

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
COMPANIES COURT

BEFORE Mr Registrar Jones

ON 8 November 2016



IN THE MATTER OF BUK (REALISATIONS) LIMITED (IN ADMINISTRATION)
AND OTHERS

AND IN THE MATTER OF AN OFFICE HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

Between:

(1) ALAN ALEXANDER BROWN and OTHERS
(as
listed in Schedule 1 of the Application)

Applicants

And

(2) ROBERT JONATHAN HUNT and OTHERS
(as
listed in Schedules 2A and 2B of the Application)

Respondents



ORDER

UPON THE APPLICATION of the Applicants dated 31 October 2016 (the "Application")

AND UPON the Secretary of State having been given 5 business days' notice of the Application pursuant to Rule 7.10C(6) of the Insolvency Rules 1986 and raised no objection to the Application

AND UPON reading the First Witness Statement of Julian Guy Parr dated 31 October 2016 and its exhibit "JGP1" and other documents that are recorded on the Court file as having been read

IT IS ORDERED that -

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COMPANIES HOUSE

- 1 Insofar as the Application refers to proceedings not currently before this Court, the proceedings are transferred here for the purposes of this Application and transferred back immediately upon the making of this Order, pursuant to rule 7 10C(1) of the Insolvency Rules 1986 (the "Rules").
- 2 The Applicants shall file a copy of this Order in the file of any such proceedings at the Court to which the proceedings are re-transferred as soon as reasonably practicable following the granting of this Order
- 3 Robert Jonathan Hunt, Dan Yoram Schwarzmann and Christopher William Pillar (the "Outgoing Office-Holders") each be removed from office as administrator or liquidator, as applicable, of the companies listed in Schedule 2 to this Order, to take effect on the date of this Order
- 4 The Outgoing Office-Holders each be replaced as office-holder in the case of each company listed in Schedule 3 of this Order by the respective Applicants named in the same Schedule, these replacements to take place on the date of this Order
- 5 For the companies (1) to (13) listed in Schedule 2 of this Order, in accordance with paragraph 100(2) of Schedule B1 to the Insolvency Act 1986 (the "Act"), following Robert Jonathan Hunt's and Dan Yoram Schwarzmann's resignations as administrators, all functions by
 - a Anthony Steven Barrell and Michael John Andrew Jervis (in respect of company (1) listed in Schedule 2 of this Order), and
 - b Anthony Steven Barrell and David Matthew Hammond (in respect of companies (2) to (5) listed in Schedule 2 of this Order), and
 - c David James Kelly, Robert John Moran and Ian David Green (in respect of companies (6) to (10) listed in Schedule 2 of this Order), and
 - d David James Kelly and Ian David Green (in respect of company (11) listed in Schedule 2 of this Order), and
 - e Douglas Nigel Rackham and Ian David Green (in respect of company (12) listed in Schedule 2 of this Order)as the (new) joint administrators, are to be exercised by any one or all of the joint administrators
- 6 The Applicants shall notify the Secretary of State as soon as reasonably practicable of the making of this Order.
- 7 The Applicants shall notify the creditors of each respective company in compulsory liquidation, creditors' voluntary liquidation ("CVL") and administration (as listed in Schedule 3) of the making of this Order and its effect, by advertisement in the London Gazette within 14 days

following the granting of this Order. The Applicants can publish in the London Gazette composite notices relating to the resignation and the appointments as detailed in Schedule 2 to this Order.

