

The Insolvency Act 1986

Liquidator's Progress
Report

S.192

Pursuant to Sections 92A and 104A
of the Insolvency Act 1986

To the Registrar of Companies

For Official Use

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Company Number

02413346

Name of Company

Grosvenor Fresh Foods Limited

I / We
Leslie Ross
4 Hardman Square
Spinningfields
Manchester
M3 3EB

the liquidator(s) of the company attach a copy of my/our progress report
under section 192 of the Insolvency Act 1986

Signed



Date

22/1/12

Grant Thornton UK LLP
4 Hardman Square
Spinningfields
Manchester
M3 3EB

Ref G90110/LZR/MZB/NZJ/TXA

Insolvency Se

MONDAY



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COMPANIES HOUSE

#157

Our Ref LZR/G90110/MZB/7

To the creditors and members

22 June 2012

Dear Sirs

Recovery and Reorganisation

Grant Thornton UK LLP
4 Hardman Square
Spinningfields
Manchester M3 3EB

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Grosvenor Fresh Foods Limited - In Liquidation

1 Introduction

- 1 1 Following my appointment as liquidator of the above Company on 3 May 2011 in accordance with section 104A of the Insolvency Act 1986, I now report on the progress of the liquidation for the year ended 2 May 2012 and attach

- Appendix A, an account of our receipts and payments for the year ended 2 May 2012 and also for the whole liquidation to date
- Appendix B, a statement of the remuneration charged by the joint liquidators in the period 3 May 2011 to 2 May 2012 and a statement of expenses incurred in the period
- Appendix C, an analysis of time costs as required by Statement of Insolvency Practice 9
- Appendix D, an extract from the Insolvency Rules 1986 relating to creditors' rights to request additional information from the liquidator (rule 4.49E)
- Appendix E, an extract from the Insolvency Rules 1986 relating to creditors' rights to challenge the liquidator's remuneration or expenses if excessive (rule 4.131)

- 1 2 Please note that Leslie Ross is authorised by The Insolvency Practitioners Association to act as an insolvency practitioner

2 Statutory information

- 2 1 The Company's statutory details are as follows

Registered number 02413346

Registered office c/o Grant Thornton UK LLP, 4 Hardman Square, Spinningfields, Manchester, M3 3EB

3 Progress report

Book debts

- 3 1 At the date of my appointment the Company had an outstanding debtors ledger of £340,044 with an estimated to realise value of £240,000, according to the directors' estimated statement of affairs

Chartered Accountants
Member firm within Grant Thornton International Ltd
Grant Thornton UK LLP is a limited liability partnership registered in England and Wales. No OC307742 Registered office: Grant Thornton House, Melton Street, Euston Square, London NW1 2EP
A list of members is available from our registered office

Grant Thornton UK LLP is authorised and regulated by the Financial Services Authority for investment business

A list of personnel permitted by Grant Thornton to accept appointments as insolvency practitioners and of their respective authorising bodies may be inspected at the above address.

- 3 2 The Company had the benefit of an invoice discounting facility from RBS Invoice Finance (RBSIF) who, at the date of my appointment, had an outstanding debt of £107,458. I have summarised the position below

	£
Collections to date	161,534
Estimated future collections	10,724
Less RBSIF	(107,458)
Net realisations	<u>64,800</u>

- 3 3 As at the date of this report RBSIF have been repaid in full including interest and charges. To date I have realised £161,534 and anticipate further realisations of £10,724

Other realisations

- 3 4 Following my appointment I instructed David Currie & Co to attend the Company premises and provide me with a formal valuation of the Company's chattel assets
- 3 5 I can confirm that the plant and machinery and motor vehicles sold for £8,000 and £7,500 respectively which is in excess of the directors' estimate of £10,000. The proceeds have been received in full and no further realisations are anticipated

Preferential creditors

- 3 6 I have received preferential claims totalling £17,526 in respect of unpaid wages and holiday pay
- 3 7 I anticipate that preferential creditors will be paid in full

Unsecured creditors

- 3 8 In accordance with section 176A(2) where a company goes into liquidation the liquidator is required to set aside a prescribed part of the company's net property for the satisfaction of unsecured debts
- 3 9 This section shall not however apply where the company's net property is below the prescribed minimum of £10,000 and the liquidator thinks the cost of making a distribution would be disproportionate to the benefits. Based on the level of surplus realisations and costs of the liquidation I do not anticipate there being funds available for distribution to unsecured creditors

