

## The Insolvency Act 1986

**Administrator's progress report**


Name of Company <b>Biari Limited</b>	Company number <b>5776280</b>
In the <b>High Court of Justice</b> <small>[full name of court]</small>	Court case number <b>8407 of 2008</b>

(a) Insert full name(s) and address(es) of administrator(s)

We (a) Malcolm Cohen and Antony David Nygate of BDO LLP, 55 Baker Street, London, W1U 7EU

administrator(s) of the above company attach a progress report for the period

(b) Insert date	From	to
	(b) 29 September 2016	(b) 28 March 2017

Signed   
Joint/administrator(s)

Dated 25/04/17

**Contact details:**

You do not have to give any contact information



\*A67LUNEX\*  
A12 31/05/2017 #90  
COMPANIES HOUSE

\*A659C0CH\*  
A14 27/04/2017 #25  
COMPANIES HOUSE

c/o Ben Ezekiel, BDO LLP, 55 Baker Street, London, W1U 7EU

Our Ref

Tel: 020 7893 3258

DX Number

DX Exchange

I have completed and signed this form please send it to the Registrar of Companies at:  
Companies House, Crown Way, Cardiff, CF14 3UZ

DX 33050 Cardiff

WEDNESDAY  
THUR



Tel: +44 (0)20 7486 5888  
Fax: +44 (0)20 7487 3686  
DX 9025 West End W1  
www.bdo.co.uk

55 Baker Street  
London W1U 7EU

25 April 2017

Please ask for Ben Ezekiel  
Direct line: 0207 893 3258  
ben.ezekiel@bdo.co.uk

Dear Sir/Madam

**Algrave Limited and 726 Other Companies ('the Companies') - All in Administration**

It is now one hundred and two months since my appointment in respect of the Companies. Herein follows a report on the progress made in implementing the approved proposals and achieving the statutory purpose of the Administration.

**1 Statutory Information**

The Joint Administrators are Malcolm Cohen and Antony David Nygate of BDO LLP, 55 Baker Street, London, W1U 7EU and they were appointed in respect of the Companies on 29 September 2008. Under the provisions of paragraph 100(2) of schedule B1 of the Insolvency Act 1986, the Joint Administrators carry out their functions jointly and severally and neither Joint Administrator has exclusive power to exercise any function.

The Joint Administrators were appointed by the corporate director of the Companies, pursuant to Paragraph 12 of Schedule B1 of the Insolvency Act 1986. As previously advised, an application was made to the High Court of Justice to consolidate the insolvency proceedings into one Administration. This report has, therefore, been prepared on a consolidated basis. The court case number is 8407 of 2008.

The registered office of the Companies is 55 Baker Street, London, W1U 7EU and the registered numbers are listed on the attached schedule.

**2 Receipts & Payments**

I enclose, for your information, a summary of my receipts and payments to 28 March 2017 showing a balance in hand of £773,804. There were no substantive receipts or payments during the period.

**3 Future of the Administration**

The Joint Administrators' proposals, agreed on 5 December 2008, stated that the Companies would exit Administration by way of dissolution under the provisions of Paragraph 84 of Schedule B1 of the Insolvency Act 1986.



As previously reported, the table below summarises the extensions to the period of Administration that have previously been granted by the Court.

Duration	Source of extension	Extended until
12 Months	Court application	28 September 2010
12 Months	Court application	28 September 2011
12 Months	Court application	28 September 2012
18 Months	Court application	28 March 2014
12 Months	Court application	28 March 2015
12 Months	Court application	28 March 2016
24 Months	Court application	28 March 2018

As previously advised, the Joint Administrators have been served with a legal claim from the solicitors acting for the liquidators of Safe Business Services Limited ('SBS') in relation to a purported debt that they are seeking to have paid as an expense of the Administration. As a consequence, the Joint Administrators retained solicitors to defend the claim on behalf of the Companies.

Subsequent to the reporting date, the Joint Administrators have agreed a settlement with the claimant totalling £127,225 plus VAT on a without prejudice basis. The legal costs incurred during the proceedings have not yet been agreed.

