

AM03

Notice of administrator's proposals



Companies House

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

1 Company details

Company number 0 2 8 6 2 6 7 1

Company name in full Growell Horticulture Limited

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

2 Administrator's name

Full forename(s) Andrew

Surname Fender

3 Administrator's address

Building name/number Sanderlings, Becketts Farm

Street Alcester Road

Post town Birmingham

County/Region

Postcode B 4 7 6 A J

Country

4 Administrator's name

Full forename(s) Sandra

Surname Fender

• **Other administrator**
Use this section to tell us about
another administrator.

5 Administrator's address

Building name/number Sanderlings, Becketts Farm

Street Alcester Road

Post town Birmingham

County/Region


Postcode B 4 7 6 A J

Country

• **Other administrator**
Use this section to tell us about
another administrator.

AM03

Notice of Administrator’s Proposals

6		Statement of proposals							
		<input checked="" type="checkbox"/>	I attach a copy of the statement of proposals						
7		Sign and date							
Administrator’s Signature	Signature		×  ×						
Signature date	0	1	0	6	2	0	2	3	

AM03

Notice of Administrator's Proposals



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.

Andrew Fender

Sanderlings LLP

Sanderlings, Becketts Farm

Alcester Road

Birmingham

Postcode

B 4 7 6 A J

DX

01564 700 052



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 and dated 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

Continuation page

Name and address of insolvency practitioner

✓ **What this form is for**
Use this continuation page to tell us about another insolvency practitioner where more than 2 are already jointly appointed. Attach this to the relevant form. Use extra copies to tell us of additional insolvency practitioners.

✗ **What this form is NOT for**
You can't use this continuation page to tell us about an appointment, resignation, removal or vacation of office.

→ **Filling in this form**
Please complete in typescript or in bold black capitals.
All fields are mandatory unless specified or indicated by *

1 Appointment type

Tick to show the nature of the appointment:

- ☐ Administrator
- ☐ Administrative receiver
- ☐ Receiver
- ☐ Manager
- ☐ Nominee
- ☐ Supervisor
- ☐ Liquidator
- ☐ Provisional liquidator

ⓘ You can use this continuation page with the following forms:
- VAM1, VAM2, VAM3, VAM4, VAM6, VAM7
- CVA1, CVA3, CVA4
- AM02, AM03, AM04, AM05, AM06, AM07, AM08, AM09, AM10, AM12, AM13, AM14, AM19, AM20, AM21, AM22, AM23, AM24, AM25
- REC1, REC2, REC3
- LIQ02, LIQ03, LIQ05, LIQ13, LIQ14,
- WU07, WU15
- COM1, COM2, COM3, COM4
- NDISC

2 Insolvency practitioner's name

Full forename(s)

Surname

3 Insolvency practitioner's address

Building name/number

Street

Post town

County/Region

Postcode

Country

In the High Court of Justice Birmingham
Business and property courts

Court Case number:
CR-2023-BHM-000188

Growell Horticulture Limited - In Administration

THE JOINT ADMINISTRATORS' PROPOSAL

Andrew Fender and Sandra Fender
Joint Administrators

Sanderlings LLP
Sanderling House, Springbrook Lane
Earlswood
Solihull
B94 5SG
01564 700 052
info@sanderlings.co.uk

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1. Executive Summary

- 1.1 This Proposal incorporates the Statement of the Joint Administrators' Proposals prepared pursuant to Paragraph 49(1) of Schedule B1 of the Act attached at Appendix I.
- 1.2 The business was established in 15 October 1993 and the registered office of the Company was Lifford Hall, Lifford Lane, Kings Norton, Birmingham, B30 3JN, and traded from various leasehold premises scattered around England. On 12/04/2023, Andrew Fender and Sandra Fender of Sanderlings LLP were appointed Joint Administrators of the Company by the QFCH of the Company.
- 1.3 As explained in more detail in the Statement of Proposals, the Joint Administrators are currently pursuing the third statutory objective of realising property in order to make a distribution to one or more secured or preferential creditors.
- 1.4 A summary of the current and anticipated future positions are detailed below.

Assets

Asset	Realisations to date	Anticipated future realisations	Total anticipated realisations
Intellectual Property and Goodwill	£0.00	£0.00	£0.00
Debtors	£30,000.00	£0.00	£30,000.00
Stock	£0.00	£1.00	£1.00

Expenses

Expense	Expense incurred to date	Anticipated further expense	Total anticipated expense
Joint Administrators' fees	£20,000.00	£31,340.00	£51,340.00
Solicitors' fees	£6,790.00	£3,210.00	£10,000.00
Agents' fees	£0.00	£1,500.00	£1,500.00
Advertising	£99.50	£0.00	£99.50
VisionBlue/Insolv fee	£110.00	£0.00	£110.00

Dividend prospects

Creditor class	Distribution / dividend paid to date	Anticipated distribution / dividend
Secured creditor (fixed charge)	£0.00	£1.00
Secured creditor (floating charge)	£0.00	£0.00
Preferential creditors	£0.00	£0.00
Unsecured creditors	£0.00	£0.00

- 1.5 The Statement of Proposals at Appendix I provides explanations of the events leading to the Administration and the progress of the Administration to date, as well as other statutory information.
- 1.6 This Proposal provides more detailed information on the work that the Joint Administrators anticipate they will undertake to complete the Administration together with their proposed basis of fees. To put this request into context, this Proposal provides further information on the Joint Administrators' costs to date, including the costs incurred prior to Administration. It also explains other matters for creditors' consideration, such as the proposed timing of the Joint Administrators' discharge on conclusion of the Administration.
- 1.7 Definitions of the terms used in this Proposal are provided in Appendix I together with all statutory information pertaining to the Company.

2. Statement of Pre-Administration Costs

2.1 In conducting the above work, the following costs were incurred:

	£
Sanderlings LLP's time costs (see Appendix II)	£3,644.00

2.2 Attached at Appendix II is a breakdown of the time costs of the Joint Administrators and their staff incurred prior to Administration and included within Appendix III are Sanderlings LLP's charge-out rates and bases of disbursements.

2.3 All the above costs remain unpaid.

2.4 The payment of the unpaid pre-Administration costs as an expense of the Administration is subject to approval under Rule 3.52 of the Rules and is not part of the Statement of Proposals subject to approval under Paragraph 53 of Schedule B1 of the Act. Further explanation of the approval process is provided in Section 9.

3. The **Joint Administrators'** Fees

3.1 The Joint Administrators propose to fix their fees on the following basis:

- (i) the time properly given by the Joint Administrators' and their staff in attending to matters arising in the Administration, such time to be charged at the prevailing standard hourly charge out rates used by Sanderlings LLP at the time the work is performed (plus VAT).

3.2 Attached at Appendix IV is a breakdown of the time costs incurred in the Administration to 19 May 2023. The Statement of Proposals provides an account of the work undertaken to date and Appendix V provides a detailed list of work undertaken and proposed to be undertaken by the Joint Administrators and their staff.

3.3 The charge-out rates of the Joint Administrators and their staff are detailed in Appendix III. The appropriate staff have been assigned to work on each aspect of the case based upon their seniority and experience, having regard to the complexity of the relevant work, the financial value of the assets being realised and claims being agreed. The grades of staff instructed to assist in this matter and their key responsibilities include;

- Support Staff: maintenance of the creditors' contacts database, assisting with creditors' queries and routine correspondence
- Administrators: assisting in the realisation of assets, employee matters, liaising with creditors and debtors, preparing reports to creditors and other statutory matters, and managing the cashiering function
- Managers: on-site attendance, reviewing the Company's position and affairs, handling asset realisations, reviewing draft statutory reports to creditors and overseeing the tax and VAT aspects of the case

3.4 Creditors may access a Guide to Administrators' Fees at https://www.r3.org.uk/media/documents/publications/professional/Guide_to_Administrators_Fees_Oct_2015.pdf or a hard copy will be provided on request.

3.5 Further information is set out below and in the appendices to explain the future time costs that the Joint Administrators anticipate incurring in this Administration.

4. The **Joint Administrators'** Expenses

4.1 The Joint Administrators' expenses may be divided into two categories:

- Category 1 expenses are costs that can be specifically identified as relating to the administration of the case. These are charged to the estate at cost with no uplift. These include, but are not limited to, such items as advertising, bonding and other insurance premiums and properly reimbursed expenses. Legislation provides that administrators may discharge Category 1 expenses from the funds held in the insolvent estate without further recourse to creditors.
- Category 2 expenses are costs that are also directly referable to the appointment in question but not to a payment to an independent third party. Payments may only be made in relation to Category 2 expenses after the relevant creditors have approved the bases of their calculation.

4.2 Appendix III provides details of the bases of Category 2 expenses that the Joint Administrators propose to recover from the insolvent estate.

