



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.

AM10

Notice of administrator's progress report

6 Period of progress report

From date	1	2	0	4	2	0	2	3
To date	1	1	1	0	2	0	2	3

7 Progress report

☒ I attach a copy of the progress report

8 Sign and date

Administrator's
signature

Signature

X *C. J. L. S. J. L. S. J. L. S.* X

Signature date

3 1 1 0 2 0 2 3

AM10

Notice of administrator's progress report



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	
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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 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

Growell Horticulture Limited (IN ADMINISTRATION)

The Joint Administrators' Progress Report to 11 October 2023

Andrew Fender

Sandra Fender

Sanderlings LLP

Sanderlings, Becketts Farm

Alcester Road

Birmingham

B47 6AJ

01564 700 052

info@sanderlings.co.uk

This report has been prepared for the sole purpose of updating the creditors for information purposes. The report is private and confidential and may not be relied upon, referred to, reproduced or quoted from, in whole or in part, by creditors for any purpose other than updating them for information purposes, or by any other person for any purpose whatsoever.

Andrew Fender and Sandra Fender were appointed 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.

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- V. Fees and expense estimate as circulated
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1. EXECUTIVE SUMMARY

This report describes the progress since the commencement of the Administration] ("the Review Period").

A summary of key information in this report is detailed below.

Asset realisations

Asset	Estimated to realise per Statement of Affairs £	Realisations to date £	Anticipated future realisations £	Total anticipated realisations £
Goodwill	0	0	Not known	Not known
Intellectual property	0	0	Not known	Not known
Debtors	25,000	25,000	0	25,000
Stocks	1	0	Not known	Not known
Rent refund	-	3,092	0	3,092
Rates refund	-	2,700	0	2,700
Funds removed following the appointment of Administrators	-	12,390	0	12,390
License fee	-	1,500	Not known	Not known

Expenses

Expense	Estimated per Proposal's	Expense incurred to date	Anticipated further expense to closure	Total anticipated expense
Joint Administrators' fees	51,340	69,357	26,403	95,760
Solicitors' fees	10,000	14,190	10,000	24,190
Agents' fees	1,500	2,400	1,500	3,900
Bonding	310	310	830	1,140
Insolv	110	110	0	110
Advertising	99.50	99.50	0	99.50
Stamp duty	-	0	3,000	3,000

Dividend prospects

Creditor class	Distribution / dividend paid to date	Anticipated distribution / dividend, based upon the above
Secured creditor	0	Not known
Preferential creditors	0	0
Unsecured creditors	0	0

1.1 Summary of key issues outstanding

- Assign the remainder of the leases to One Stop Grow Shop Ltd ("OSGS");
- Establish the position of the stock at the date the Company entered into Administration;
- Continue negotiating the sale of the goodwill and intellectual property with the view to establish a sale in the subsequent reporting period;
- Establish the validity of Opura Ltd ("Opura") charge to secure the sums owed to them; and
- Continue investigations into the potential preference;

2. THE PROGRESS OF THE ADMINISTRATION

2.1. The Joint Administrators' receipts and payments account

Attached at Appendix II is a receipts and payments account for the Review Period. Also, attached at Appendix II(a) is a receipts and payments for the trust account set up to manage the payments in respect of the rent and service charges for the period of the Administration.

The rest of this report describes the key developments in the Administration over the Review Period. For a detailed list of work undertaken by the Joint Administrators as a whole, see Appendix V.

In this section, we have summarised the main asset realisations during the Review Period and an estimation of the assets yet to be realised, together with details of the associated costs incurred but as yet remaining unpaid.

2.2. Administration strategy

As detailed in the Joint Administrators proposals, the purpose of the Administration was to realise property in order to make a distribution to one or more secured or preferential creditors and thus, satisfy paragraph 3(c) of Schedule B1 of the Insolvency Act 1986.

Opura Ltd ("Opura") hold a fixed and floating charge over the company's asset and expressed an interest of purchasing the goodwill and intellectual property. Opura are the parent company OSGS who operated in the same sector as the Company. Therefore, in order to preserve the value of the goodwill and intellectual property while a sale was negotiated with Opura, the Joint Administrators granted a management and trade agreement and licence to occupy to OSGS in order that they could trade using the remainder of the company's assets from the Company's premises.

The company operate 8 leasehold stores throughout the UK, of which, 7 were to be assigned to OSGS.

