The Insolvency Act 1986

Statement of administrator's proposals

Name of Company
V8 Gournet Limited

Company number
06765254

In the High Court of Justice
[High Court of Justice]

Court case number
5120 of 2011

(a) Insert full name(s) and address(es) of administrator(s) I (a) Nimish Patel Re10 (London) Limited, Albemarle House, 1 Albemarle Street, London, W1S 4HA

attach a copy of our proposals in respect of the administration of the above company

* Delete as applicable

A copy of these proposals was sent to all known creditors on

(b) Insert date

(b) 7 March 2012

Signed Administrator

Dated 1/3/12

Contact Details

You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form The contact information that you give will be visible to searchers of the public record

Re10 (London) Limited	
Albemarle House, 1 Albemarle	e Street, WIS 4HA
	Tel 020 7355 6161
DX Number	DX Exchange



A18 14/03/2012 COMPANIES HOUSE #153

When you have completed and signed this form please send it to the Registrar of Companies at

Companies House, Crown Way, Cardiff, CF14 3UZ

DX 33050 Cardin



Nimish Patel was appointed Administrator on 16 January 2012
THE AFFAIRS BUSINESS AND PROPERTY OF THE COMPANY ARE BEING MANAGED BY THE
ADMINISTRATOR, WHO ACTS AS THE COMPANY'S AGENT

Section Market

V8 GOURMET LIMITED (IN ADMINISTRATION)

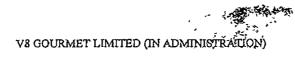
7 March 2012

Report and Proposals of the Administrator under the provisions of Paragraph 49 of Schedule B1 to the Insolvency Act 1986 & Rule 2 33 of the Insolvency Rules 1986

This report has been prepared for the sole purpose of advising creditors pursuant to the Insolvency Act 1986. The report is private & confidential and may not be relied upon referred in, reproduced or quoted from, in whole or in part, by creditors for any purpose other than advising them (as stated above), or by any other person for any purpose.

The Administrator acts as agent of V8 Gournet Limited and without personal liability,







CONTENTS

SECTION

		PAGE
1	Interpretation	3
2	Statutory Information	4
3	Details of Appointment of Administrators	5
4	Purpose of the Administration	6
5	Circumstances giving rise to the appointment of the Administrator	7
6	The Administration Period	8
7	Return to Creditors	10
8	Meeting of Creditors	11
9	Administrator's Remuneration	12
10	Termination of the Administration	13
11	Next Report	14
APP	ENDICES	
1	Administrator's Proposals	
2	Receipts & Payments Accounts from 13 June 2011 to 7 March 2012	
3	Estimated Outcome Statement as at 7 March 2012	
4	Financial Statements for the Year ended 31 December 2009	
5	Analysis of the Administrator's time costs for the period 16 January 2012 to 7 March 2012	
6	Creditors' guide to fees and schedule of time costs	
7	List of Creditors	



1

INTERPRETATION

Expression	Meaning
"the Company"	V8 Gourmet Limited (In Administration)
"the Administration"	The appointment of an Administrator under Schedule B1 of the Insolvency Act 1986 on 16 January 2012
"the Administrator"	Nimish Patel of Re10 (London) Limited Albemarle House 1 Albemarle Street London W1S 4HA
"the Act"	The Insolvency Act 1986, as amended
"the Rules	The Insolvency Rules 1986, as amended
"the creditors"	All preferential creditors and all unsecured creditors.
"preferential creditor"	Any creditor of the Company whose claim is preferential within Section 386 of the Insolvency Act 1986 as at the date the Company entered Administration
"unsecured creditor"	Any person (other than a preferential creditor) who has, or claims to have, any claim against the Company (whether the claim be present, future, contingent or prospective and whether liquidated or for damages and whether arising in contract or otherwise) in connection with or arising from any matter occurring prior to the date the Company entered Administration.