5. Proposed Work to be Undertaken

5.1 Set out in Appendix V is a detailed list of tasks that the Joint Administrators propose that they and their staff will undertake. The most material tasks are summarised below. The Estimated Outcome Statement attached to the Statement of Proposals provides an overview of the financial benefit that this work is expected to bring to creditors.

Administration (including Statutory Reporting)

5.2 The Joint Administrators are required to meet a considerable number of statutory and regulatory obligations. Whilst many of these tasks do not have a direct benefit in enhancing realisations for the insolvent estate, they assist in the efficient and compliant progressing of the administration, which ensures that the Joint Administrators and their staff carry out their work to high professional standards.

5.3 Primarily, these tasks include:

- Meeting all statutory reporting and filing requirements, including 6-monthly reports, seeking an extension where necessary, and issuing a final report and notices;
- Consulting with and instructing staff and independent advisers as regards practical, technical and legal aspects of the case to ensure efficient progress;
- Maintaining case files, which must include records to show and explain the administration and any decisions made by the Joint Administrators that materially affect the administration;
- Conducting periodic case reviews to ensure that the administration is progressing efficiently, effectively and in line with the statutory requirements; and
- Maintaining and updating the estate cash book and bank accounts, including regular bank reconciliations and processing receipts and payments.

Investigations

5.4 The Joint Administrators examine the conduct of the Company and its directors prior to the Administration with two main objectives:

- To identify what assets are available for realising for the benefit of creditors, including any potential actions against directors or other parties, such as challenging transactions at an undervalue or preferences; and
- To enable the Joint Administrators to report to the Insolvency Service on the conduct of the directors so that the Insolvency Service may consider whether disqualification proceedings are appropriate ("CDDA" work).

5.5 In the early stages of the Administration, this work involves examining the Company's books and records, considering information received from creditors and the Company's accountants and seeking information from the Company's directors and other senior staff by means of questionnaires and/or interviews.

5.6 In the event that questionable transactions are identified, it may be necessary to conduct further investigations and instruct solicitors to assist in deciding the Joint Administrators' next steps in pursuing a recovery. If a potential recovery action is identified, it may be necessary to instruct professional agents in gathering evidence and in exploring further the existence and value of assets to target. If the Joint Administrators encounter resistance in making a recovery, formal legal action may be appropriate.

5.7 In addition, if the Insolvency Service decides to proceed with a disqualification, the Joint Administrators will be required to assist the Insolvency Service's investigators in their work, which may include providing the investigators with access to the Company's books and records and agreeing statements to be given in evidence of those proceedings.

5.8 At this early stage, it is difficult to estimate the likely time costs and expenses that may be incurred in this work. The Fees and Expenses Estimates presented below reflect the anticipated work in identifying potential causes of action. If any are identified and the Joint Administrators consider that additional work is required, they may revert to the relevant creditors to seek approval for fees in excess of the estimate.

Realisation of assets

5.9 The Statement of Proposals summarises the work carried out by the Joint Administrators to date in realising the Company's assets. The principal matters that require further work are:

- Collecting the deferred consideration for the sale of the business and assets as and when it becomes due;
- Monitoring the purchaser's licence to trade/occupy and assisting to arrange an assignment or surrender of the leases;
- Progressing the assignment of the Company's leasehold properties;
- Continuing to pursue the Company's outstanding book debts;
- Continuing to pursue potential pre-appointment VAT/corporation tax refund;
- Pursuing settlement of the Company's insurance claims;
- Establishing the sums due in respect of the directors' loans/inter-company balances and pursuing settlement of these;
- Concluding a sale of the Company's chattel assets, intellectual property and stock, which will involve determining the claims of retention of title; and

Creditors (claims and distributions)

5.10 As the Statement of Proposals explains, there a number of different classes of creditor involved in the Administration that require the Joint Administrators' attention. In particular, the Joint Administrators anticipate conducting the following key tasks:

- Liaising with the secured creditors in relation to the sale of assets subject to their security;
- With the assistance of solicitors, examining the validity of the secured creditors' claims and, where relevant, paying distributions to the secured creditors;
- Reviewing claims submitted by the tax departments and, where it is appropriate, examining the Company's records to appeal assessments or adjudicate on the Crown's claims;
- Responding to creditors' queries and logging their claims and supporting information;
- Maintaining the database as regards creditors' contact details and claims;
- Dealing with a creditors' committee, if one is appointed;
- If a prescribed part dividend is to be paid in the Administration, adjudicating on all unsecured creditors' claims, including seeking further information where necessary; and
- Where relevant, calculating and paying the prescribed part dividend and dealing with unclaimed dividends.

6. Other Information to Support the Proposed Fees

- 6.1 Attached at Appendix V is an estimate of the time that the Joint Administrators envisage the above work will take to complete. Appendix V also provides their estimate of the expenses that have been or are likely to be incurred.
- 6.2 Please note that the estimates have been provided on the assumptions given below. In the event that it proves necessary for the Joint Administrators to incur additional expenses in performing their duties, they will provide further details in their progress reports, but there is no statutory obligation to ask creditors to approve any adjusted Expenses Estimate. In the event that the Joint Administrators incur time costs in excess of the Fees Estimate, they will only revert to the relevant creditors for approval if they propose to draw any fees in addition to those estimated from the insolvent estate.
- 6.3 In summary, the Joint Administrators propose that their fees be fixed on the basis of time costs and they estimate that they and their staff will spend time totalling £51,340.00 in conducting the tasks described. This estimate includes the time spent to 19 May 2023 of £20,000.00, as described in Appendix IV.
- 6.4 The Fees and Expenses Estimates have been compiled on the assumptions set out below. Please note that these are assumptions only for the purposes of preparing the Estimates in accordance with the statutory provisions. It has been assumed that:
- investigations to the extent described in section 5 above will be carried out;
 - no exceptional work will need to be conducted in order to realise the remaining assets and collect in the deferred consideration;
 - there will be no requirement to hold a physical creditors' meeting or additional decision procedure to consider the matters covered by this Proposal; and
 - there will be no need to extend the Administration .
- 6.5 On the basis of these assumptions, the Joint Administrators do not anticipate that it will be necessary to seek additional approval from the relevant creditors for fees in excess of the Fees Estimate. However, in the event that the Administration does not proceed as envisaged, the Joint Administrators will seek approval for any fees in addition to those estimated that they wish to draw from the insolvent estate.

7. **The Joint Administrators' Discharge**

- 7.1 The Act requires that the timing of the Joint Administrators' discharge from liability will be decided by the secured and unsecured creditors. The Joint Administrators propose that this discharge will take effect when their appointment ceases to have effect, unless the court specifies a time.

8. **Invitation to Form a Creditors' Committee**

- 8.1 Attached at Appendix VI is a Notice of Invitation to Form a Creditors' Committee. The purpose of the Committee is to assist the Joint Administrators in discharging their functions. In particular, a Creditors' Committee takes on the responsibility for approving the basis of the Joint Administrators' fees and other costs described above.
- 8.2 In the absence of a Committee, this responsibility falls to the secured and unsecured creditors. The Joint Administrators do not see a need for a Committee to be formed in this case.
- 8.3 Notwithstanding this, creditors are entitled to seek the formation of Committee, provided that there are sufficient nominations to form a Committee. At least three nominations would be required and the requisite majority of creditors would also need to object to the proposed decision not to form a Committee. Appendices VI and VIII provide further information on these steps.

9. **Approval Process**

- 9.1 the Joint Administrators are seeking creditors' approval of the proposed decisions set out below by means of a vote by correspondence. Creditors are invited to vote on these proposed decisions by completing and returning the enclosed voting form together with a proof of debt form, if one has not already been submitted. These forms are attached at Appendix VI together with a Notice of Decision Procedure setting out the following proposed decisions:

- That a Creditors' Committee will not be established.
- That the Joint Administrators be discharged from liability in respect of any action undertaken by them pursuant to Paragraph 98 of Schedule B1 of the Act, such discharge to take effect when the appointment of Joint Administrators ceases to have effect, as defined by the Act, unless the court specifies a time.
- That the Joint Administrators' fees be fixed by reference to the time given by them and their staff in attending to matters arising in the Administration, such time to be charged at the hourly charge out rate of the grade of staff undertaking the work at the time it was undertaken
- That the Joint Administrators be authorised to recover all Category 2 disbursements, calculated on the bases detailed in Sanderlings LLP's Summary; and
- That the unpaid pre-Administration costs set out in the Joint Administrators' Proposal be approved, including £1,500 to be paid to Pearl & Young in respect of assistance with preparing the Statement of affairs.

- 9.2 The Joint Administrators must receive completed forms by no later than 23.59 on 20 June 2023 to enable your vote to be counted.

9.3 Whilst a vote by correspondence is being sought, creditors who meet a statutory threshold as set out in the Notice attached at Appendix VI can require that a physical meeting of creditors be convened. Such a request must be made to the Joint Administrators within 5 business days of the date on which this Proposal was delivered. If you wish to request a physical meeting, please set out in writing which of the decision(s) above you wish the meeting to consider.