#### **4 Prospects for Creditors**

Under Section 176A of the Insolvency Act 1986, where after 15 September 2003 a company has granted to a creditor a floating charge, a proportion of the net property of the company must be made available purely for the unsecured creditors. The Companies did not grant a floating charge to any creditor after 15 September 2003 and consequently there is no prescribed part in this Administration.

The Joint Administrators may not make payments by way of distribution, under Paragraph 65 of Schedule B1 of the Insolvency Act 1986, to a creditor of the Companies who is neither secured nor preferential unless the Court provides permission.

To date, I have received four creditor claims totalling £6,648,252, one of which (for £228,991) has been rejected. Pursuant to a Court order granted on 28 May 2014, an interim distribution of £2,006,897 was made to the unsecured creditors. Once the claim from SBS has been concluded, the Joint Administrators will make a further application to Court to make a final distribution.

Upon payment of the final distribution it is the Joint Administrators' intention to exit the Administration by way of dissolution.

#### **5 Joint Administrators' Remuneration**

The creditors of the Companies have approved that the Joint Administrators' remuneration be fixed as a percentage of the value of the property, with which I have to deal with and this has been capped at £1,750 plus VAT inclusive of general disbursements, per company.

I can confirm that no work that is usually carried out by the Joint Administrators has been subcontracted outside my firm.

Time costs incurred to date total £1,393,977 represented by 3,993 hours at an average charge out rate of £349. To date, the Joint Administrators have drawn remuneration totalling £1,158,987 plus VAT, for the period from 29 September 2008, the date of appointment, to 28 March 2017.

Attached is a schedule which summarises the time costs drawn to date and indicates the work undertaken in that respect. Remuneration and disbursements drawn to date total £1,243,180, which is within the agreed cap of £1,750 per company, which totals £1,272,250.

## **6 Joint Administrators' Disbursements**

Where disbursements are recovered in respect of precise sums expended to third parties there is no necessity for these costs to be authorised. These are known as Category 1 disbursements. These disbursements have been detailed below.

Type of disbursement	Incurring since 29/09/2016 £	Total £
Advertising	-	62,120.99
Bonding	-	14,600.00
Printing / photocopying / postage / courier services (specifically allocated)	-	6,203.89
Forensics imaging equipment	-	200.00
Companies House searches	-	35.00
Travel	-	790.60
Storage	-	252.00
Total	-	<u>84,202.48</u>

These disbursements have been drawn with the consent of creditors.

Some Administrators recharge expenses for example postage, stationery, photocopying charges, telephone and fax costs, which cannot economically be recorded in respect of each specific case. Such expenses, which are apportioned to cases, require the approval of the creditors, before they can be drawn, and these are known as Category 2 disbursements. The policy of BDO LLP is not to charge any Category 2 disbursements.

For your reference a creditors' guide to the Administrators' fees may be found at the following website: <http://www.icaew.com/en/technical/insolvency/creditors-guides>.

## **7 Other Matters**

The Insolvency Service has established a central gateway for considering complaints in respect of Insolvency Practitioners. In the event that you make a complaint to me but are not satisfied with the response from me then you should visit:



<https://www.gov.uk/complain-about-insolvency-practitioner> where you will find further information on how you may pursue the complaint.

I attach to this report an extract from the Insolvency Rules 1986 setting out the rights of creditors to request further information and/or challenge the remuneration or fees within the Administration.

Should you have any queries please contact Ben Ezekiel on the telephone number shown above.

Please note, the affairs, business and property of the Company are being managed by the Joint Administrators who act only as agents of the Company and without personal liability.

