

Neptune Renewable Energy Limited

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Case No 540 of 2014

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
LEEDS DISTRICT REGISTRY

IN THE MATTER OF THE LICENCE HOLDERS
ALFRAN FASTENERS LIMITED (IN ADMINISTRATION) AND OTHERS

JOHN ALMERIC EVANS (IN BANKRUPTCY)
ACME ENGINEERING LIMITED (IN COMPANY VOLUNTARY ARRANGEMENT)

A D ELLIS & PARTNERS LIMITED (IN CREDITORS' VOLUNTARY LIQUIDATION)
AND OTHERS

CHRISTINE BRENDA DOUGAL T/A THE BELVEDERE HOTEL (IN INDIVIDUAL
VOLUNTARY ARRANGEMENT) AND OTHERS

ALBION INCOME & GROWTH VCT PLC (IN MEMBERS' VOLUNTARY
LIQUIDATION) AND OTHERS

KAPE ELECTRICAL (IN PARTNERSHIP VOLUNTARY ARRANGEMENT)

A & J MACHINE LTD (IN COMPULSORY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BETWEEN:

ADRIAN ALLEN (1)
ALEC PILLMOOR (2)
WILLIAM DUNCAN (3)
IAN WILLIAM KINGS (4)
STEVEN ROSS (5)

APPLICANTS

AND

KEITH ALLAN MARSHALL (1)
WILLIAM DUNCAN (2)
IAN WILLIAM KINGS (3)
STEPHEN PATRICK JENS WADSTED (4)

RESPONDENTS

ORDER

BEFORE His Honour Judge Behrens

SITTING IN THE LEEDS DISTRICT REGISTRY OF THE HIGH COURT OF JUSTICE

UPON the Application dated 7th May 2014

AND UPON ~~hearing Counsel for the Applicants and~~ reading the evidence

~~AND UPON~~

IT IS ORDERED THAT:

MONDAY



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09/06/2014

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COMPANIES HOUSE

1. In respect of those Administrations, Bankruptcies, Company Voluntary Arrangements, Creditors' Voluntary Liquidations, Individual Voluntary Arrangements, Members' Voluntary Liquidations, Partnership Voluntary Arrangements and Compulsory Liquidations Identified In the Schedule attached to this Application Notice (the "Schedule") as being the subject of proceedings in the various County Courts specified in the Schedule, those proceedings be transferred to the High Court Division, solely for the purpose of making the Orders contained in the paragraphs below and thereafter be transferred back to the relevant County Court.
2. The following removals and appointments take place with immediate effect:
 - 2.1. In relation to the Bankruptcy appointment held solely by the Fourth Respondent, the Fourth Respondent be removed from office and the Second Applicant be appointed in the Fourth Respondent's place as proposed and identified in the Schedule.
 - 2.2. In relation to all Creditors' Voluntary Liquidation appointments held by the First Respondent and the Third Applicant, the First Respondent be removed from office and the First Applicant or the Second Applicant be appointed in the First Respondent's place as proposed and identified in the Schedule. In relation to the Creditors' Voluntary Liquidation appointment held solely by the First Respondent, the First Respondent be removed from office and the First and Third Applicants be appointed in the First Respondent's place as proposed and identified in the Schedule. The First and Third Applicants and the Second and Third Applicants are to act jointly and severally.
 - 2.3. In relation to all Individual Voluntary Arrangement ("IVA") appointments held by the First Respondent and the Third Applicant, the First Respondent be removed from office and the Second Applicant be appointed in the First Respondent's place as proposed and identified in the Schedule. The Second and Third Applicants are to act jointly and severally.
 - 2.4. In relation to all Compulsory Liquidation appointments held by the First Respondent and the Third Applicant, the First Respondent be removed from office and the First Applicant or the Second Applicant be appointed in the First Respondent's place as proposed and identified in the Schedule. The First and Third Applicants and the Second and Third Applicants are to act jointly and severally.
 - 2.5. In relation to the Company Voluntary Arrangement appointment held by the First Respondent and the Third Applicant, the First Respondent be removed from office and the Second Applicant be appointed in the First Respondent's

place as proposed and Identified in the Schedule. The Second and Third Applicants are to act jointly and severally.

- 2.6. In relation to all Administration appointments held by the First Respondent and the Third Applicant, the First Respondent be removed from office and the First Applicant or the Second Applicant be appointed in the First Respondent's place as proposed and identified in the Schedule. In relation to the Administration appointment held by the First Respondent and the Fourth Applicant, the First Respondent be removed from office and the Fifth Applicant be appointed in the First Respondent's place as proposed and identified in the Schedule. The First and Third Applicants, the Second and Third Applicants and the Fourth and Fifth Applicants are to act jointly and severally.
- 2.7. In relation to all Members' Voluntary Liquidation appointments held by the First Respondent and the Third Applicant, the First Respondent be removed from office and the First Applicant or the Second Applicant be appointed in the First Respondent's place as proposed and identified in the Schedule. The First and Third Applicants and the Second and Third Applicants are to act jointly and severally.
- 2.8. In relation to the Partnership Voluntary Arrangement appointment held by the First Respondent and the Third Applicant, the First Respondent be removed from office and the Fifth Applicant be appointed in the First Respondent's place as proposed and identified in the Schedule. The Third and Fifth Applicants are to act jointly and severally.
- 2.9. The effect of these Orders is as summarised by reference to the current (outgoing) and proposed (incoming) office holders as set out in the Schedule.
3. The Applicants shall within 14 days of the date of this Order publish in the Gazette one composite notice relating to all new appointments effected hereby and shall file any appropriate notices in respect of the First Respondent and Fourth Respondent's resignation and those appointments with the Registrar of Companies and the Secretary of State for Business, Innovation and Skills (Insolvency Service) as appropriate.
4. The First Respondent and Fourth Respondent shall be granted their release as appropriate 21 days after the publication in the Gazette referred to above.