If any creditor has any queries in relation to the above, please do not hesitate to contact either of the Joint Administrators or Laura Clarke, on 01564 700 052 or by email to info@sanderlings.co.uk.

Dated this 31 May 2023



Andrew Fender



Sandra Fender

Andrew Fender and Sandra Fender were Joint Administrators of Growell Horticulture Limited on 12 April 2023. The affairs, business and property of the Company are managed by the Joint Administrators. The Joint Administrators act as agents of the Company and contract without personal liability.

Growell Horticulture Limited - In Administration

STATEMENT OF THE **JOINT ADMINISTRATORS'** PROPOSALS
PURSUANT TO SCHEDULE B1 OF THE INSOLVENCY ACT 1986

Appendix I
to the Joint Administrators' Proposal

In the High Court of Justice Birmingham
Business and property courts

Court Case number:
CR-2023-BHM-000188

Growell Horticulture Limited - In Administration

**STATEMENT OF THE JOINT ADMINISTRATORS' PROPOSALS
PURSUANT TO SCHEDULE B1 OF THE INSOLVENCY ACT 1986**

Andrew Fender and Sandra Fender
Joint Administrators

Sanderlings LLP
Sanderling House, Springbrook Lane
Earlswood
Solihull
B94 5SG
01564 700 052
info@sanderlings.co.uk

Disclaimer Notice

This Statement of Proposals has been prepared by Andrew Fender and Sandra Fender, the Joint Administrators of Growell Horticulture Limited solely to comply with their statutory duty under Paragraph 49, Schedule B1 of the Insolvency Act 1986 to lay before creditors a statement of their proposals for achieving the purposes 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.

Any estimated outcomes for creditors included in this Statement of Proposals 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 document for any purpose or in any context other than under Paragraph 49, Schedule B1 of the Insolvency Act 1986 does so at their 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 Statement of Proposals.

The Joint Administrators act as agent for Growell Horticulture Limited and contract without personal liability. The appointment of the Joint Administrators is personal to them and, to the fullest extent permitted by law, Sanderlings LLP does not assume any responsibility and will not accept any liability to any person in respect of this Statement of Proposals or the conduct of the Administration.

All licensed Insolvency Practitioners of Sanderlings LLP are licensed in the UK to act as Insolvency Practitioners.

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5. Management of the Company's Affairs since the Joint Administrators' Appointment
6. The Statement of Affairs and the Outcome for Creditors
7. The Joint Administrators' Fees
8. Approval of the Statement of Proposals
9. Summary of the Joint Administrators' Statement of Proposals

Attachments

- A Definitions
- B Statutory Information
- C Director's Statement of Affairs as at 12 April 2023 and Creditors' Details
- D The Joint Administrators' Receipts and Payments Account to 19 May 2023.

1. Introduction

- 1.1 This Statement of Proposals is prepared pursuant to Schedule B1 of the Act in relation to the Company, the purposes of which are to provide creditors with a full update as to the present position and to set out the Joint Administrators' proposals for achieving an Administration objective.
- 1.2 The Statement of Proposals also includes information required to be provided to creditors pursuant to the Rules. Definitions of the terms used in the Statement of Proposals are provided in Attachment A and statutory information pertaining to the Company is set out in Attachment B.
- 1.3 This Statement of Proposals is being delivered to creditors on 31 May 2023. The Joint Administrators think that neither of the first two Administration objectives will be achieved. Consequently, and in accordance with Paragraph 52(1)(c) of Schedule B1 of the Act, creditors are not being asked to decide on the Joint Administrators' proposals, although they may ask the Joint Administrators to request such a decision. Please see section 8 for further details.

2. Background to the Company

- 2.1 The business was established in October 1993 and the principal activity of the Company was sale of horticulture goods, and traded from various leasehold premises scattered around England.
- 2.2 The company was initially traded with the name Growell Hydroponics and Plant Lighting Ltd and was changed to Growell Horticulture Limited in February 2023.
- 2.3 The company trade successfully and grew to eight retail stores, a warehouse and an office. All operating out of leasehold premises.
- 2.4 The company started to incur losses amounting to £117,728 in 2020 following the covid-19 pandemic which hit company and the retail industry hard.
- 2.5 The recent management accounts show that the company has continued to report losses on a month by month basis.

Overview of Financial Information

- 2.6 Extracts from the unaudited accounts as at 31 October 2021 are shown below.

Please note that this information has not been verified by the Joint Administrators or by Sanderlings LLP.

**Statement of Joint Administrators' Proposals
Pursuant to Schedule B1 of the Insolvency Act 1986**

	Notes	2021 £	£
Fixed assets			
Tangible assets	3		163,079
Current assets			
Stocks		1,204,673	
Debtors	5	1,624,268	
Cash at bank and in hand		551,462	
		<u>3,380,403</u>	
Creditors: amounts falling due within one year	6	<u>(1,299,643)</u>	
Net current assets			<u>2,080,760</u>
Total assets less current liabilities			<u>2,243,839</u>
Provisions for liabilities	7		-
Net assets			<u><u>2,243,839</u></u>
Capital and reserves			
Called up share capital	8		7,359
Capital redemption reserve			2,143
Profit and loss reserves			<u>2,234,337</u>
Total equity			<u><u>2,243,839</u></u>

Management and Employees

2.7 As at 12 April 2023, the company did not have any employees. All of the employees were employed by GWHP Services Limited, which was a payroll company set up to fulfil the Company's payroll requirements.

2.8 Statutory information on the Company, including details of the Directors, Company Secretary, and Shareholders is provided at Attachment B.

3. Events leading to the Administration

3.1 A demand was made by Opura Ltd ("Opura") on the 4th April 2023 for the outstanding amounts on the loan (£625,000), accrued interest and all other amounts accrued under the facility agreement as the company was in breach of agreement.

3.2 The company was unable to settle the demands made by Opura and therefore, on 12th April 2023, Opura took steps to place the company into Administration.

**Statement of Joint Administrators' Proposals
Pursuant to Schedule B1 of the Insolvency Act 1986**

- 3.3 On 12 April 2023, Andrew Fender, and Sandra Fender of Sanderlings LLP were appointed Joint Administrators of the Company following the filing of a Notice of Appointment of Administrators by the QFCH.
- 3.4 The Joint Administrators confirm that they are authorised to carry out all functions, duties and powers by either one or both of them.
- 3.5 For creditors' general information, the EU Regulation on insolvency proceedings applies in this case, and these proceedings are the main proceedings.

4. The Purpose of the Administration

- 4.1 The purpose of an Administration is set out in Schedule B1, Paragraph 3(1) of the Act. In short, this provides that an Administrator of a company must perform his functions with the objective of:
- rescuing the company as a going concern, or
 - achieving a better result for the creditors as a whole than would be likely to be achieved if the company were wound up (without first being in Administration), or
 - realising property in order to make a distribution to one or more secured or preferential creditors.
- 4.2 These objectives form a hierarchy. The rescue of a company is the priority. If this is not possible, the Administrator seeks to achieve a better result for the creditors as a whole. In the event that this cannot be achieved, then the Administrator is permitted to realise assets for the benefit of the preferential or secured creditors.
- 4.3 The Joint Administrators would comment that: Objective 1 was not achievable due to a lack of working capital and the sheer liability to creditors, the Joint Administrators did not consider it possible to restructure the existing business or propose a Company Voluntary Arrangement.
- 4.4 The second objective is normally achieved by means of a sale of the business and assets as a going concern (or a more orderly sales process than in liquidation). The Joint Administrators would comment that the collection of assets and completion of document collection has improved the overall position, but the Joint Administrators do not believe that ordinary, unsecured creditors will receive a dividend and, therefore, have not directly benefited. Accordingly, the Joint Administrators do not consider it likely that the second objective will be achieved and have therefore proceeded to objective three.
- 4.5 The Joint Administrators would comment that the third objective will be achieved through the realisation of the Company's assets.
- 4.6 A detailed account of how the Joint Administrators have sought to achieve the objective of the Administration is set out below.

5. Management **of the Company's Affairs since the Joint Administrators' Appointment**

- 5.1 Immediately upon appointment the Joint Administrators undertook a review of the Company's affairs with particular regard to its financial and resource requirements. This assessment was carried out in liaison with the remaining management of the Company.

Sales to connected parties

- 5.2 Prior to the appointment of administrators, the Company's plant and equipment was sold to One Stop Grow Shop Ltd. The purchaser is connected with the Company by virtue of a common shareholder.
- 5.3 The Joint Administrators have instructed MGR Appraisals, who are professional independent agents with adequate professional indemnity insurance and are qualified by The Institute of Chartered Surveyors. MGR Appraisals advised that the sale was at a price being far greater than they would expect to realise in a break up situation after costs, and therefore is acceptable.