4 Liquidator's remuneration and expenses

- 4 1 At a meeting of creditors held on 3 May 2011 the creditors resolved that I may draw my remuneration by reference to my time costs. You will note from the SIP 9 table attached at Appendix C that my time costs to date are £30,744 and from the receipts and payments account attached at Appendix A, that no fees have been drawn to date. Time costs of £30,056 incurred in the period but not drawn as remuneration to date are disclosed in Appendix B

- 4 2 Furthermore, the creditors passed a resolution authorising me to draw remuneration, based on my time costs, in connection with work undertaken between 6 April 2011 (the date of my initial instruction) and my appointment as liquidator on 3 May 2011. My time costs for this period were £19,646 and I propose to draw £12,000 against these.
- 4 3 Time is charged in units of 6 minutes. Background information regarding the fees of liquidators can be found at <http://www.insolvency-practitioners.org.uk> (navigate via 'Regulation and Guidance' to 'Creditors Guides to Fees'). Alternatively I will supply this information by post on request.
- 4 4 To date I have not drawn any expenses however I propose to draw these in due course as set out in Appendix B.

5 Other expenses incurred by the liquidator

- 5 1 I have set out at Appendix A expenses that have been incurred and paid during the liquidation period.
- 5 2 In addition I have set out at Appendix B the costs and expenses that have been incurred in the period to 2 May 2012 but which have not yet been paid. In summary these relate to the pre and post appointment time costs incurred by the liquidator.

Yours faithfully
for and on behalf of Grosvenor Fresh Foods Limited



Leslie Ross
Liquidator

Enc

**Grosvenor Fresh Foods Limited
In Liquidation**

Summary of Receipts and Payments

	Statement of Affairs £	From 03/05/2011 To 02/05/2012 £	From 03/05/2012 To 02/05/2012 £	Total £
RECEIPTS				
Book Debts		114,317 14	0 00	114,317 14
Plant & Machinery		8,000 00	0 00	8,000 00
Motor Vehicles		7,500 00	0 00	7,500 00
Book Debts		47,217 06	0 00	47,217 06
Vat Payable		3,100 00	0 00	3,100 00
		180,134 20	0 00	180,134 20
PAYMENTS				
Insurance		409 69	0 00	409 69
Debt Collection Fees		5,715 85	0 00	5,715 85
Chargeholder (1)		107,458 12	0 00	107,458 12
DTI Cheque Fees		3 00	0 00	3 00
ISA Account Fees		92 00	0 00	92 00
Misc Float Payments		816 00	0 00	816 00
Agents/Valuers Fees (1)		5,044 50	0 00	5,044 50
Legal Fees (1)		603 00	0 00	603 00
Other Property Expenses		428 00	0 00	428 00
Vat Receivable		2,358 27	0 00	2,358 27
Vat Control Account		862 33	0 00	862 33
		123,790 76	0 00	123,790 76
Net Receipts/(Payments)		56,343 44	0 00	56,343 44
MADE UP AS FOLLOWS				
ISA		56,343 44	0 00	56,343 44
		56,343 44	0 00	56,343 44

B Remuneration charged and expenses incurred by the liquidator in the period

	Charged/ accrued in period but not yet paid £	Paid in period of report £	Charged/ accrued in period but not yet paid £	Total £
Pre appointment costs				
Grant Thornton fees				
Liquidator's fees	19,645 50			19,645 50
Liquidator's expenses	168 56			168 56
Time costs			30,056 00	30,056 00
Expenses			138 10	138 10
Professional fees				
Cerberus (debt collection) – Fixed		5,715 85		5,715 85
Cerberus (debt collection) – Other		7,500 00		7,500 00
Legal fees				
Pinsent Mason		603 00		603 00
Agents/valuers				
David Currie & Co		5,044 50		5,044 50
Tuer's garage (vehicle storage)		816 00		816 00
Insurance				
JLT		409 69		409 69
Other				
Property expenses – Lock change		428 00		428 00
	<u>19,814 06</u>	<u>20,517 04</u>	<u>30,194 10</u>	<u>70,525 20</u>

C SIP 9 information

Introduction

The following information is provided in connection with the administrators' remuneration and disbursements in accordance with SIP 9

Explanation of Grant Thornton UK LLP charging and disbursement recovery policies

Time costs

All partners and staff are charged out at hourly rates appropriate to their grade, as shown on the attached schedule. Details of the hourly charge-out rates are made available to creditors or committees at the time of fixing the basis of our fees. Support staff (ie secretaries, cashiers and filing clerks) are charged to the case for the time they work on it

	From 01/07/09	From 01/07/10	From 01/07/11
	£	£	£
Partners up to	510	535	560
Managers up to	385	405	425
Administrators up to	275	285	300
Assistants and support staff up to	190	195	205

Disbursements

Out of pocket expenses are charged at cost. Mileage is charged at standard rates which comply with HM Revenue and Customs limits or AA recommended rates. VAT is added to disbursement charges as necessary.