The assignments of these leasehold's have proved problematic due to the fact that all of the landlords have Solicitors acting for them some of which do not appear to understand the ramifications of the Insolvency. Considerable time has been taken up in negotiating for each of the individual lease all of which are different. As you can imagine a considerable amount of time has been expedited not only dealing with the company but the landlord Solicitors and the Solicitor acting for the company.

2.3. Administration (including statutory reporting)

The Joint Administrators have met a considerable number of statutory and regulatory obligations. Whilst many of these tasks have not had a direct benefit in enhancing realisations for the insolvent estate, they have assisted in the efficient and compliant progressing of the administration, which has ensured that the Joint Administrators and their staff have carried out their work to high professional standards.

During the Review Period, primarily these tasks have included:

- Informing all relevant persons of the commencement of the Administration, including filing statutory documents at Companies House and meeting statutory advertising requirements;
- Issuing the Joint Administrators' Proposals, seeking relevant creditors' approvals and issuing notice of the outcome;
- Drafting and issuing the progress report to creditors;
- 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;
- Monitoring and maintaining an adequate statutory bond;
- Conducting periodic case reviews to ensure that the administration is progressing efficiently, effectively and in line with the statutory requirements;
- Maintaining and updating the estate cash book and bank accounts, including regular bank reconciliations and processing receipts and payments;
- Issuing and monitoring the licence to occupy and management and trade agreement to OSGS.
- Communication with landlords regarding the assignment of the leases to OSGS and where necessary, communications regarding the surrender of such leases;
- An investigation into the conduct of the Company Directors was completed. In this regard, a confidential report was submitted to The Insolvency Service on 12 July 2023;
- Communications with solicitors regarding the Validity of the debenture granted to Opura; and
- Completing periodic tax returns.

2.4. Trading

The company ceased to trade on 12 April 2023.

2.5. Realisation of assets

Debtors

The company sold the plant and machinery to OSGS shortly before the appointment of the Joint Administrators. The funds for this sale were not collected prior to the company entering administration and thus, remained as a book debt at the date of appointment. This book debt has since been realised in full.

MGR Appraisals were instructed on 13 April 2023 to advise on the sale of the Plant and Machinery shortly before the company entered Administration. They confirmed their independence, are qualified by The Institute of Chartered Surveyors, and have adequate professional indemnity insurance. They advised that the sale was at a price far greater than they would expect to realise in a break up situation and thus, is acceptable.

Funds removed following the appointment of Administrators

In the days following the date the company entered Administration, there was £12,390.03 removed from the company's bank account. These funds have since been collected.

Rates refund

The administrators have realised a number of rates refunds for the respective leasehold premises. These refunds are detailed in the receipts and payments and total £2,700.28.

Rent refund

The rent refund of £3,092.48 in respect of funds that the Company had paid to a Workman LLP in error.

Licence fee

The joint Administrators have granted a management and trade agreement and a licence to occupy to OSGS, a subsidiary of Opura in order that they could operate using the Company's remaining assets and premises and thus, preserve the value of the business while a sale is negotiated with Opura. The licence fee is the monthly fee charged to OSGS for the use of such assets.

2.6. Estimated future realisations

Goodwill and Intellectual property

Negotiations are still ongoing regarding the sale of the goodwill and intellectual property. I expect to be able to comment further in my next progress report.

Stock

We are still dealing with at least one reservation of title which concerns the gas bottles. I am also awaiting full details concerning the stock disposition from the company and I understand that this will be received in the next week and the detail will be provided in my next report.

Antecedent transactions

Our investigations have highlighted a potential antecedent transaction however, before any action can be contemplated further investigation is required. An update on this will be provided in the report.

Corporation tax refund

We have been notified by HMRC that there is an overpayment in respect of Corporation Tax of £80,844.68. Obviously, this will be available for offset under crown set off if appropriate.

Investigations are continuing as to whether any further possible Corporation Tax refunds can be established.

2.7. Costs incurred but remaining unpaid

During the Review Period, the Joint Administrators have also incurred time costs and direct expenses, not all of which have yet been discharged. Further details of these costs are set out in section 5 below.