Assets remaining to be realised

- 5.4 The balance sheet at 31 October 2021 show that there is £74,847 of land and buildings, this refers to the leasehold improvements made by the company and will have no realisable value.
- 5.5 The balance sheet as at 31 October 2021, shows debtors of £1,616,825, of which £1,395,053 are in respect of amounts owed by group undertakings. This refers to a secured loan from Oaknorth Bank Plc that was advanced to both the Company and Chillgro One Limited. This loan has been settled through monthly instalments from the company in accordance with the agreement and funds advanced from Onyx Capital Limited. Therefore, it is my understanding that there are no longer funds due from Chillgro One Limited to the company, therefore the amounts owed by group undertakings is nil. This is being investigated by the Administrator and an update will be issued to creditors in my first progress report.
- 5.6 One Stop Grow Shop Ltd have been trading using the Company's remaining assets pursuant to a management and trade agreement and licence to occupy
- 5.7 The Company's goodwill and intellectual property is subject to Opura Ltd fixed charge and therefore, I do not consider there will be any surplus to the none secured creditors.
- 5.8 On appointment our understanding was that all the stock had been repossessed by the suppliers.
- 5.9 However, since our appointment we have been made aware that not all the stock had been repossessed and in fact a small amount still remained. At this stage the realisation from this stock are unknown as the creditor involved is claiming retention of title over the goods. This ROT claim is being investigated by the Administrator.
- 5.10 The majority of the stock was supplied by Eden Horticulture Limited who repossessed their goods totalling £412,917 pursuant to their supply of goods agreement executed on 10 March 2021.
- 5.11 All of the above transactions are being investigated by the administrator and their legal representatives.

Post appointment strategy

- 5.12 The Joint Administrators' staff are in the process of collating creditors' claims and have handled creditors' queries as they have arisen which include telephone calls and correspondence.
- 5.13 The Joint Administrators' legal advisors advised in respect of all legal issues arising on the sale of business and assets and have been assisting the Joint Administrators with post appointment matters.
- 5.14 Legal advice has been required in relation to the various properties and leases. One Stop Grow Shop Ltd was granted a licence to occupy various leasehold properties of the Company on completion of the sale of business and assets whilst consent is obtained from the relevant landlords for the assignment of the leases. The Joint Administrators have instructed their legal advisers to manage the assignment of leases and this process is ongoing.
- 5.15 A significant amount of plant and machinery was financed on hire purchase agreements. The Joint Administrators' staff continue to liaise with these funders and information continues to be provided to assist the funders in assessing their position.
- 5.16 To advise on appropriate legal matters and to prepare required legal documentation, the Joint Administrators instructed Venture Legal, a firm of lawyers with the appropriate expertise and experience in dealing with these types of Administrations.
- 5.17 All professional fees are based upon the parties' recorded time costs incurred at their standard charge out rates and will be reviewed by the Joint Administrators' staff before being approved for payment.

Investigation into the Company's Affairs Prior to the Administration

- 5.18 The Joint Administrators are undertaking a review of the Company's trading activities in order to establish whether or not there are actions that may be taken for the benefit of the Administration and consequently to enable a conduct report to be submitted in respect of Company directors in office at the commencement of the Administration and any who resigned in the three years prior to the Administration.
- 5.19 Should any creditor have any concerns about the way in which the Company's business has been conducted or information on any potential recoveries for the estate, they are invited to bring them to the attention of the Joint Administrators as soon as they are able.

6. The Statement of Affairs and the Outcome for Creditors

- 6.1 A Statement of Affairs as at 12 April 2023 has been submitted by the Directors of the Company, a copy of which is attached at Attachment C.
- 6.2 In accordance with the standard format of a Statement of Affairs, no provision has been made in the Statement for the costs of the Administration (including agents, legal and other professional fees).
- 6.3 The Joint Administrators have not carried out any work of the nature of an audit on the information.

Secured creditors'

The secured creditors details are shown on the statement of affairs.

Preferential claims

- 6.4 I do not anticipate that the Company will have any primary preferential creditors as it is my understanding the Company had no employees.

Secondary preferential claims

- 6.5 In any insolvency process started from 1 December 2020, HMRC is a secondary preferential creditor for the following liabilities:

1. Vat
2. PAYE income tax
3. Employees' NIC
4. CIS deductions
5. Student loans deductions

- 6.6 This will mean that, that, if there are sufficient funds available, any of the above amounts owed by the Company will be paid after the preferential creditors have been paid in full.

- 6.7 HMRC are a secondary preferential creditor for £133,552.00. I would point out that the amount shown has been provided by the director and the company accountant, which may not necessarily agree with the final claim submitted by HMRC. HMRC may also be an unsecured creditor in respect of any other liabilities owed to them.

Prescribed Part

- 6.8 Section 176A of the Act requires Administrators to make a prescribed part of the company's net property, which is the balance remaining after discharging the preferential claims but before paying the floating charge-holder, available for the satisfaction of unsecured debts.
- 6.9 It is unlikely that there will be sufficient realisations to discharge the costs of the Administration in full and therefore the Joint Administrators envisage that there will be no resulting net property from which to deduct a prescribed part.
- 6.10 The Joint Administrators do not propose to make an application to court under Section 176A(5) of the Act to disapply the prescribed part provisions, because in any event it is anticipated that there will be no prescribed part.

Unsecured Creditors

- 6.11 The unsecured claims total £1,203,081 I would point out that the amounts shown have been provided by the director and the company accountant, which may not necessarily agree with your own records. However, the amounts stated will not prejudice your claim as it will be agreed by the Liquidator in due course. Creditors may also be entitled to claim VAT Bad Debt Relief on their claims.
- 6.12 As demonstrated in the Estimated Outcome Statement attached at Attachment D, on the basis of the costs incurred to date and the estimated further costs to be incurred in bringing the Administration to a conclusion, it is anticipated that there will be insufficient funds to pay a distribution to unsecured creditors, including preferential creditors. A Proof of Debt form is provided in the document to which this forms an appendix.

Statement of Joint Administrators' Proposals
Pursuant to Schedule B1 of the Insolvency Act 1986

6.13 Attached at Attachment D is the Joint Administrators' receipts and payments account for the period from 12 May 2023 to 19 May 2023.

7. The Joint Administrators' Fees

7.1 The Joint Administrators propose to be remunerated on the basis of the time properly given by the Joint Administrators and their staff in attending to matters arising in the Administration, such time to be charged at the prevailing standard hourly charge out rates used by Sanderlings LLP at the time the work is performed (plus VAT).

7.2 The Joint Administrators will seek approval for the basis of their fees from the unsecured creditors and secured creditors, unless a Creditors' Committee is established.

7.3 Information to support the proposed basis of the Joint Administrators' fees, together with the Statement of pre-Administration costs, is provided in the Joint Administrators' Proposal, to which this Statement of Proposals forms an appendix.

8. Approval of the Statement of Proposals

8.1 The Joint Administrators think that neither of the first two Administration objectives can be achieved. Therefore, pursuant to Paragraph 52(1)(c) of Schedule B1 of the Act, the Joint Administrators are not required to seek creditors' approval of the Statement of Proposals.

8.2 Notwithstanding this, the Joint Administrators shall be required to seek a creditors' decision on whether to approve the Statement of Proposals, if it is requested by creditors whose debts amount to at least 10% of the Company's total debts. Such request must be delivered to the Joint Administrators within 8 business days from the date on which the Statement of Proposals was delivered. Security must be given for the expenses of seeking such a decision.

8.3 If no decision is requested, the Statement of Proposals will be deemed to be approved pursuant to Rule 3.38(4) of the Rules. However, as mentioned in Section 7, the Joint Administrators are seeking creditors' approval of other proposed decisions. Information regarding these matters is provided in the Joint Administrator's Proposal, to which this Statement of Proposals forms an appendix.