- 8 The Applicants shall notify the members of each respective company in members' voluntary liquidation ("MVL") (as listed in Schedule 3) of the making of this Order and its effect, when the next report is due to its members, or earlier if appropriate
- 9 The Applicants, in addition, shall report the making of this Order and its effect in the next periodic report sent to all creditors of the companies, in respect of the companies in compulsory liquidation, CVL or administration, and in the next periodic report sent to all members, in respect of the companies in MVL, detailed in Schedule 2
- 10 The provision of Rule 4.49B(5) of the Rules (in respect of the companies in compulsory liquidation), Rules 4.49C(3) and (4) of the Rules (in respect of the companies in voluntary liquidation) and Rule 2.47(3A) of the Rules (in respect of the companies in administration) be dis-applied. The period of the provision of progress reports should remain the same as the original dates in place prior to this Order having taken effect
- 11 In respect of BUK (Realisations) Limited (company (1) listed in Schedule 2 to this Order), the creditors will also be notified at the time of the next statutory reporting period of a minor change to the Statement of Proposals dated 16 March 2016, namely that when BUK (Realisations) Limited moves from administration to creditors' voluntary liquidation (as is the current intention), Robert Jonathan Hunt will not take up the position as liquidator (as per Schedule 2 to this Order)
- 12 In respect of MobileServ Limited, Phone 4 U Group Limited, Phones 4U Limited, Phones4U Finance Plc, Phosphorus Acquisition Limited (companies (6) to (10) listed in Schedule 2), the creditors will also be notified at the time of the next statutory reporting period of a minor change to the Statement of Proposals dated 6 November 2014, namely that when those companies move from administration to CVL (as is the current intention), Robert Jonathan Hunt will not take up the position as liquidator, but instead David James Kelly will become one of the liquidators in respect of those companies, together with the existing appointees, Ian David Green and Robert John Moran (as per Schedule 2 to this Order)
- 13 In respect of Phosphorus Holdco Plc (company (11) listed in Schedule 2) the creditors will also be notified at the time of the next statutory reporting period of a minor change to the Statement of Proposals dated 6 November 2014, namely that when Phosphorus Holdco Plc moves from

administration to CVL (as is the current intention), Robert Jonathan Hunt will not take up the position as liquidator (as per Schedule 2 to this Order)

- 14 In respect of Policy Administration Services Limited (company (12) listed in Schedule 2) the creditors will also be notified at the time of the next statutory reporting period of a minor change to the Statement of Proposals dated 6 November 2014, namely that when Policy Administration Services Limited moves from administration to CVL (as is the current intention), Robert Jonathan Hunt and Dan Yoram Schwarzmann will not take up the position as liquidator (as per Schedule 2 to this Order)
15. The Outgoing Office-Holders each be released from all liability (pursuant to the relevant sections of the Act and/or the Rules) in respect of his acts and omissions and otherwise in respect of his conduct as liquidator of the companies listed as being in compulsory liquidation, CVL or MVL, as applicable, as set out in Schedule 2 to this Order. Such release to take effect, in relation to each respective company, once release has been given by the Secretary of State, as it usual
- 16 Robert Jonathan Hunt and Dan Yoram Schwarzmann be discharged from all liability in respect of his acts and omissions and otherwise in respect of his conduct as administrator of companies (1) to (12) listed in Schedule 2 to this Order. Such discharge is to take effect ~~28~~¹⁵ days of receipt of notification pursuant to paragraph 7 of this Order, save that such release may be subject to further order in the event of an application by any creditor, under paragraph 18, or member, under paragraph 19, of this order for the specific case subject to that application
- 17 In relation to companies (1) to (12) listed in Schedule 2, any person appointed to act as a joint administrator by this Order in circumstances where the original administrators were appointed under paragraph 14 or 22 of Schedule B1 to the Act, those persons shall obtain their discharge from liability pursuant to paragraph 98(1) of Schedule B1 of the Act on the same basis as those administrators originally appointed in respect of that company. Accordingly, the discharge provided by paragraph 98(1) of Schedule B1 of the Act will take place, in relation to a person appointed by this Order, at a time appointed by the resolution of the creditors' committee or, if there is no committee, by resolution of the creditors or in any case at a time specified by the court (and, for the avoidance of doubt, the provisions of 98(3) of Schedule B1 of the Act will apply equally in relation to an appointment made by this Order as it would in relation to the original appointments)
- 18 Permission be granted to each creditor, in respect of the companies in compulsory liquidation, CVL or administration, of each respective company listed in Schedule 2 to this Order, as applicable, to apply to vary or discharge this Order by making an application within 28 days of receipt of notification pursuant to paragraph 7 of this Order