3. CREDITORS: CLAIMS AND DISTRIBUTIONS

3.1. Secured creditors

The Company granted a fixed and floating charge to Opura Ltd on 18 May 2022, who was owed £700,000.00 on appointment. During the Review Period, the Joint Administrators' legal advisors, Venture Legal were instructed to advise on the validity of Opura's debenture. Such advise has confirmed that the Administrators were validly appointed however, it has highlighted that there may be an issue regarding the validity of Opura's debenture to secure the sums owed and thus, further investigation is required prior to making any distribution to Opura under their fixed and floating charge.

It is not anticipated that the secured creditor will be paid in full.

3.2. Primary preferential creditors

The Company did not have any employees, as such there is no primary preferential claim.

3.3. Secondary preferential creditors

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

- VAT
- PAYE Income Tax
- Employees' NIC
- CIS deductions

- student loan deductions

Obviously given that the company had no employees, the only secondary preferential creditors arising can be in respect of VAT which on the Statement of Affairs is estimated at £133,552.

The Joint Administrators and their staff have incurred time costs in dealing with HMRCs claim.

It is uncertain whether there will be sufficient realisations to pay a dividend to secondary preferential creditors.

3.4. Unsecured creditors

Unsecured claims were estimated at £1,203,081.00 in the Director's Estimated Statement of Affairs. It is not anticipated that a dividend will be paid to unsecured creditors.

4. INVESTIGATIONS

4.1. Investigations

As part of the Joint Administrators' statutory duties, an investigation into the conduct of the Company Directors was completed. In this regard, a confidential report was submitted to The Insolvency Service on 12 July 2023.

4.2. Initial Assessment of Potential Recoveries

As part of our duties as Joint Administrators, we are obliged to review shortly after appointment all the information available to us and conduct an initial assessment of whether there are any matters which may lead to any recoveries for the benefit of creditors. This would typically include any potential claims which may be brought against parties either connected to or who have past dealings with the Company.

This review has been completed and we confirm that we identified a number of assets of the company. These assets include the rent refund, rates refund and the funds removed from the Company bank account following the appointment of Administrators.

Additionally, a potential preference has been highlighted however, additionally investigations are required before any claim may be brought in respect of this. I expect to be able to comment further in my next progress report.

THE JOINT ADMINISTRATORS' FEES AND EXPENSES

4.3. Pre-Administration Costs

Included within the Joint Administrators' proposals was a statement of Pre-Administration costs.

These costs were approved as detailed below:

Party instructed	Amount approved (£)	Date approved
Sanderlings LLP	£3,644.00	20 June 2023
Pearl & Young	£1,500.00	20 June 2023
TOTAL APPROVED	£5,144.00	20 June 2023

4.4. The Joint Administrators' Fees

The basis of the Joint Administrators' fees were fixed on 20 June 2023 by the secured creditor and the unsecured creditors as follows:

By reference to the time properly given by the Joint Administrators and their staff in attending to matters arising in the Administration, calculated at the prevailing standard hourly charge out rates used by Sanderlings LLP at the time when the work is performed;

A breakdown of the time costs incurred during the Review Period and for the Administration as a whole is provided at Appendix III and further information regarding the charge-out rates of the Joint Administrators and their staff is provided at Appendix IV .

"A Creditors' Guide to Administrators' Remuneration" is available for download at <http://www.sanderlings.co.uk/creditors-guides/administration.pdf>.

Should you require a paper copy, please send your request in writing to the Joint Administrators at the address on the front of this report and this will be provided to you at no cost.

4.5. Comparison of estimates

The Joint Administrators' time costs incurred to date (whether or not they have been charged to the Administration estate) are compared with the original fees estimate as follows:

	Original fees estimate			Actual time costs incurred during the Review Period			Actual time costs incurred to date		
Work category	Number of hours	Blended hourly rate £ per hour	Total fees £	Number of hours	Average hourly rate £ per hour	Total time costs £	Number of hours	Average hourly rate £ per hour	Total time costs £
Administration (including statutory reporting)	87.00	266.78	23,210.00	108.50	275.94	29,939.00	108.50	275.94	29,939.00
Realisation of assets	43.00	305.12	13,120.00	57.40	309.81	17,783.00	57.40	309.81	17,783.00
Creditors (claims and distribution)	47.00	210.21	9,880.00	33.80	257.84	8,715.00	33.80	257.84	8,715.00
Investigations	36.00	142.50	5,130	59.80	207.02	12,380.00	59.80	207.02	12,380.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Specific matters	0.00	0.00	0.00	1.30	415.38	540.00	1.30	415.38	540.00