9. Summary of the Joint Administrators' Proposals

9.1 The Statement of Proposals, is summarised below.

9.2 In order to achieve the purpose of the Administration, the Joint Administrators formally propose to creditors that:

- the Joint Administrators continue to manage the business, affairs and property of the Company in order to achieve the purpose of the Administration, in particular that:
 - (i) they sell the Company's remaining assets at such time(s) and on such terms as they consider appropriate.
 - (ii) they investigate and, if appropriate, pursue any claims that the Company may have against any person, firm or company, whether in contract or

**Statement of Joint Administrators' Proposals
Pursuant to Schedule B1 of the Insolvency Act 1986**

otherwise, including any officer or former officer of the Company or any person, firm or company that supplies or has supplied goods or services to the Company; and

- (iii) they do all such things and generally exercise all their powers as Joint Administrators as they consider desirable or expedient at their discretion in order to achieve the purpose of the Administration or protect and preserve the assets of the Company or maximise the realisations of those assets, or of any purpose incidental to these activities.
- the Joint Administrators make distributions to any secured or preferential creditors in accordance with Paragraph 65 of Schedule B1 of the Act.
- the Joint Administrators end the Administration in one of the following ways, appropriate to the circumstances of the case at the time:
 - (i) in the event that there is no remaining property that might permit a distribution to the Company's creditors, they shall file a notice of dissolution of the Company pursuant to Paragraph 84 of Schedule B1 of the Act; or
 - (ii) however, in the unlikely event that the Joint Administrators think that a distribution will be made to unsecured creditors (and they have not sought the court's permission, and are otherwise unable, to pay the distribution whilst the Company is in Administration), they shall send to the registrar of companies notice to move the Company from Administration to Creditors' Voluntary Liquidation. In such circumstances, Andrew Fender and Sandra Fender will be appointed Joint Liquidators and will be authorised to act either jointly or separately in undertaking their duties as Liquidator. Creditors may nominate a different person or persons as the proposed liquidator or liquidators in accordance with Paragraph 83(7)(a) of Schedule B1 of the Act and Rule 3.60(6)(b) of the Rules, but they must make the nomination or nominations at any time after they receive the Statement of Proposals, but before it is approved. Information about the process of approval of the Statement of Proposals is set out at Section 8; or
 - (iii) alternatively, and should there be no likely funds to distribute to unsecured creditors, the Joint Administrators may seek to place the Company into Compulsory Liquidation in order to bring proceedings that only a Liquidator may commence for the benefit of the estate. In such circumstances, Andrew Fender and Sandra Fender may ask the court that they be appointed Joint Liquidators, to act either jointly or separately in undertaking their duties as Liquidator.

Dated this 31 May 2023


Andrew Fender


Sandra Fender

**Statement of Joint Administrators' Proposals
Pursuant to Schedule B1 of the Insolvency Act 1986**

Andrew Fender and Sandra Fender were appointed Joint Administrators of Growell Horticulture Limited - In Administration on 12 April 2023. The affairs, business and property of the Company are managed by the Joint Administrators. The Joint Administrators act as agents of the Company and contract without personal liability.

DEFINITIONS

The Act	The Insolvency Act 1986
The Rules	The Insolvency Rules 1986 or the Insolvency (England & Wales) Rules 2016 (whichever applied at the time of the event described)
The Statement of Proposals	The Statement of the Joint Administrators' Proposals prepared pursuant to Paragraph 49(1) of Schedule B1 of the Act
The Joint Administrators	Andrew Fender and Sandra Fender
The Company	Growell Horticulture Limited - In Administration
The Court	
EBIT	Earnings before interest and tax
SPA	Sale & Purchase Agreement
RPO	The Redundancy Payments Office
HMRC	HM Revenue & Customs
ROT	Retention of Title
EOS	Estimated Outcome Statement
PP or Prescribed Part	The Prescribed Part of the Company's net property subject to Section 176A of the Insolvency Act 1986
QFCH	Qualifying Floating Charge Holder
SIP	Statement of Insolvency Practice (England & Wales)
TUPE	Transfer of Undertakings (Protection of Employment) Regulations

Growell Horticulture Limited - In Administration

STATUTORY INFORMATION

Company Name	Growell Horticulture Limited - In Administration
Previous Name(s)	
Trading Name(s)	
Proceedings	In Administration
Court	High Court of Justice Birmingham Business & Property Court
Court Reference	of
Date of Appointment	12 April 2023
Joint Administrators	Andrew Fender and Sandra Fender Sanderlings LLP Sanderlings Becketts Farm Alcester Road Birmingham B47 6AJ
Registered office Address	Andrew Fender and Sandra Fender Sanderlings LLP Sanderlings Becketts Farm Alcester Road Birmingham B47 6AJ
Company Number	02862671
Incorporation Date	15 October 1993
Company Secretary	N/a
Appointment by	Opura Ltd (CN:11619428) of Lifford Hall Lifford Lane, Kings Norton, Birmingham, West Midlands, England, B30 3JN
Directors at date of Appointment	Alexander Charles Grady Thomas Desmond Ward
Directors' Shareholdings	n/a

Growell Horticulture Limited - In Administration

DIRECTORS' STATEMENT OF AFFAIRS AS AT 12 APRIL 2023 **AND CREDITORS'**
DETAILS

Statement of affairs

Name of Company	Company number
Growell Horticulture Limited	02862671
In the HIGH COURT OF JUSTICE BIRMINGHAM BUSINESS & PROPERTY COURTS	Court Case Number CR-2023-BHM-000188

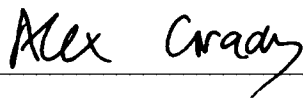
(a) Insert name and address of registered office of the company Statement as to the affairs of (a) Growell Horticulture Limited Lifford Hall Lifford Lane, Kings Norton, Birmingham, B30 3JN

on (b) 12 April 2023, the date that the company entered administration.

Statement of Truth

(b) Insert date I believe that the facts stated in this statement of affairs are a full, true and complete statement of the affairs of the above named company as at (b) 12 April 2023 the date that the company entered administration.

Full name Alexander Charles Grady

Signed 

Dated 31 May 2023

Growell Horticulture Limited

A – Summary of Assets

Assets	Book Value £	Estimated to Realise £	
Assets subject to a fixed charge:			
Goodwill	1	0	
Intellectual Property	1	0	
			0
Assets subject to a floating charge:			
Debtors	25,000	25,000	
Stocks	1,204,673	1	
			25,001
Uncharged assets:			
			0
Surplus from assets subject to a fixed charge			0
Estimated total assets available for preferential creditors			25,001
A1 – Summary of liabilities			

Estimated to Realise £

Estimated total assets available for preferential creditors (carried from page A)		25,001
Liabilities		
Preferential creditors:		
None	0	
Total Preferential Claim		0
Estimated deficiency / surplus as regards preferential creditors:		0
Secondary Preferential creditors:		
VAT (1)	(133,552)	
Total Secondary Preferential Creditors		(133,552)
Estimated deficiency / surplus as regards secondary preferential creditors:		(108,551)
Estimated prescribed part of net property where applicable (to carry forward)		0
Estimated total assets available for floating charge holders		(108,551)
Debts secured by floating charges		
Opura Ltd	(700,000)	
		(700,000)
Estimated deficiency/surplus of assets after floating charges		(808,551)
Estimated prescribed part of net property where applicable (brought down)		0
Total assets available to unsecured creditors		NIL
Unsecured claims (excluding any shortfall to floating charge holders)		
Employees' Claims	0	
Trade Creditors' (68)	(1,203,081)	
		(1,203,081)
Estimated surplus/deficiency as regards unsecured creditors (excluding any shortfall to floating charge holders)		(1,203,081)
Shortfall to floating charge creditors		(808,551)
		(2,011,632)
Issued and called up capital		
Ordinary	(7,359)	
		(7,359)
Estimated total deficiency / surplus as regards members		(2,018,991)

B - COMPANY CREDITORS

Note: You must include all creditors and identify any creditors under hire-purchase, chattel leasing or conditional sale agreements and customers claiming amounts paid in advance of the supply of goods or services and creditors claiming retention of title over property in the company's possession.

Name of creditor or claimant	Address (with postcode)	Creditor Type	Amount of debt	Details of any security held by creditor	Date security given	Value of security
Eden Horticulture	leanne@eden-horticulture.com, alex@eden-horticulture.com	Trade Creditor	536,963.07			£0.00
Nutriculture Ltd	sales@nutriculture.co.uk	Trade Creditor	£30,000.00			£0.00
London Borough Of Brent	1 Saxon Road, Wembley, London, HA9 9TP	Trade Creditor	£38,011.10			£0.00
Petersfield Growing Mediums	deb@hewittsportsturf.co.uk	Trade Creditor	£41,759.10			£0.00
The Growers Wholesale	gary@tgwdistribution.co.uk	Trade Creditor	£13,453.03			£0.00
Henshalls Insurance Broker	pslater@henshalls.com	Trade Creditor	£8,506.12			£0.00
Warwick District Council	Riverside House, Milverton Hill, Leamington Spa, CV32 5HZ	Trade Creditor	£7,754.00			£0.00
Abbey Extrusions	doug@abbeyextrusions.com	Trade Creditor	£6,187.13			£0.00