5. The First Respondent and Fourth Respondent may be removed and replaced, as set out in the Schedule, in each such case with immediate effect, without being required to (i) apply to the Secretary of State for release or discharge as appropriate pursuant to s173(2)(b) or s174(4) or s299(3)(b) of the Insolvency Act 1986 as the case may be or, (ii) file a receipts and payments account.
6. In any matter, the requirement for a progress report upon the First and Fourth Respondents ceasing to act as set out in rule 2.47(3A) (Administrations) of the Insolvency Rules 1986 (the "Rules"), rule 4.49C(3) (Voluntary Liquidations) of the Rules, rule 4.49B(5) (Compulsory Liquidations) of the Rules, rule 6.78A(4) (Bankruptcies) of the Rules shall not apply.
7. Where the First Respondent is removed and replaced as Administrator and those administrations are subsequently converted into Creditors' Voluntary Liquidations, the replacement Administrator in each case, as set out in the Schedule, shall also replace the First Respondent as Liquidator.
8. The Applicants shall, when the next routine report is due to the creditors/members of each Administration, Bankruptcy, Company Voluntary Arrangement, Creditors' Voluntary Liquidation, Individual Voluntary Arrangement, Members' Voluntary Liquidation, Partnership Voluntary Arrangement and Compulsory Liquidation, give written notice of the making of this Order to each such creditor/member, such notice to include the following matters:
 - 8.1. An explanation as to the effect of the Order.
 - 8.2. Express reference to the liberty to apply as set out in the Order
 - 8.3. In the case of the voluntary arrangements (company, partnership and individual) and the administrations, the provision of such information as might reasonably be required with regard to the conduct of the arrangements or the administration (as the case may be).
 - 8.4. In the case of the liquidations (including compulsory liquidations) and the bankruptcy where liquidation or creditors' committees have been appointed, an explanation that (to the extent that any information which would otherwise be required to be provided under Rule 4.108(3) or 6.126(2) has not already been provided as part of that report) it is open to the committee to require the Applicants appointed or remaining in office to provide an account of the administration of the estate, including:
 - 8.4.1. A summary of receipts and payments.

8.4.2. A statement that he has reconciled his accounts.

8.5. In the case of liquidations (including compulsory liquidations) and the bankruptcy where no liquidation or creditors' committees have been appointed, an explanation that, to the extent that such information has not already been provided as part of the routine report, it is open to any creditor to apply for an Order that the Applicants in question do provide such information as might otherwise be required by Rule 4.108(3) or 6.126(2) (as the case may be), that is to say an account of the administration of the estate including:

8.5.1. A summary of receipts and payments.

8.5.2. A statement that he has reconciled his accounts.

8.6. In the case of the Members' Voluntary Liquidations, an explanation that, to the extent that any information which might otherwise be required to be supplied under Rule 4.142(2) has not already been provided as part of the routine report, it is open to any member to apply to Court for an Order that the Applicants do provide such information, that is to say an account of the administration of the estate, including:

8.6.1. A summary of receipts and payments.

8.6.2. A statement that he has reconciled his accounts.

8.7. Notification that if the Applicants in question have been required to provide the information referred to in paragraphs 8.5 to 8.6 above, whether by the liquidation/creditors' committee or by Court Order on the application of any individual creditor, the Applicants' costs of complying with such request or Order shall, unless good reasons to the contrary are demonstrated, be paid as a cost of the bankruptcy, arrangement, administration or winding up as the case may be.

9. Liberty to each creditor/member of each liquidation, voluntary arrangement, administration and bankruptcy to apply to vary or discharge this Order within 21 days of receipt of the notices directed to be sent under paragraph 8 above or publication in the Gazette, whichever is sooner.

10. The costs of this application (including VAT) shall be met by Baker Tilly Restructuring and Recovery LLP save that the bond disbursement in any case shall be attributable to that case as an expense of such appointment and the cost of the composite

Gazette notice to be placed under paragraph 3 be apportioned between the said cases equally.

11. Compliance with Rule 7.10D(3) is varied so that lodging of a certified copy of this Order, once sealed, with each Court is deemed to be compliant with that Rule.

Service of Notice of the Application upon the Respondents be dispensed with.

Dated this 16th day of May 2014

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