Grosvenor Fresh Foods Ltd - G30290110 - SIP 9 TIME COST ANALYSIS

Job(s) CVL

Transaction period All transactions

Export version

Standard	Partner		Manager		Executive		Administrator		Total		
	Hrs	£	Hrs	£	Hrs	£	Hrs	£	Hrs	£	Avg Hrly Rate
Administration and Planning	1 00	425 00	26 55	7,602 50	2 10	331 50	12 00	1,745 20	41 65	10,104 20	242 60
Creditors	3 50	1,527 50	19 35	5,923 50	5 00	325 00	71 55	4,945 25	99 40	12,721 25	127 98
Hiatus period											
Investigations			3 20	955 50					3 20	955 50	298 59
Realisation of Assets	5 50	2,407 50	14 25	4,206 00			1 25	175 00	21 00	6,788 50	323 26
Trading											
Unclassified			70	175 00						175 00	250 00
Total	10 00	4,360 00	64 05	18,862 50	7 10	656 50	84 80	6,865 45	165 95	30,744 45	185 26

Total fees billed to date (Time) £

Grosvenor Fresh Foods Ltd - G30290110 - SIP 9 TIME COST ANALYSIS

Job(s) Hiatus period

Transaction period All transactions

Export version

Standard	Partner		Manager		Executive		Administrator		Total		Avg Hly Rate
	Hrs	£	Hrs	£	Hrs	£	Hrs	£	Hrs	£	
Administration and Planning			26 70	7,609 50			3 00	382 50	29 70	7,992 00	269 09
Creditors			9 40	2,910 00			30 45	2,908 50	39 85	5,818 50	146 01
Hiatus period									1 00	425 00	425 00
Investigations	1 00	425 00							9 60	3,016 00	314 17
Realisation of Assets	2 00	850 00	7 60	2,166 00					8 40	2,394 00	285 00
Trading			8 40	2,394 00					88 55	19,645 50	221 86
Total	3 00	1,275 00	52 10	15,079 50			33 45	3,291 00			

Total fees billed to date (Time) £

D An extract from the Insolvency Rules 1986 relating to creditors' rights to request additional information from the liquidator

Rule 4 49E edited for application to a progress report in a creditors' voluntary liquidation

- (1) If
 - (a) within the period mentioned in paragraph (2)
 - (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 the period mentioned in paragraph (2), any unsecured creditor makes a request in writing to the liquidator for further information about remuneration or expenses set out in the progress report, the liquidator must, within 14 days of receipt of the request, comply with paragraph (3) except to the extent that the request is in respect of a matter which was previously included in a progress report
- (2) The period referred to in paragraph (1)(a) is 21 days of receipt of the progress report
- (3) The liquidator complies with this paragraph by either -
 - (a) providing all of the information asked for, or
 - (b) so far as the liquidator 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 liquidation or might reasonably be expected to lead to violence against any person, or
 - (iii) the liquidator is subject to an obligation of confidentiality in respect of the information,
 giving reasons for not providing all of the information
- (4) Any creditor, who need not be the same as the creditor who requested further information, may apply to the court within 21 days of -
 - (a) the giving by the liquidator 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
- (5) Without prejudice to the generality of paragraph (4), the order of the court under that paragraph may extend the period of 8 weeks provided for in Rule 4 131(1B) by such further period as the court thinks just

E An extract from the Insolvency Rules 1986 relating to creditors' rights to challenge the liquidator's remuneration or expenses if excessive

Rule 4 131

- (1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the 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 by a creditor may be made on the grounds that -
 - (a) the remuneration charged by the liquidator,
 - (b) the basis fixed for the liquidator's remuneration under Rule 4 127, or
 - (c) expenses incurred by the liquidator,
 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 4 49E(5), be made no later than 8 weeks (or in a case falling within Rule 4 108, 4 weeks) after receipt by the applicant of the progress report or the draft report under Rule 4 49D, 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 cause is shown for a reduction, dismiss the application, but it shall not do so unless the applicant has had an opportunity to attend the court for a hearing, of which he has been given at least 5 business days' notice, but which is without notice to any other party
If the application is not dismissed under this paragraph, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly
- (3) The applicant shall, at least 14 days before the hearing, send to the liquidator 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 liquidator 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 liquidation
 - (e) an order that the liquidator or the liquidator'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 liquidation