Guanokalong	info@guanokalong.nl	Trade Creditor	£5,989.05	£0.00
Highlight Horticulture	sales@highlighthorticulture .co.uk	Trade Creditor	£5,870.42	£0.00
Lux Light International	info@luxlight.de	Trade Creditor	£5,691.10	£0.00
Elite Group	Matrix Industrial Parl, Eaton Avenue, Buckshaw Village, Chorley, PR7 7NA	Trade Creditor	£5,639.74	£0.00
Onpoint Logistics Ltd	483-503 Garretts Green Lane, Garretts Green, Tile Cross, Birmingham, B33 0SI	Trade Creditor	£4,345.36	£0.00
Adams Home Centre Ltd (Adams Gas)	steve@adamsgas.co.uk	Trade Creditor	£3,987.87	£0.00
DPD - D/D	litigation@dpgdgroup.co.uk	Trade Creditor	£3,855.83	£0.00
Direct Garden Supplies Ltd	info@directgardeningsuppl ies.co.uk	Trade Creditor	£3,748.83	£0.00
Lumatek Professional Lighting	alan@lumatek.co.uk	Trade Creditor	£3,656.41	£0.00
Sunshine Growing Industry	Aaron [aaronneedlefelt@163.com]	Trade Creditor	£3,437.57	£0.00
Povoas Packaging Limited	Patriciab@povoas.co.uk	Trade Creditor	£3,242.24	£0.00
Garden Alchemy	sales@garden- alchemy.co.uk	Trade Creditor	£3,183.39	£0.00
Carrera Estates Limited	5 Burns Close, Long Crendon, Aylesbury, Buckhampshire, HP18 9BX	Trade Creditor	£3,108.34	£0.00
British Gas Budbrooke Electric (602898304) - D/D	Millstream, Maidenhead Road, Windsor, SL4 5GD	Trade Creditor	£3,045.74	£0.00
PPL PRS Ltd	Mercury Place, St. George Street, Leicester, LE1 1QG	Trade Creditor	£2,700.09	£0.00
Grownorthern Ltd	kieran@gn.uk	Trade Creditor	£2,634.83	£0.00
Hotbox International Ltd	sales@hotboxworld.com	Trade Creditor	£339.67	£0.00
LBS Horticulture	graham.smith@lbs- global.com	Trade Creditor	£305.56	£0.00
Impact Fork Lift Trucks Ltd	93 Cato Street, Birmingham, West Midlands, B7 4TS	Trade Creditor	£286.00	£0.00
Antelco UK Ltd	orders@antelco.co.uk	Trade Creditor	£282.47	£0.00
Viking Direct Ltd / Office Depot International (UK	creditcontrol@vikingoffice. eu	Trade Creditor	£263.37	£0.00
Hydro Station Ltd	info@hydrostationltd.co.uk	Trade Creditor	£249.00	£0.00
Eco-Sis Ltd	info@ecotechnics.co.uk	Trade Creditor	£228.00	£0.00
Suez Recycling & Recovery UK Ltd	Suez House, Grenfell Road, Berkshire, SL6 1ES	Trade Creditor	£210.47	£0.00
Seeds Of Italy	sales@italianingredients.c om	Trade Creditor	£191.76	£0.00
Greenzone Facilities Management	The Corner House, 3 Brunel Dr, Newark, NG24 2EG	Trade Creditor	£182.78	£0.00

Northern Hydro Ltd	northernhydro@hotmail.co.uk	Trade Creditor	£139.80	£0.00
British Gas - Sheffield Gas	Millstream, Maidenhead Road, Berkshire, SL4 5GD	Trade Creditor	£131.38	£0.00
UK Safety Management	sales@uksmltd.co.uk	Trade Creditor	£126.00	£0.00
British Gas Bham Unit 5 Gas	Millstream, Maidenhead Road, Berkshire, SL4 5GD	Trade Creditor	£116.01	£0.00
Water Plus (7002004358) Unit 10 Coleshill	South Court, Riverside Park, Campbell Road, Stoke-On-Trent, ST4 4DA	Trade Creditor	£86.92	£0.00
British Gas Budbrooke Gas (602898407)	Millstream, Maidenhead Road, Berkshire, SL4 5GD	Trade Creditor	£75.01	£0.00
The Keyholding Company	clientservices@keyholding.com	Trade Creditor	£66.00	£0.00
Unsworth Global Logistics	Redfern House, Browells Lane, Middlesex, TW13 7EP	Trade Creditor	£60.00	£0.00
E-on Next Merton Electricity		Trade Creditor	£49.10	£0.00
Water Plus (229010089) Unit 6 B/Ham	South Court, Riverside Park, Campbell Road, Stoke-On-Trent, ST4 4DA	Trade Creditor	£39.55	£0.00
Waterlogic GB Limited (Angel Springs)	billing@waterlogic.co.uk	Trade Creditor	£2,552.23	£0.00
Fargro Ltd	biosales@fargro.co.uk	Trade Creditor	£1,905.09	£0.00
Charles Austen Pumps Ltd	accounts@charlesausten.com	Trade Creditor	£1,788.60	£0.00
Royal Mail Group Ltd	185 Farringdon Road, London, EC1A 1AA	Trade Creditor	£1,737.01	£0.00
British Gas - Coleshill Gas	Millstream, Maidenhead Road, Windsor, SL4 5GD	Trade Creditor	£1,688.56	£0.00
Pivotal (RMS Cash Solutions T/A)	38 Montgomery Road, Belfast, BT6 9HL	Trade Creditor	£1,635.62	£0.00
Cotswold Petroleum	Springhill Industrial Estate, Springhill, Moreton-in-Marsh, GL56 9TP	Trade Creditor	£1,538.85	£0.00
AlorAir	simon.robinson@alorair.co.uk	Trade Creditor	£1,476.00	£0.00
Green Box Wholesale Ltd	accounts@gbcmwholesale.co.uk	Trade Creditor	£1,186.24	£0.00
British Gas - Bham Unit 6	Millstream, Maidenhead Road, Berkshire, SL4 5GD	Trade Creditor	£1,175.04	£0.00
Dutch Garden Supplies Ltd	sales@dgsupplies.co.uk	Trade Creditor	3,562.80	£0.00
Fortress Wastecare (Spa) Ltd	creditcontrol@fortressrecycling.com	Trade Creditor	£1,002.32	£0.00
New leaf Irrigation Ltd.	Darran@newleafirrigation.co.uk	Trade Creditor	£972.00	£0.00
Briggs Equipment UK Ltd	Orbital 7, Orbital Way, Cannock, Staffordshire, WS11 8XW	Trade Creditor	£964.90	£0.00
Jaguar Contract Hire (Lex Autolease)	creditcontrol.brandedsolutions@lexautolease.co.uk	Trade Creditor	£798.14	£0.00
Veolia Enviro Services	210 Pentonville Road, London, N1 9JY	Trade Creditor	£797.71	£0.00
Century Growsystems	sales@centurygrowsystems.co.uk	Trade Creditor	£786.00	£0.00
British Gas - Bham Unit 5	Millstream, Maidenhead Road, Berkshire, SL4 5GD	Trade Creditor	£763.62	£0.00

Abel Alarms	4 Cranmore Rd, Shirley, B90 4RZ	Trade Creditor	£742.80	£0.00
FedEx Express UK	ukinvoicequeries@tnt.co.uk	Trade Creditor	£715.66	£0.00
Hot Click Marketing Ltd	info@hotclickmarketing.co.uk	Trade Creditor	£660.00	£0.00
Hygro Int. - Nurnberg	jamie@hygro-int.com	Trade Creditor	£534.21	£0.00
Biffa Waste Services Ltd	Coronation Road, Cressex, High Wycombe, HP12 3TZ	Trade Creditor	£495.84	£0.00
JA Glover Ltd	birmingham@ja-glover.co.uk	Trade Creditor	£490.23	£0.00
Castle Water Limited	1 Boat Brae, Rattray, Blairgowrie, PH10 7BH	Trade Creditor	£450.46	£0.00
UPS Limited	Ups House, Forest Road, Feltham, Middlesex, TW13 7DY	Trade Creditor	£435.77	£0.00
Lodi UK Ltd	amy@lodi-uk.com	Trade Creditor	£368.83	£0.00
CloudIQ Limited	accounts@cloud-iq.com	Trade Creditor	£360.00	£0.00
Opura Limited	alex@eden-horticulture.com	Secured Creditor	£700,000.00	£0.00
HMRC	notifications.hmrcv1@hmrc.gov.uk	VAT	£133,552.00	£0.00
Lloyds	Lloyds Bank Commerical, PO Box 1000, BX1 1LT	Trade Creditor	£4,088.36	£0.00
Kriya Formerly Market Finance	d.buckle@kriya.co	Trade Creditor	294,479.45	£0.00
Unitary Engineering Services	hello@unitaryengineering.com	Trade Creditor	319.00	£0.00
Pay Check Limited	accounts@paycheck.co.uk	Trade Creditor	£1,365.69	£0.00
Employee(s)		Employee(s)	£0.00	£0.00
Totals			£2,036,634.60	£0.00

* Denotes a Creditor claiming Retention of Title

C - COMPANY CREDITORS (EMPLOYEES FORMER EMPLOYEES & CONSUMER CLAIMING AMOUNTS PAID IN ADVANCE FOR THE SUPPLY OF GOODS OR SERVICES)

Note: You must include all creditors and identify any creditors under hire-purchase, chattel leasing or conditional sale agreements and customers claiming amounts paid in advance of the supply of goods or services and creditors claiming retention of title over property in the company's possession.