- 19 Permission be granted to each member, in respect of the companies in MVL, of each respective company listed in Schedule 2, as applicable, to apply to vary or discharge this Order by making an application within 28 days of receipt of notification pursuant to paragraph 8 of this Order
- 20 The Court exercise its power to order that in these circumstances, it is not necessary to follow the procedures set out in Sections 104, 108, 171 and 172 of the Act and in Rule 4 108 of the Rules, which require the calling of meetings of creditors (and subsequent steps if necessary) to approve the resignation of the Outgoing Office-Holders and the appointments of the Applicants
- 21 Pursuant to Rules 7 10D(4) and (5) of the Rules, the Court exercises its discretion in allowing the costs of the Application to be paid as an expense of the insolvency proceedings to which the Application relates
- 22 The costs of this Application are estimated to be £9,120 which includes the Applicants' solicitors' costs, advertising costs, bond fees and court fees. Together with VAT (of £1,708) this gives a total of £10,828 (the "Application Costs")
- 23 In respect of companies (1) to (40), (49) and (50) listed in Schedule 2, being the companies where Robert Jonathan Hunt is an Outgoing Office-Holder, the Court exercises its discretion pursuant to Rules 7 10D(4) and 7 10D(5) and will allow £187 per company to be paid as an expense of the insolvency proceedings ^{in respect of Application costs} (on the basis that it results from Mr Hunt's retirement). If the costs of any one of these insolvent estates exceeds 10% of the realisable assets within that estate, the respective estate should only bear such part of those apportioned costs as equals 10% of that estates' realisable assets, any excess sought should (and will) be borne by PwC
- 24 The remaining Application Costs are to be borne by PwC without indemnity out of the estates of companies (41) to (48) and (51) to (58) listed in Schedule 2 to this Order (on the basis that it results from a voluntary departure by Mr Pillar and Mr Schwarzmann from PwC)

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Schedule 2

No	Name
Administration	
1	Eni (Refineries) Limited
2	Eni Chemicals Limited
3	Eni Petrochemicals Limited
4	Eni Petrochemicals Pte.
5	Eni Petrochemicals Pte. Limited
6	Eni Petrochemicals Pte. Limited
7	Eni Petrochemicals Pte. Limited
8	Eni Petrochemicals Pte. Limited
9	Eni Petrochemicals Pte. Limited
10	Eni Petrochemicals Pte. Limited
11	Eni Petrochemicals Pte. Limited
12	Eni Petrochemicals Pte. Limited
Creditors Voluntary Liquidation	
13	AX Financial Limited
14	AX Financial Limited
15	AX Financial Limited
16	AX Financial Limited
17	AX Financial Limited
18	AX Financial Limited
19	AX Financial Limited
20	AX Financial Limited
21	AX Financial Limited
22	AX Financial Limited
23	AX Financial Limited
24	AX Financial Limited
25	AX Financial Limited
26	AX Financial Limited
27	AX Financial Limited
28	AX Financial Limited
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36	AX Financial Limited
37	AX Financial Limited
38	AX Financial Limited
39	AX Financial Limited
40	AX Financial Limited
41	AX Financial Limited
42	AX Financial Limited
43	AX Financial Limited
44	AX Financial Limited
45	AX Financial Limited
46	AX Financial Limited
47	AX Financial Limited
48	AX Financial Limited
Members Voluntary Liquidation	
49	AX Financial Limited
50	AX Financial Limited
Company Liquidation	
51	AX Financial Limited
52	AX Financial Limited
53	AX Financial Limited
54	AX Financial Limited
55	AX Financial Limited
56	AX Financial Limited
57	AX Financial Limited
58	AX Financial Limited

List of applicants

Schedule 1

	Licensing body	No of new appointments
Alan Alexander Brown	ICAS	2
Anthony Steven Barrell	ICAEW	2
David Christian Chubb	ICAEW	1
David James Kelly	ICAEW	9
David Matthew Hammond	ICAEW	8
David Robert Baxendale	ICAEW	2
Douglas Nigel Rackham	ICAEW	3
Karen Lesley Dukes	ICAEW	2
Roger Gareth Hale	ICAEW	3
Stephen Mark Oldfield	ICAEW	1
Toby Scott Underwood	ICAEW	1
Total		34
Cases where there are two new appointees		1
Cases where there are no replacement appointees		25
Total number of cases		58

The total application addresses 58 cases of which 32 cases have 1 new appointee, 1 case that has 2 new appointees, and 25 where there are no new appointments

List of respondents

Schedule 2A

Name	No of cases	New firm/Reason	Address
Robert Jonathan Hunt	42	Retiring	PricewaterhouseCoopers LLP, Cornwall Court, 19 Cornwall Street, Birmingham, B3 2DT
Dan Yoram Schwarzmann	9	Internal Restructuring	1 Embankment Place, London, WC2N 6RH
Christopher William Pillar	8	Left the firm	7 More London, Riverside, London, SE1 2RT

List of office holders

Schedule 2B

Schedule 2B

Lists every person who holds office jointly with the outgoing office-holder but is not an Applicant

