- The fee of 5% of property realisation is comparable with the fee that would be charged by a Land and Property Act 1925 Receiver appointed to dispose of the properties; and
- The fee of 25% of other asset realisations is a reasonable reflection of the work involved (as detailed throughout this report) in recovering those assets (and is reflective of the value of these assets by comparison to the properties).

Further, in relation to the Basic Fee and as detailed at Appendix IV, there are several elements of this case which have been highly uncertain and/or continue to require a significant investment of time to resolve, namely:

- Reaching an agreement with HMRC regarding the VAT position;
- Sale of Caroline House and Prospect House with the removal of Hutchinson's invalid security;
- Dealing with trading issues when acting as landlord for Caroline House;
- Ascertaining the potential Transactions at an Undervalue position; and
- Clarifying the Alpha's Companies potential security claim.

The Joint Administrators believed that the approved fee bases remove an element of costs that would otherwise be associated with those uncertainties if the Joint Administrators remuneration was based upon an alternative time costs basis, and that by linking remuneration to results driven measures our interests are aligned with the general body of creditors. Also, as the percentage of realisations contributes to the overall cost of the assignment, this ensures that creditors have clarity as to the quantum of remuneration.

In the circumstances, the Joint Administrators considered this fair and reasonable.

Total fees paid to date include the Administrators basic fee of £25,000 and conditional fees of £23,746.

To date conditional fees paid total £23,746 in relation to Caroline House, Rent, Service Charge, cash at bank and book debts. A Further £44,719 of Joint Administrators' fees remained relating to the costs agreed on a percentage realisation basis. This sum has since been paid from the funds held in the liquidation. No remuneration has been drawn in this reporting period. As it is not anticipated that there will be any more realisations, it is not anticipated that there will be any further remuneration payable during the course of the liquidation.

## LIQUIDATOR'S EXPENSES

In addition to the outstanding Joint Administrator's remuneration referred to above, there were also some outstanding disbursements due to the former Joint Administrators as follows;

| Disbursement Type        | Amount (£)    |
|--------------------------|---------------|
| Re-Direction of Mail     | 350.00        |
| Statutory Advertising    | 93.34         |
| Category 2 Disbursements | 138.15        |
| Search Fee               | 9.00          |
| <b>Total</b>             | <b>590.49</b> |

In addition, the expenses incurred during the course of the liquidation are as follows

| Disbursement Type     | Incurred During Reporting Period (£) | Total Amount (£) |
|-----------------------|--------------------------------------|------------------|
| Document Hosting      | 10.00                                | 38.00            |
| Statutory Advertising | 85.85                                | 244.35           |
| <b>Total</b>          | <b>95.85</b>                         | <b>282.35</b>    |

### *Professional advisors engaged*

I have used professional advisors to assist with the administration and progression of the case.

The choice of professionals was based on my perception of their experience and ability to perform this type of work and the complexity and nature of the assignment. I also considered that the basis on which they will charge their fees represented value for money. I have reviewed the charges they have made and are satisfied that they are reasonable in the circumstances of this case. Professional advisors' fees are recharged at cost.

Actual costs incurred in this reporting period are detailed as follows:-

| Advisor/Organisation | Service provided | Reason selected                   | Basis of fees                 | Fees paid this reporting period |
|----------------------|------------------|-----------------------------------|-------------------------------|---------------------------------|
| Howes Percival       | Legal advice     | Sector knowledge and experience   | Time Costs plus disbursements | £12,850.00                      |
| Ali Obaid Alshamsi   | Legal advice     | Specialist legal knowledge in UAE | Time Costs plus disbursements | £42,461.13                      |

Howes Percival have been engaged to provide legal advice and assistance in relation to the application for directions and also in relation to the applications made by the individual investors on the decision to reject their claims for dividend purposes. It was agreed that they would be remunerated on the basis of time costs incurred in addition to disbursements incurred. The total fees paid to them to date during the course of the liquidation are £50,606.50 and they presently have further time costs accrued of £8,441.50.

Ali Obaid Alshamsi was engaged to provide legal advice and assistance in relation to claims received against the Liquidator in UAE proceedings brought against him personally. It was agreed that the remuneration would be on the basis of time costs. The total fees and disbursements paid to them to date during the course of the liquidation to date is £42,461.13. Depending upon the outcome of a hearing scheduled to be held in the UAE on 16 May 2022, further costs may be incurred, but at this time these cannot be estimated.



## FURTHER INFORMATION

An unsecured creditor may, with the permission of the Court, or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question), request further details of the Liquidators' remuneration and expenses within 21 days of their receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the Court, or with the concurrence of 10% in value of the unsecured creditors (including the creditor in question), apply to Court to challenge the amount of remuneration charged by the Liquidator as being excessive, and/or the basis of the Liquidators' remuneration, and/or the amount of the expenses incurred as being excessive, within 8 weeks of their receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

Further details are included in the attached Schedule of remuneration and case expenses; with further information.

To comply with the Provision of Services Regulations, some general information about Elwell Watchorn & Saxton LLP can be found at <https://ewslip.co.uk/downloads>.

## SUMMARY

### ***Known outstanding matters – work remaining to be completed***

In summary, the following key matters remain outstanding:-

- to await the outcome of the hearing to challenge my decision to reject the claims received from individual investors
- To await the outcome of proceedings brought in the UAE against the Liquidator
- to distribute the funds in accordance with the advice received

The Liquidation will remain open until these matters have been fully resolved. I estimate that this will take approximately 6-12 months and once resolved the Liquidation will be finalised and our files will be closed.