Name of creditor or claimant	Address (with postcode)	Creditor Type	Amount of debt	Details of any security held by creditor	Date security given	Value of security
		Employee				£0.00
Totals			£0.00			£0.00

D - COMPANY MEMBERS

Name of shareholder or member	Address (with postcode)	Type of share	Nominal value	No. of shares	Amount per share called up	Total amount called up
CHILLGRO ONE LIMITED	Lifford Hall Lifford Lane, Kings Norton, Birmingham, B30 3JN	Ordinary	£1.00	7,359	£1.00	£7,359

Growell Horticulture Limited - In Administration

THE **JOINT ADMINISTRATORS'** RECEIPTS AND PAYMENTS ACCOUNT TO 19 MAY 2023.

Growell Horticulture Limited
Receipts and Payments Account from 12 April 2023 - 19 May 2023

<u>Receipts</u>	£
Debtors	30,000.00
VAT	-
	<hr/>
	30,000.00

<u>Payments</u>	
Bordereau	-
Advertising	-
Insolv	-
Co Search	-
Printing, Postage, Stationery & Telephone	-
Storage	-
Room Hire	-
Liquidators Fees	-
Legal Fees	6,790.00
VAT	1,320.00
	<hr/>
	8,110.00

<u>Closing Balance</u>	<hr/>
	21,890.00

Where funds are held, they are held in an Interest Bearing Account

In all Bankruptcy and Compulsory Liquidations, funds are held in the Insolvency Services Account

Growell Horticulture Limited - In Administration

BREAKDOWN OF PRE-ADMINISTRATION TIME COSTS FOR SANDERLINGS LLP

Sanderlings

TIME & CHARGEOUT SUMMARIES

Growell Horticulture Ltd - PRE

To 12/05/2023

HOURS

Classification Of work Function	Partner	Manager	Other Senior Professional	Assistants & Support Staff	Total Hours	Time Cost £	Average Hourly Rate £
Administration & Planning	5.30	0.00	0.00	4.50	9.80	3,644.00	371.84
Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Investigations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Fees Claimed £	2,544.00	0.00	0.00	1,100.00		3,644.00	
Total Hours	5.30	0.00	0.00	4.50	9.80		
Average Rate	480.00	0.00	0.00	244.44			

Growell Horticulture Limited - In Administration

CHARGE-OUT RATES AND BASES OF DISBURSEMENTS ("SANDERLINGS LLP'S SUMMARY")

Fees

The fees of the Trustee/Liquidator/Supervisor/Administrator (appointed IP) are fixed by reference to time properly spent by the appointed IP and his staff in attending to all matters arising in the Bankruptcy/liquidation/Voluntary Arrangement/Administration (case) unless otherwise agreed with the creditors. The appointed IP and his staff charge time to all insolvency cases in units of 6 minutes. The Trustee/Liquidator/Supervisor/Administrator reserves the right to charge interest at a rate of 2% above bank base rate on unrecovered work in progress.

The charge-out rates for the various categories of staff are as follows:-

	Charge Out Rate per Hour £
Appointed Partner (Trustee, Supervisor, Liquidator, Administrator, Administrative Receiver)	480
Partner/Senior Manager	350
Manager	250
Case Administrator	200
Support staff (only to be chargeable for periods of 1 hour or more)	110
Junior	50

Standard Activity

Statutory Compliance, administration & planning

Investigations
Realisation of assets

Trading
Creditors

Examples of Work

Statutory reporting and compliance, compliance with other regulatory requirements case planning, administrative set up, appointment notification, maintenance of records, SIP 2 review, CDDA reports, Investigating antecedent transactions
Identifying, securing, insuring assets, Retention of title, Debt collection
Property, business and asset sales

Management of operations, accounting for trading, on going employee issues
Communication with creditors, Creditors' claims (including employees and other preferential creditors)

Disbursements - Category 2 Disbursements

In dealing with the case, the appointed IP will incur expenses and disbursements that are recoverable from the assets available in the case in accordance with the Insolvency (England and Wales) Rules 2016 where appropriate (e.g. Rule 3.51 in Administrations and Rule 6.42 in CVLs). In addition to out of pocket expenditure, the appointed IP will also recover shared or allocated costs. These may be referred to as category 2 disbursements. Where applicable, such category 2 type disbursements are calculated as follows: -

Expense Type

For all official stationery, printing postage and telephone charges, including notices to creditors and contributories in respect of the first meetings of creditors and contributories:

Where any other meetings of creditors or contributories are held, for summoning and holding the meetings and for statutory circulars:

Basis of Charge

- (i) for a number of creditors and Contributories not exceeding 25, £175
- (ii) for every additional 10 creditors and contributories or part thereof, £40
- (iii) for a number of creditors and Contributories not exceeding 25, £155
- (iv) for every additional 10 creditors and contributories or part thereof, £20

All other expenses and disbursements are recovered as follows:

Expense Type

Room Hire (for each statutory meeting of creditors)

Mileage 35-95p per mile

Company search costs £45 per search

Storage of company books and records £2.50 per box per quarter*

* Where funds permit, a charge for storage of boxes for 12 months after closure of the case is made to cover storage costs until such time as destruction of the records is permitted. Minimum charge of £200 to cover administration.
Should any creditor require further clarification in respect of fees or expenses, then please contact the appointed IP or case manager as identified in the correspondence concerning the case in question.

INFORMATION

Within 21 days of receipt of this progress report a creditor may request that I provide further information about the remuneration and expenses set out in the report. A request must be in writing, and may be made by a secured creditor, or an unsecured creditor with the concurrence of at least 5% in value of the creditors (including that creditor) or the permission of the court. You also have a right to challenge my remuneration and expenses.

I am obligated to provide the requested information within 14 days, unless I consider that the time or cost involved in preparing the information would be excessive, or disclosure would be prejudicial to the conduct of the proceedings or might be expected to lead to violence against any person, or I am subject to an obligation of confidentiality in relation to the information requested, in which case I must give the reasons for not providing the information.

Any creditor may apply to the court within 21 days of my refusal to provide the requested information, or the expiry of the 14 days time limit for the provision of the information. As an insolvency practitioner I am bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment.

A guide to fees is available on request or at: www.icaew.com/en/technical/insolvency/creditors-guides - Updated 1 January 2020

Growell Horticulture Limited - In Administration

BREAKDOWN OF THE JOINT ADMINISTRATORS' TIME COSTS FROM 12 APRIL TO 19 MAY 2023.

Sanderlings

TIME & CHARGEOUT SUMMARIES

Growell Horticulture Ltd - POST

From 12/04/2023 to 19/05/2023

HOURS							
Classification Of work Function	Partner	Manager	Other Senior Professional	Assistants & Support Staff	Total Hours	Time Cost £	Average Hourly Rate £
Administration & Planning	7.70	0.00	0.00	40.50	48.20	13,128.00	272.37
Realisation of Assets	2.40	0.00	0.00	7.30	9.70	2,977.00	306.91
Creditors	1.00	0.00	0.00	12.40	13.40	3,415.00	254.85
Specific Matters	1.00	0.00	0.00	0.00	1.00	480.00	480.00
Investigations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Fees Claimed £	5,340.00	0.00	0.00	14,660.00		20,000.00	
Total Hours	12.10	0.00	0.00	60.20	72.30		
Average Rate	441.32	0.00	0.00	243.52			

Growell Horticulture Limited - In Administration

INFORMATION TO SUPPORT THE **JOINT ADMINISTRATORS'** FEE PROPOSAL

Details of the work I propose to undertake:-	Time anticipated in hours (charged in 6 minute units)		Cost £	
Compliance matters and cashiering, including but not limited to calculation and payment of the Bordereau liability and monitoring the Bordereau level, preparation and submission of statutory returns and statutory requirements for advertising, reviewing ethical, anti-money laundering and anti-bribery safeguards, completion of post appointment formalities, bank account administration, periodic reviews and updating checklists, preparation and documentation, creditor decisions, for proposals reports and 6 month reports and associated compliance requirements, final report and formalities at completion of the Administration	Administrator	13.0	6,240	
	Other Senior Professional	11.0	3,850	
	Case Administrator	41.0	8,200	
	Junior	6.0	300	
Case planning and discussions regarding strategies to be pursued, meetings with staff, directors and advisors to consider the practical, technical and legal aspects of the case	Administrator	4.0	1,920	
	Other Senior Professional	2.0	700	
	Case Administrator	10.0	2,000	
Realisation of assets including Cash at Bank, outstanding debtors, plant, machinery and equipment, stock, and reviewing the pre-Administration sale of business and assets and associated transactions, including communication with agents and interested parties, as well as secured creditors and landlord, correspondence and communication regarding Hire Purchase assets and Retention of Title claims if applicable, review of records in respect of any potential claims for intellectual property, VAT, corporation tax, insurance, director's loans and inter-company accounts. Monitoring the purchaser's licence to trade/occupy and assisting to arrange an assignment or surrender of the leases.	Administrator	14.0	6,720	
	Other Senior Professional	4.0	1,400	
	Case Administrator	25.0	5,000	
Communication with creditors including dealing with all enquiries, including review of correspondence, receipt of Proofs of Debt, consideration of HMRC correspondence, tax liabilities and requirements as to compliance	Administrator	6.0	2,880	
	Other Senior Professional	4.0	1,400	
	Case Administrator	25.0	5,000	
	Junior	12.0	600	
Completion of duties in respect of the Company Directors Disqualification legislation and investigation of company's affairs, including recovery of books and records, information from third sources such as bank statements, review of secured creditors and the validity of security, review and comparison of the last available set of accounts against the Statement of Affairs. Review of records and bank statements for at least the last 12 months, looking for any anomalous payments, analysing the position of creditors including hire purchase and Crown liabilities. Consideration as to whether any antecedent transactions have occurred, such as preference or transactions at undervalue, liaising with solicitors in this regard, and reviewing questionnaires and information submitted by directors and creditors. Submission of findings to the Insolvency Service. Full investigation into the dissipation of covid support schemes.	Administrator	6.0	2,880	
	Other Senior Professional	5.0	1,750	
	Case Administrator	25.0	500	
Estimate total maximum fees to be charged			51,340	

Expenses Estimate for Growell Horticulture Limited in Administration

Below are the expenses estimates in respect of category 1 direct expenses and category 2 expenses which will have an element of shared or allocated costs.