The expenses incurred to date are compared with the original expenses estimate as follows:

Expenses	Original expenses estimate £	Actual expenses incurred in the Review Period £	Actual expenses incurred to date £	Reason for any excess (if the expenses are likely to, or have, exceeded the original estimate)
Legal costs	10,000	14,190	14,190	Substantial legal costs have been incurred in reviewing the validity of the debenture granted to Opura.
Agents' and valuers' costs	1,500	2,400	2,400	The costs to value the leases were higher than initially anticipated.
Advertising	99.50	99.50	99.50	

Expenses	Original expenses estimate £	Actual expenses incurred in the Review Period £	Actual expenses incurred to date £	Reason for any excess (if the expenses are likely to, or have, exceeded the original estimate)
Insolv	110	110	110	
Bonding	310	310	310	
TOTAL	12,019.50	17,109.50	17,109.50	

The bases on which the expenses defined as Category 2 disbursements are calculated are explained in Appendix V.

Having regard for the costs that are likely to be incurred in bringing this Administration to a close, the Joint Administrators consider that:

- the original fees estimate has been exceeded; and
- the original expenses estimate has been exceeded for the reasons given below.

The main reasons why the fees estimate has been exceeded are:

- Following the advice from the Joint Administrators legal advisors regarding the validity of the debenture granted to Opura, it became apparent that there may be an issue regarding Opura's ability to secure the sums owed to them. This has meant that a significant amount of time has been spent investigating this matter including numerous meetings. Additionally, given the complexity of this matter, the legal costs incurred in dealing with this matter are higher than initially envisaged;
- The Joint Administrators granted a management and trade agreement and a licence to occupy to OSGS, a subsidiary of Opura Ltd in order that they could trade using the company's premises and remaining assets and thus, preserving the value of the business while a sale was negotiated with Opura Ltd. However, OSGS were not initially keeping up with payments pursuant to the licence to occupy meaning a substantial amount of work was required in order to ensure payments were made up to date;
- The assignment of the leases to OSGS have proven to be more time consuming than initially envisaged;

The Joint Administrators intend to seek the relevant creditors' approval to fees in addition to that previously estimated.

4.6. Decision procedure

Attached at appendix VI is information relating to a decision procedure in respect of a revised fee estimate, as my initial fee estimate of 31 May 2023 has been exceed by a considerable amount in dealing with the complexities of this case.

Additionally, I am convening a decision procedure to request that the Administration is extended until 11 April 2025 in that I may have more time to deal with the outstanding matters in the Administration.

I attach the following at appendix VI in respect of such decision procedure:

- Notice of correspondence;
- Vote by correspondence form - If you would like to participate in the voting and agreement to my increased fee, please note that all voting forms and proof of debt must be delivered no later than 23:59 on 13 December 2023;
- Notice of Invitation to Form a Liquidation Committee;

- Proof of Debt;
- Revised Fee estimate dated 26 October 2023; and
- Original Fee estimate dated 31 May 2023.

4.7. Creditors' right to request information

Any secured creditor, or unsecured creditor with the support of at least 5% in value of the unsecured creditors or with permission of the Court, may request in writing the Joint Administrators to provide additional information regarding fees or expenses to that already supplied within this report. Such requests must be made within 21 days of receipt of this report.

4.8. Creditors' right to challenge fees and/or expenses

Any secured creditor, or unsecured creditor with the support of at least 10% in value of the unsecured creditors or with permission of the Court, may apply to the Court for one or more orders, reducing the amount or the basis of fees which the Joint Administrators are entitled to charge or otherwise challenging some or all of the expenses incurred.

Such applications must be made within 8 weeks of receipt by the applicant(s) of the progress report detailing the fees and/or expenses being complained of.

Please note that such challenges may not disturb fees or expenses (whether or not discharged from the estate) disclosed in prior progress reports.

5. CONCLUSION

The Administration will continue in order to finalise the following outstanding matters as detailed in this progress report.

If you require any further information please contact Laura Clarke on 01564 700 052.