If creditors have any queries regarding the conduct of the Liquidation, or if they want hard copies of any of the documents made available on-line, they should contact Craig Andrew Ridgley on, 0207 769 6831, or by email at [craig.ridgley@voscap.co.uk](mailto:craig.ridgley@voscap.co.uk).



Mark Grahame Tailby, Liquidator  
Licensed in the United Kingdom to act as an insolvency practitioner  
by the Insolvency Practitioners Association

**ABC PROP CO HOLDINGS LIMITED  
IN CREDITORS' VOLUNTARY LIQUIDATION**

**Additional details of work undertaken in this reporting period**

***Administration***

This represents the work involved in the routine administrative functions of the case by the office holder and their staff, together with the control and supervision of the work done on the case by the office holder and their managers. It does not give direct financial benefit to the creditors but has to be undertaken by the office holder to meet their requirements under the insolvency legislation and the Statements of Insolvency Practice, which set out required practice that office holders must follow.

- Case planning - devising an appropriate strategy for dealing with the case and giving instructions to the staff to undertake the work on the case.
- Setting up physical/electronic case files
- Setting up the case on the practice's electronic case management system and entering data.
- Issuing the statutory notifications to creditors and other required on appointment as office holder, including gazetting the office holder's appointment.
- Obtaining a specific penalty bond.
- Supervising the work of sub-contractors instructed on the case to assist in dealing with pension schemes; obtaining reports and updates from them on the work done; and checking the adequacy of the work done.
- Dealing with all routine correspondence and emails relating to the case.
- Maintaining and managing the office holder's estate bank account.
- Maintaining and managing the office holder's cashbook.
- Undertaking regular bank reconciliations of the bank account containing estate funds.
- Reviewing the adequacy of the specific penalty bond.
- Undertaking periodic reviews of the progress of the case.
- Overseeing and controlling the work done on the case by case administrators.
- Filing returns at Companies House.
- Preparing and filing VAT returns.
- Preparing and filing Corporation Tax returns.

***Creditors***

Contextual Information:

- a) Number of known creditors in this case: 14
- a) Number of former employees in this case: 0

Claims of creditors - the office holder needs to maintain up to date records of the names and addresses of creditors, together with the amounts of their claims as part of the management of the case, and to ensure that notices and reports can be issued to the creditors. The office holder also needs to deal with correspondence and queries received from creditors regarding their claims and dividend prospects as they are received. The office holder is required to undertake this work as part of his statutory functions.

- Issuing notice of intended dividend and advertising for creditor claims
- Reviewing claims received from individual investors
- Formally rejecting claims received
- Liaising with solicitor of applications to appeal decision to reject claims
- Liaising with solicitor in respect of UAE legal proceedings

**ABC PROP CO HOLDINGS LIMITED**  
**(In Liquidation)**  
**Liquidator's Summary of Receipts & Payments**

| Statement<br>of Affairs<br>£ | From 14/02/2021<br>To 13/02/2022<br>£ | From 14/02/2019<br>To 13/02/2022<br>£ |
|------------------------------|---------------------------------------|---------------------------------------|
|                              |                                       |                                       |
|                              | ASSET REALISATIONS                    |                                       |
|                              | Bank Interest Gross                   | 479.08                                |
| 1,099,359.67                 | Transfer from Administration          | 5,611.22                              |
|                              |                                       | 1,099,395.19                          |
|                              |                                       | 1,105,006.41                          |
|                              | COST OF REALISATIONS                  |                                       |
|                              | Appointee Disbursements - Administra  | NIL                                   |
|                              | Appointee Fees - Administration       | 138.15                                |
|                              | Bank Charges                          | 44,719.60                             |
|                              | Document Hosting                      | 19.00                                 |
|                              | Legal Disbursements                   | 48.00                                 |
|                              | Legal Fees                            | 514.67                                |
|                              | Re-Direction of Mail                  | 55,311.63                             |
|                              | Searches                              | 93,068.13                             |
|                              | Specific Bond                         | 350.00                                |
|                              | Statutory Advertising                 | 9.00                                  |
|                              |                                       | 393.75                                |
|                              |                                       | 337.69                                |
|                              |                                       | (55,734.38)                           |
|                              |                                       | (139,597.99)                          |
|                              | UNSECURED CREDITORS                   |                                       |
| (105,600.00)                 | Business Rates (Contingent Creditor)  | NIL                                   |
| (1,071,283.00)               | TPS Investments (UK) Limited          | NIL                                   |
| (10,859.00)                  | Trade & Expense Creditors             | NIL                                   |
|                              |                                       | NIL                                   |
|                              | DISTRIBUTIONS                         |                                       |
| (100.00)                     | Ordinary Shareholders                 | NIL                                   |
|                              |                                       | NIL                                   |
|                              |                                       |                                       |
| (88,482.33)                  |                                       | 965,408.42                            |
|                              | REPRESENTED BY                        |                                       |
|                              | Current Floating (Int Bearing)        | 962,757.57                            |
|                              | VAT on Payments                       | 2,650.85                              |
|                              |                                       | 965,408.42                            |

Mark Grahame Tailby  
Liquidator