My estimate for my category 1 expenses for the period of the case is £12,019.50.

My estimate for my category 2 expenses for the period of the case is £0.00 and I am seeking a resolution for approval of the basis of calculation of these expenses.

Expenses Category 1	Basis	Estimate of total £
Agents fees: MGR Appraisals were instructed to value the asserts of the company	Time costs	1,500.00
Advertising	Fixed	99.50
Bonding	Fixed	310.00
Legal costs: LAWYERS were instructed by the Administrator to provide advice on the validity of appointment as well as generally on other issues from time to time including for example on issues around the company's assets	Time costs	10,000.00
VisionBlue/INSOLV fee	Fixed	110.00
Total		12,019.50

Expenses Category 2	Basis	Estimate of total £
Total		0.00

Growell Horticulture Limited - In Administration

NOTICE OF DECISION PROCEDURE / VOTING FORM / PROOF OF DEBT / NOTICE OF
INVITATION TO FORM A CREDITORS' COMMITTEE

NOTICE OF DECISION PROCEDURE

Company Name: Growell Horticulture Limited - **In Administration ("the Company")**

Company Number: 02862671

In the HIGH COURT OF JUSTICE BIRMINGHAM BUSINESS AND PROPOERT COURTS no. 188 of 2023

This Notice is given under Rule 15.8 of the Insolvency (England & Wales) Rules 2016 ("the Rules"). It is delivered by the Joint Administrators of the Company, Sanderlings LLP, of Sanderlings, Becketts Farm, Alcester Road, Birmingham, B47 6AJ, (telephone number 01564 700 052), who was Appointed by Charge Holders.

Creditors are invited to vote by correspondence on the following (for the full wording of proposed decisions, see overleaf):

1. The basis of the Joint Administrators' fees
2. The approval of the Joint Administrators' Category 2 disbursements
3. The approval of the pre-Administration costs

Overleaf is a voting form on which creditors may signify their decisions on the above matters. All voting forms, together with a proof of debt if one has not already been submitted, must be completed and returned to the Joint Administrator by one of the methods set out below:

By post to: Sanderlings, Becketts Farm, Alcester Road, Birmingham, B47 6AJ

By email to: info@sanderlings.co.uk

Please note that, if you are sending votes by post, you must ensure that you have allowed sufficient time for the forms to be delivered to the address above by the Decision Date set out below. An email is treated as delivered at 9am on the next business day after it was sent.

All voting forms and proofs of debt must be delivered by the Decision Date: 23.59 on 20 June 2023.

If the Joint Administrators have not received a proof of debt by the time specified above (whether submitted previously or as a result of this Notice), that creditor's vote will be disregarded. Any creditor whose debt is treated as a small debt in accordance with Rule 14.31(1) of the Rules must still deliver a proof if the creditor wishes to vote. A creditor who has opted out from receiving notices may nevertheless vote if the creditor also provides a proof by the Decision Date.

Creditors who meet one or more of the statutory thresholds listed below may, within 5 business days from the date of the delivery of this Notice, require a physical meeting to be held to consider the matter.

Statutory thresholds to request a meeting:

- 10% in value of the creditors
- 10% in number of the creditors
- 10 creditors

A creditor may appeal a decision by application to the court in accordance with Rule 15.35 of the Rules. Any such appeal must be made not later than 21 days after the Decision Date.



Andrew Fender
Joint Administrator



Sandra Fender
Joint Administrator

Dated: 31 May 2023

Dated: 31 May 2023

VOTE BY CORRESPONDENCE

Company Name: Growell Horticulture Limited - **In Administration ("the Company")**
Company Number: 02862671
In the HIGH COURT OF JUSTICE BIRMINGHAM BUSINESS AND PROPOERT COURTS no. 188 of 2023

Name of Creditor: _____

Address: _____

Decisions:

1	That a Creditors Committee will not be established.	*For / Against
2	That the Joint Administrators be discharged from liability in respect of any action undertaken by them pursuant to Paragraph 98 of Schedule B1 of the Act, such discharge to take effect when the appointment of Joint Administrators ceases to have effect, as defined by the Act, unless the court specifies a time.	*For / Against
3	That the Joint Administrators' fees be fixed by reference to the time given by them and their staff in attending to matters arising in the Administration, such time to be charged at the hourly charge out rate of the grade of staff undertaking the work at the time it was undertaken.	*For / Against
4	That the Joint Administrators be authorised to recover all Category 2 disbursements, calculated on the bases detailed in Sanderlings LLP's summary.	*For / Against
5	• That the unpaid pre-Administration costs set out in the Joint Administrators' Proposal be approved, including £1,500 to be paid to Pearl & Young in respect of assistance with preparing the Statement of affairs.	*For / Against

* Please delete as applicable to indicate your voting instructions

Signed: _____ Dated: _____

Name in capitals: _____

Position with, or relationship to, creditor or other authority for signature: _____

Are you the sole member/shareholder of the creditor (where it is a company)? Yes / No

Please complete this form and return it, along with a completed proof of debt if you have not submitted one previously, so that it is delivered by 23.59 on 20 June 2023, by:
Post: Sanderlings, Becketts Farm, Alcester Road, Birmingham, B47 6AJ
Email: please scan in a signed copy of this form and attach it as a pdf to info@sanderlings.co.uk

NOTICE OF INVITATION TO FORM A CREDITORS' COMMITTEE

Company Name: Growell Horticulture Limited - **In Administration ("the Company")**

Company Number: 02862671

In the HIGH COURT OF JUSTICE BIRMINGHAM BUSINESS AND PROPOERT COURTS no. 188 of 2023.

This Notice is given under Rule 3.39 of the Insolvency (England & Wales) Rules 2016 ("the Rules"). It is delivered by the Joint Administrators of the Company, Sanderlings LLP, of Sanderlings, Becketts Farm, Alcester Road, Birmingham, B47 6AJ, (telephone number 01564 700 052), who was Appointed by Charge Holders.

Creditors are invited to nominate creditors (which may include themselves) by completing the section below and returning this Notice to the Joint Administrators by one of the following methods:

By post to: Sanderlings, Becketts Farm, Alcester Road, Birmingham, B47 6AJ

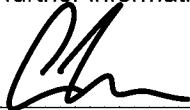
By email to: info@sanderlings.co.uk

Please note that, if you are sending nominations by post, you must ensure that you have allowed sufficient time for the Notice to be delivered to the address above by the date set out below. An email is treated as delivered at 9am on the next business day after it was sent.

All nominations must be delivered by: 16:00 on 20 June 2023

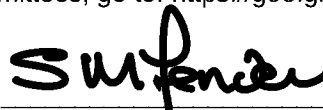
Nominations can only be accepted if the Joint Administrators is satisfied as to the nominated creditor's eligibility under Rule 17.4 of the Rules.

For further information on the role of Creditors' Committees, go to: <https://goo.gl/VRZ78f>.



Andrew Fender
Joint Administrator

Dated: 31 May 2023



Sandra Fender
Joint Administrator

Dated: 31 May 2023

NOMINATIONS FOR MEMBERS OF A CREDITORS' COMMITTEE

Company Name: Growell Horticulture Limited - **In Administration ("the Company")**

Company Number: 02862671

In the HIGH COURT OF JUSTICE BIRMINGHAM BUSINESS AND PROPOERT COURTS no. 188 of 2023.

On behalf of (name of Creditor): _____

at (address of Creditor): _____

I nominate the following creditor(s) to be member(s) of a Creditors' Committee (provide name(s) and address(es)):

1. _____

2. _____

3. _____

Signed: _____

Dated: _____

Name in capitals: _____

Position with, or relationship to, Creditor or other authority for signature: _____

Are you the sole member/shareholder of the Creditor (where it is a company)?

Yes / No