Andrew Fender

Dated: 31 October 2023



Sandra Fender

Dated: 31 October 2023

Andrew Fender and Sandra Fender were appointed 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)

STATUTORY INFORMATION

Company Name	Growell Horticulture Limited
Previous Names	Growell Hydroponics and Plant Lighting Ltd
Proceedings	In Administration
Court	HIGH COURT OF JUSTICE BIRMINGHAM BUSINESS & PROPERTY COURTS
Court Reference	188 of 2023
Date of Appointment	12 April 2023
Joint Administrators	Andrew Fender Sandra Fender
Registered office Address	c/o Sanderlings LLP Sanderlings, Becketts Farm Alcester Road Birmingham B47 6AJ
Company Number	02862671
Appointment by	Appointed by Charge Holder.

DEFINITIONS

The Act	Insolvency Act 1986
The Rules	Insolvency Rules 1986 or Insolvency (England & Wales) Rules 2016 (whichever applied at the time of the event)
The Joint Administrators	Andrew Fender and Sandra Fender of Growell Horticulture Limited
The Company	Growell Horticulture Limited (in Administration)
The Court	
SIP	Statement of Insolvency Practice
Review Period	Period covered by the report from 12 April 2023 to 11 October 2023.

Growell Horticulture Limited (IN ADMINISTRATION)

THE JOINT ADMINISTRATORS' RECEIPTS AND PAYMENTS

Growell Horticulture Limited
Receipts and Payments Account from 12 April 2023 to 11 October 2023

<u>Receipts</u>	£
Debtors	30,000.00
Licence fee	1,500.00
Cash at Bank	49.85
Funds removed post Administration	12,390.03
Rates refund	2,700.28
Rent Deposit	-
Refund of rent	3,092.48
Costs of registering the Bristol Lease and stamp di	6,040.00
Funds received in error	2,160.00
VAT Refund	-
Interest	-
VAT	300.00
	<hr/>
	58,232.64
<u>Payments</u>	
Bordereau	310.00
Advertising	99.50
Insolv	110.00
Co Search	-
Printing, Postage, Stationery & Telephone	-
Storage	-
Room Hire	-
Liquidators Fees	-
Legal Fees	14,190.00
Rent and service charges	-
Stamp duty for bristol lease	-
Legal fees re bristol lease	-
Funds received in error	2,160.00
VAT	2,819.90
	<hr/>
	19,689.40
<u>Closing Balance</u>	<hr/>
	38,543.24

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 Ltd - Trust account
Receipts and Payments Account from 12 April 2023 to 11 October 2023

<u>Receipts</u>	£
Rent	85,617.53
Rent deposit	96,641.12
Interest	-
VAT	14,177.90
	<hr/>
	196,436.55

<u>Payments</u>	
Rent paid	85,617.53
VAT	14,177.90
	<hr/>
	99,795.43

<u>Closing Balance</u>	<hr/>
	96,641.12

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)

THE JOINT ADMINISTRATORS' TIME COSTS

Sanderlings

TIME & CHARGEOUT SUMMARIES

Growell Horticulture Ltd - POST

From 12/04/2023 to 11/10/2023

HOURS							
Classification Of work Function	Partner	Manager	Other Senior Professional	Assistants & Support Staff	Total Hours	Time Cost £	Average Hourly Rate £
Administration & Planning	24.80	0.00	0.00	83.70	108.50	29,939.00	275.94
Investigations	1.80	0.00	0.00	58.00	59.80	12,380.00	207.02
Realisation of Assets	16.50	0.00	0.00	40.90	57.40	17,783.00	309.81
Creditors	4.60	0.00	0.00	29.20	33.80	8,715.00	257.84
Specific Matters	1.00	0.00	0.00	0.30	1.30	540.00	415.38
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Fees Claimed £	21,582.00	0.00	0.00	47,775.00		69,357.00	
Total Hours	48.70	0.00	0.00	212.10	260.80		
Average Rate	443.16	0.00	0.00	225.25			

Growell Horticulture Limited (IN ADMINISTRATION)

CHARGE-OUT RATES AND BASES OF CATEGORY 2 DISBURSEMENTS

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

Company search costs

Storage of company books and records

Basis of Charge

£175.00 per meeting

35-95p per mile

£45 per search

£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)

FEES AND EXPENSE ESTIMATE AS CIRCULATED

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)

DECISION PROCEDURE FOR FEE INCREASE AND APPLICATION TO EXTEND THE
ADMINISTRATION

NOTICE OF DECISION PROCEDURE

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

Company Number: In the High Court of Justice Birmingham Business & Property Courts Reference No. 188 of 2023.