STATUTORY INFORMATION

2

Date of Incorporation

12 March 2008

Company Registered

Number

06765254

Principal Trading Address

717b North Circular Road

London NW2 7AH

Principal Business Activity

Restaurant and Food Manufacturer

Trading Names

Bombay Bicycle Club Tiffinbites Restaurants Vama Restaurants

Directors

Mr Anand Varma (Resigned 25 May 2011) Mr Arjun Varma (Resigned 25 May 2011)

Mr Khaja Nawaz Khan

Current Registered Office

6th Floor, Albemarle House

1 Albemarle Street

London W1S 4HA

Share Capital

3,000,000 Ordinary Shares of £1 each

Shareholders

V8 Gournet (Holdings) Limited

3,000,000 Shares

Debentures

ICICI Bank UK Plc - Fixed and Floating charge debentures created between 16 January 2009 and 17

June 2009

European Care (Greffen) Limited debenture created on

16 January 2009

(Part of the ICICI debenture was assigned to Calleon

Limited in May 2011.)



DETAILS OF APPOINTMENT OF ADMINISTRATORS

3

Name of Administrator

Nimish Patel of

Re10 (London) Limited

Albemarle House
1 Albemarle Street

London W1S 4HA

Date of Administrator's

Appointment

16 January 2012

Court

High Court of Justice

5120 of 2011

Persons making application for

the appointment of Administrators

Nimish Patel - Joint Liquidator of V8 Gourmet

Limited

EC Regulation on Insolvency

The EC Regulation on Insolvency Proceedings (Council Regulation (EC) No. 1346/2000) applies to

these proceedings which are 'main proceedings' as

defined by Article 3 of the Regulations



PURPOSE OF ADMINISTRATION

4

- 4.1 The purpose of administration is set out at paragraph 3 of Schedule B1 to the Act as follows
 - 3(1) The administrator of a Company must perform his functions with the objective of.
 - (a) Rescuing the Company as a going concern, or
 - (b) Achieving a better result for the Company's creditors as a whole than would be likely if the Company were wound up (without first being in administration), or
 - (c) Realising property in order to make a distribution to one or more secured or preferential creditors.
 - 3(2) Subject to subparagraph 3(4), the administrator of a Company must perform.
 - (a) His functions in the interests of the Company's creditors as a whole.
 - (b) Where the objective is to realise property in order to make a distribution to secured or preferential creditors, the administrator has a duty to avoid unnecessarily harming the interests of the creditors as a whole.
 - 3(3) The Administrator must perform his functions with the objective specified in subparagraph
 - 3(1) (a) unless he thinks either.
 - (a) That it is not reasonably practicable to achieve that objective, or
 - (b) That the objective specified in subparagraph 3(1) (b) would achieve a better result for the company's creditors as a whole
 - 3(4) The administrator may perform his functions with the objective specified in subparagraph 3(1) (c) only if:
 - (a) he thinks that it is not reasonably practicable to achieve either of the objectives specified in subparagraph 3(1)(a) and (b), and
 - (b) he does not unnecessarily harm the interest of the creditors of the company as a whole.
- In this case the Administrator will pursue the objectives set out in subparagraphs 3(1) (b) and (c) of achieving a better result for the Company's creditors as a whole than would be likely if the Company were wound up (without first being in administration) and of realising the Company's assets with a view to making a distribution to the preferential and secured creditors.
- It is proposed that the administration will end by the Company going into Creditors' Voluntary Liquidation If the Company is placed into Creditors' Voluntary Liquidation it is proposed that Nimish Patel will be appointed as the Liquidator. However, creditors may nominate a different liquidator providing nomination to that effect is received before the approval of these proposals.