Yours faithfully  
For and on behalf of  
Algrave Limited and 726 Other Companies



Malcolm Cohen  
Joint Administrator

Enc

**Statement from the Insolvency Rules 1986 (as amended) regarding the rights of creditors in respect of the Joint Administrators' fees and expenses:-**

**Rule 2.48A Creditors' request for further information**

(1) If—

(a) within 21 days of receipt of a progress report under Rule 2.47—

(i) a secured creditor, or

(ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or

(b) with the permission of the court upon an application made within that period of 21 days, any unsecured creditor, makes a request in writing to the administrator for further information about remuneration or expenses (other than pre-administration costs) set out in a statement required by Rule 2.47(1)(db) or (dc), the administrator must, within 14 days of receipt of the request, comply with paragraph (2).

(2) The administrator complies with this paragraph by either—

(a) providing all of the information asked for, or

(b) so far as the administrator considers that—

(i) the time or cost of preparation of the information would be excessive, or

(ii) disclosure of the information would be prejudicial to the conduct of the administration or might reasonably be expected to lead to violence against any person, or

(iii) the administrator is subject to an obligation of confidentiality in respect of the information, giving reasons for not providing all of the information.

(3) Any creditor, who need not be the same as the creditor who requested further information under paragraph (1), may apply to the court within 21 days of—

(a) the giving by the administrator of reasons for not providing all of the information asked for, or

(b) the expiry of the 14 days provided for in paragraph (1),

and the court may make such order as it thinks just.

(4) Without prejudice to the generality of paragraph (3), the order of the court under that paragraph may extend the period of 8 weeks provided for in Rule 2.109(1B) by such further period as the court thinks just.

**Rule 2.109 Creditors' claim that remuneration is or other expenses are excessive**

(1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4).

(1A) Application may be made on the grounds that—

(a) the remuneration charged by the administrator,

(b) the basis fixed for the administrator's remuneration under Rule 2.106, or

(c) expenses incurred by the administrator,

is or are, in all the circumstances, excessive or, in the case of an application under sub-paragraph (b), inappropriate.

(1B) The application must, subject to any order of the court under Rule 2.48A(4), be made no later than 8 weeks after receipt by the applicant of the progress report which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

(2) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss it without a hearing but it shall not do so without giving the applicant at least 5 business days' notice, upon receipt of which the applicant may require the court to list the application for a without notice hearing. If the application is not dismissed, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly.

**Statement from the Insolvency Rules 1986 (as amended) regarding the rights of creditors in respect of the Joint Administrators' fees and expenses (continued):-**

**Rule 2.109 (continued)**

(3) The applicant shall, at least 14 days before the hearing, send to the administrator a notice stating the venue and accompanied by a copy of the application, and of any evidence which the applicant intends to adduce in support of it.

(4) If the court considers the application to be well-founded, it must make one or more of the following orders—

(a) an order reducing the amount of remuneration which the administrator was entitled to charge;

(b) an order fixing the basis of remuneration at a reduced rate or amount;

(c) an order changing the basis of remuneration;

(d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the administration;

(e) an order that the administrator or the administrator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify;

and may make any other order that it thinks just; but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report.

(5) Unless the court orders otherwise, the costs of the application shall be paid by the applicant, and are not payable as an expense of the administration.

**Algrave Limited and 726 other companies**  
**All in Administration**

**Summary of Joint Administrators' Receipts And Payments from 29 September 2008 (date of Administration) to 28 March 2017**

<b>RECEIPTS</b>	<b>29/09/2016 to 28/03/17 £</b>	<b>Estimated Outcome Total (£)</b>
Book Debts	-	33,311.61
Tax Refunds	-	402.63
Book Debts	-	14,468.01
VAT Refunds (Pre Appointment)	-	36.31
Cash at Bank	-	3,960,997.20
Cash at Solicitors	-	116,657.95
Bank Interest - Gross	1,928.16	79,400.59
Bank Interest - Net	393.40	23,256.74
VAT	(2.00)	-
	<u>2,319.56</u>	<u>4,228,531.04</u>

**PAYMENTS**

Joint Administrators' Fees	-	1,158,987.00
Joint Administrators' Disbursements	-	84,183.48
Legal Fees & Disbursements	-	149,823.32
Professional Fees	-	10,613.66
PAYE Services	-	900.00
Corporation Tax	-	16,247.33
Storage Costs	-	8,321.50
ISA Charge	-	25.75
Bank Charges	-	52.46
Irrecoverable VAT	-	50.00
Input VAT	(6,023.75)	18,624.94
	<u>- 6,023.75</u>	<u>1,447,829.44</u>