This Notice is given under Rule 3.39 and 15.8 of the Insolvency (England & Wales) Rules 2016 ("the Rules"). It is delivered by the Joint Administrator of the Company, Andrew Fender, of Sanderlings LLP, Becketts Farm, Alcester Road, Birmingham, B47 6AJ (telephone number 01564 700 052), who was appointed by Opura Ltd the qualifying floating charge holder.

Creditors are invited to vote by correspondence on the following:

1. The establishing of a Creditors' Committee, if sufficient nominations are received by 12 December 2023 and those nominated are willing to be members of a Committee;
2. The Administrators fees be fixed by reference to the time given by him and his 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 and in accordance with the revised fee estimate; and
3. The period of the Administration and the Joint Administrators' term of office to be extended to 11 April 2025.

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 by one of the methods set out below:

By post to: Sanderlings LLP, 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 time set out below. Unless the contrary is shown, 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 23.59 on the Decision Date, 13 December 2023.

If the has 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 time specified above.

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

Dated: 31 October 2023



Sandra Fender
Joint Administrator

Dated: 31 October 2023

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 **12 December 2023**

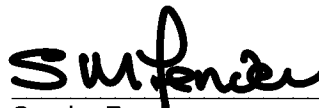
Nominations can only be accepted if the Joint Administrators is satisfied as to the nominated creditor's eligibility under Rule 17.4 of the Rules.

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



Andrew Fender
Joint Administrator

Dated: 31 October 2023



Sandra Fender
Joint Administrator

Dated: 31 October 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

VOTE BY CORRESPONDENCE

Growell Horticulture Limited (in Administration)

Name of Creditor: _____

Address: _____

Decisions:

1.	The establishing of a Creditors' Committee, if sufficient nominations are received by 12 December 2023 and those nominated are willing to be members of a Committee;	*For / Against
2.	The Administrators fees be fixed by reference to the time given by him and his 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 and in accordance with the revised fee estimate; and	*For / Against
3.	The period of the Administration and the Joint Administrators' term of office to be extended to 11 April 2025.	*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

NOTE: Once a vote has been cast, it cannot be changed.

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 13 December 2023, by:

Post: Sanderlings LLP, 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.

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	25.0	12,000	
	Other Senior Professional	2.0	700	
	Case Administrator	100.0	20,000	
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	20.0	9,600	
	Other Senior Professional	4.0	1,400	
	Case Administrator	75.0	15,000	
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	45.0	9,000	
	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	3.0	1,440	
	Other Senior Professional	5.0	1,750	
	Case Administrator	70.0	1,400	
Estimate total maximum fees to be charged			95,760	

PROOF OF DEBT - GENERAL FORM

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

Date of Administration: 12 April 2023

DETAILS OF CLAIM		
1.	Name of Creditor (if a company, its registered name)	
2.	Address of Creditor (i.e. principal place of business)	
3.	If the Creditor is a registered company: <ul style="list-style-type: none"> For UK companies: its registered number For other companies: the country or territory in which it is incorporated and the number if any under which it is registered The number, if any, under which it is registered as an overseas company under Part 34 of the Companies Act 	
4.	Total amount of claim, including any Value Added Tax, as at the date of administration, less any payments made after this date in relation to the claim, any deduction under R14.20 of the Insolvency (England & Wales) Rules 2016 and any adjustment by way of set-off in accordance with R14.24 and R14.25	£
5.	If the total amount above includes outstanding uncapitalised interest, please state	YES (£) / NO
6.	Particulars of how and when debt incurred	
7.	Particulars of any security held, the value of the security, and the date it was given	
8.	Details of any reservation of title in relation to goods to which the debt relates	
9.	Details of any document by reference to which the debt can be substantiated. [The administrator may call for any document or evidence to substantiate the claim at his discretion.]	
10.	Give details of whether the whole or any part of the debt falls within any (and if so which) of the categories of preferential debts under section 386 of, and schedule 6 to, the Insolvency Act 1986	Category Amount(s) claimed as preferential £
AUTHENTICATION		
Signature of Creditor or person authorised to act on his behalf		
Name in BLOCK LETTERS		
Date		
If signed by someone other than the Creditor, state your postal address and authority for signing on behalf of the Creditor		
Are you the sole member of the Creditor?		YES / NO