CIRCUMSTANCES GIVING RISE TO THE APPOINTMENT OF ADMINISTRATOR

5

- V8 Gourmet Limited was incorporated on 3 December 2008 by its founding directors Mr Anand Varma and Mr Arjun Varma
- The circumstances leading to appointment of Joint Administrators on 13 June 2011 were previously reported in the Joint Administrators' proposals dated 5 August 2011 and can be found online at www.insolvencynotices.co.uk The password for downloading it is 1456.
- 5.3 As previously reported during the course of the first administration of the Company, the goodwill and its interest in leasehold premises it traded from were sold to a company called Teak Holdings Limited ("Teak"). At the time when the Company was placed into Creditors' Voluntary Liquidation on 4 November 2011 the leases had still not been assigned to Teak By December 2011 some of the landlords made application to forfeit certain leasehold properties. They were able to do this in the liquidation period as the Company no longer had the benefit of moratorium imposed with the administration order. Therefore, the Liquidator examined the possibility of placing the Company back into Administration which protects the leases and gives opportunity to Teak to continue negotiations with the landlords. It is hoped that if Teak or its subsidiary are able to receive assignment of leases they will be able to pay the Company's plant and machinery at a higher value than would be realisable at auction.
- It is most unusual for a Company to move from Administration to Liquidation and then back in Administration. However, this is an exceptional circumstance and this procedure has been sanctioned by the High Court following consent from the secured creditor and HM Revenue and Customs, the largest unsecured creditor. Accordingly, the Company was put into administration by order of court on 16 January 2012 and Nimish Patel was appointed Administrator of the Company. Please note Finbarr O'Connell received his release as Liquidator and decided not to be reappointed as Administrator.



THE ADMINISTRATION PERIOD

6

- 6.1 Since his appointment the Administrator has assisted the directors of Teak in negotiating for the assignment of the leasehold properties. An application to court has also been made to seek relief from forfeiture for one of the main trading site
- 6.2 It is anticipated that the negotiations for the assignment of most of the trading site will be completed by the end of March 2012. Accordingly it is hoped that the Company can be put back into liquidation by mid May 2012

As previously reported, no statement of affairs has been submitted, however we have attached at Appendix 3 and 7 an estimated outcome and list of creditors.

- 6.3 The matters that still need to be dealt with are as following:
 - a) Sale of Plant & Equipment

Our agents are still attempting to sell the plant and machinery owned by the Company It is anticipated that if the assignment of the leases is successful the plant will be sold for a higher value to Teak than would be realisable at auction.

b) Book Debts

The total book debts collected to date amount to £168,964. We will be instructing solicitors to commence legal proceedings for the recovery of these debts.

Statement of Affairs

6.4 Estimated statement of affairs is attached at Appendix 3.

Receipts and Payments

6 5 The Administrator's receipts and payments account for the period 16 January 2012 to 7 March 2012 in accordance with Rule 2 47 (2) of the Insolvency Rules, which we trust is self explanatory is attached at Appendix 2.



RETURN TO CREDITORS

7

Secured Creditors

7.1 As reported previously, Calleon Limited under its fixed charge has been paid directly the balance of £1 5 million in respect of the lease premises that are to be assigned to the Purchaser It is not anticipated that there will be a dividend to the debenture holder under its floating charge

Preferential Creditors

7.2 Preferential creditors comprise employee claims for arrears of wages and holiday pay About 100 employees were made redundant by the director before the Joint Administrators were appointed. The employees are collectively owed arrears of wages and holiday pay, which may be claimed preferentially subject to certain statutory limits. The preferential claim received to date amounts to £70,332 62 and has not yet been finalised. Whilst it is possible that there may be a dividend to the preferential creditors, at present it is not possible to predict either the timing or quantum of any future distribution

Unsecured Creditors

73 Pursuant to Section 176A of the Insolvency Act 1986, where a floating charge is created after 15 September 2003, a prescribed part of the Company's net property shall be made available to unsecured creditors. I am of the opinion, based on current information that there is no prospect of a dividend being paid to this class of creditor.