**DISTRIBUTIONS**

Payment in full to 2 unsecured creditors	6,897.34
Interim dividend to remaining sole creditor	2,000,000.00
	<u>773,804.26</u>
Balance in Hand	<u>4,228,531.04</u>

**BDO LLP**  
**55 Baker Street**  
**London**  
**W1U 7EU**

**M Cohen & A Nygate**  
**Joint Administrators**  
**25 April 2017**

**N.B. A statement of affairs was not submitted in respect of the Administration**



Algrave Limited and 726 other companies Limited - In Administration

Detailed Time Charged and Rates Applicable for the Period From 29 September 2016 (date of appointment) to 28 March 2017

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AVERAGE RATE
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	
B. General Administration															
02. VAT															
03. Taxation															
04. Instruct/Litig Solicitors	16.00	11,616.00	111.00	43,776.00					5.00	785.00			5.00	785.00	
05. Investigations									2.00	314.00			2.00	314.00	
06. Receipts/Payments Accounts									0.50	78.50			0.50	78.50	
07. Statutory Matters	6.00	4,356.00	0.10	22.40	0.05	10.10	0.40	80.80	2.70	296.65	1.35	95.45	4.60	904.40	
15. Gen. Admin/Correspondence	0.10	50.90	1.40	449.40					5.50	863.50			11.50	5,219.50	
D. Sub Total	22.10	16,022.90	112.50	44,247.80	6.05	19.10	0.40	80.80	16.20	2,415.15	1.35	95.45	182.60	62,872.20	412.01
I. Reporting															
02. Reporting to Appointer			58.00	29,116.00									58.00	29,116.00	
I. Sub Total	0.00	0.00	58.00	29,116.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	58.00	29,116.00	
	22.10	16,022.90	170.50	73,363.80	6.05	19.10	0.40	80.80	16.20	2,415.15	1.35	95.45	210.60	91,988.20	436.79

Net Total	210.60	91,988.20	436.79
Other Disbursements:		0.00	
Grand Total		91,988.20	

**Detailed Time Charged and Rates Applicable for the Period From 29 September 2008 (date of appointment) to 28 March 2017**

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Algrave Limited and 736 other companies Limited - In Administration

Detailed Time Charged and Rates Applicable for the Period From 29 September 2008 (date of appointment) to 28 March 2017

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AVERAGE RATE
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	
I. Reporting	1.50	1,007.50	6.00	2,178.00	13.25	3,072.40	15.00	2,880.00	62.65	7,219.40			102.25	19,278.80	
01. Statutory Reporting	52.00	35,962.00			84.40	21,733.30	100.80	24,804.00	17.95	2,296.26			52.00	35,962.00	
02. Reporting to Appointer			160.55	72,173.30	78.70	18,949.40			1.09	118.00			343.70	121,304.75	
04. Reporting to Creditors									2.60	232.80			74.70	18,062.40	
06. Reporting to other bodies	1.00	685.00							85.20	10,498.18			3.60	952.80	
08. Other Matters	54.50	38,874.50	107.48	74,351.80	173.26	44,484.10	111.88	28,484.40					396.25	193,853.75	364.83
I. Sub Total															
J. Distribution & Closure															
02. Distributions							37.50	9,187.50	2.00	224.00			37.50	9,187.50	
05. Closure Meetings							37.90	9,187.50	2.00	224.00			2.00	224.00	
J. Sub Total													39.50	9,411.00	238.27
	284.81	238,067.85	1,854.38	669,514.23	727.03	187,627.05	311.88	180,844.75	852.40	75,802.25	61.88	8,281.70			

Net Total	3,972.75	1,393,877.10	549.13
Other Disbursements:		84,202.48	
WVed		1,343,180.48	
Grand Total		224,999.10	