Anthony Victor Lomas	PricewaterhouseCoopers LLP, 7 More London Riverside, London, SE1 2RT
Ian Christopher Oakley-Smith	PricewaterhouseCoopers LLP, 7 More London Riverside, London, SE1 2RT
Ian David Green	PricewaterhouseCoopers LLP, 7 More London Riverside, London, SE1 2RT
Lyn Leon Vardy	PricewaterhouseCoopers LLP, Central Square, 29 Wellington Street, Leeds, LS1 4DL
Mark Charles Batten	PricewaterhouseCoopers LLP, 7 More London Riverside, London, SE1 2RT
Matthew Boyd Callaghan	PricewaterhouseCoopers LLP, 7 More London Riverside, London, SE1 2RT
Michael John Andrew Jarvis	PricewaterhouseCoopers LLP, 7 More London Riverside, London, SE1 2RT
Robert John Moran	PricewaterhouseCoopers LLP, 7 More London Riverside, London, SE1 2RT
Robert Nicholas Lewis	PricewaterhouseCoopers LLP, 7 More London Riverside, London, SE1 2RT
Steven Anthony Pearson	PricewaterhouseCoopers LLP, 1 Embankment Place, London, WC2N 6RH
Timothy Gerard Walsh	PricewaterhouseCoopers LLP, 8 Princes Parade, St Nicholas Place, Liverpool, L3 1QJ
Zelf Hussain	PricewaterhouseCoopers LLP, 7 More London Riverside, London, SE1 2RT

Notification of Appointments

Schedule 3

<u>Company Name</u>	<u>Type of appointment</u>	<u>Applicant 1</u>	<u>Applicant 2</u>
MobileServ Limited	Administration	David James Kelly	
Phones 4 U Group Limited	Administration	David James Kelly	
Phones 4u Limited	Administration	David James Kelly	
Phones4u Finance Plc	Administration	David James Kelly	
Phosphorus Acquisition Limited	Administration	David James Kelly	
4u Wi-Fi Limited	Creditors Voluntary Liquidation	David James Kelly	
AX Realisations Plc	Creditors Voluntary Liquidation	Roger Gareth Hale	
Camera Equity Limited	Creditors Voluntary Liquidation	Anthony Steven Barrell	David Matthew Hammond
Caudwell Subsidiary Holdings Limited	Creditors Voluntary Liquidation	David James Kelly	
Dickens Heath Development Company Limited	Creditors Voluntary Liquidation	Toby Scott Underwood	
Goldtrail Travel Limited	Creditors Voluntary Liquidation	David Christian Chubb	
JGLCC Camera Company Limited	Creditors Voluntary Liquidation	Anthony Steven Barrell	
Jump 4u Limited	Creditors Voluntary Liquidation	David James Kelly	
Lfe Mobile Limited	Creditors Voluntary Liquidation	David James Kelly	
MG Rover Exports Limited	Creditors Voluntary Liquidation	David Matthew Hammond	
MG Rover Group Limited	Creditors Voluntary Liquidation	David Matthew Hammond	
MG Rover Overseas Holdings Limited	Creditors Voluntary Liquidation	David Matthew Hammond	
Parkridge Gate Developments Limited	Creditors Voluntary Liquidation	David Robert Baxendale	
Parkridge Holdings Limited	Creditors Voluntary Liquidation	David Robert Baxendale	
PCW Realisations Limited	Creditors Voluntary Liquidation	Roger Gareth Hale	
Petroplus Refining & Marketing Limited	Creditors Voluntary Liquidation	Stephen Mark Oldfield	
Phoenix Distribution Limited	Creditors Voluntary Liquidation	David Matthew Hammond	
RoK Building Limited	Creditors Voluntary Liquidation	Alan Alexander Brown	
Rok Development Limited	Creditors Voluntary Liquidation	Alan Alexander Brown	
Simon Carves Limited	Creditors Voluntary Liquidation	Roger Gareth Hale	
THW & Co Limited	Creditors Voluntary Liquidation	David Matthew Hammond	
WR Group Holdings Limited	Creditors Voluntary Liquidation	David Matthew Hammond	
WR Refrigeration Limited	Creditors Voluntary Liquidation	David Matthew Hammond	
Case Group Limited	Members Voluntary Liquidation	Karen Lesley Dukes	
Thermal Scientific Limited	Members Voluntary Liquidation	Karen Lesley Dukes	
Digital Satellite Warranty Cover Limited	Compulsory Liquidation	Douglas Nigel Rackham	
Nationwide Digital Satellite Warranty Services Limited	Compulsory Liquidation	Douglas Nigel Rackham	
Bernard Freeman & Michael Anthony John Sullivan trading	Compulsory Liquidation	Douglas Nigel Rackham	