MEETING OF CREDITORS

8

- 8.1 In accordance with paragraph 52(1)(b) of Schedule B1 if the Insolvency Act 1986, an initial meeting of the Company's creditors is not required as the Company has insufficient property to enable a distribution to be made to unsecured creditors. These proposals are entirely the same as those deemed to be approved by creditors in August 2011
- Creditors should note that in accordance with Rule 2.48(7) of the Insolvency Rules 1986. "Any single creditor, or a group of creditors, of the company whose debt(s) amount to at least 10% of the total debts of the company may, within 5 business days from the date of the administrator sending out a resolution or proposals, require him to summon a meeting of creditors to consider the matters raised therein in accordance with Rule 2 37. A request for an initial creditors meeting must be made within 8 days of the date on which the Administrator's report is sent out and should include
 - (a) a list of creditors concurring with the requests, showing the amounts of their respective debts in the administration;
 - (b) from each creditor concurring, written confirmation of his concurrence;
 - (c) a statement of the purpose of the proposed meeting.

Any meeting called under this Rule shall be conducted in accordance with Rule 2 35 "

- In addition, the expenses of summoning and holding a meeting at the request of a creditor shall be paid by that person, who is required to deposit security for such expenses with the Administrator.
- 8.4 Upon expiry of the 8 days without any request for an initial creditors meeting, the Administrator's proposals (see attached Statement of Proposals) will be deemed to have been approved by creditors under Rule 2 33(5) of the Rules.



ADMINISTRATOR'S REMUNERATION

9

- 9.1 In light of paragraph 7.3 above, confirmation and approval of the basis of remuneration post 16 January 2012 will be sought from the preferential or secured creditors of the Company. It will, however, be proposed that the Administrator's remuneration be fixed on the basis of the time properly spent by the Administrator and their staff in dealing with matters arising during the Administration.
- In accordance with the Statement of Insolvency Practice 9 issued by the Association of Business Recovery Professionals (formerly the Society of Practitioners of Insolvency) the total time spent since the Company was placed back into Administration and the average charge out value for that time are 107.4 hours and £219 per hour respectively. An analysis of the time costs, in accordance with the provisions of Statement of Insolvency Practice 9, amounting to £23,555 plus VAT by activity and grade is attached at Appendix 5.



TERMINATION OF ADMINISTRATION

10

- As noted at paragraph 7 3 above, it is anticipated that realisations are unlikely to be sufficient to enable a distribution to be made to unsecured creditors. Accordingly, the Administrators will either
 - (1) send notice to the registrar of companies for the Company to be dissolved and make the appropriate court filings (to the extent necessary)

or

- (11) petition the court for a winding-up order to be made in respect of the Company, the appointment of the Administrators to cease to have effect; the Administrators to be released from liability and the Administrators to be appointed as Joint Liquidators
- 10.2 Alternatively, if it transpires that there are sufficient realisations to enable a distribution to be made to unsecured creditors then the Administrator shall file a notice with the Registrar of Companies requesting the Company to be placed into Creditors' Voluntary Liquidation, with the Administrator being appointed as Liquidator, unless creditors nominate an alternative under Rule 2.117A(3).



NEXT REPORT

11

Next Report

11.1 The next progress report will be issued in May 2012 when it is anticipated that the Company will be put back into liquidation. If the assignment of the leases cannot be completed the report will be issued within one month of the end of the first six months of the Administration.

Dated: 7 March 2012

Nimish C Patel Administrator



APPENDIX 1

V8 GOURMET LIMITED (IN ADMINISTRATION)

STATEMENT OF PROPOSALS

UNDER PARAGRAPH 49(1) OF SCHEDULE B1 OF THE INSOLVENCY ACT 1986

This report and proposal have been prepared from information available to the Administrator since his appointment including information provided by the Company's Directors and Management and extracted from its accounting books and records Whilst the facts and matters stated herein are true to the best of the Administrator's knowledge and belief, the Administrator do not warrant, nor can they accept any responsibility for, the accuracy of the information stated herein relating to the Company, its assets, liabilities or financial position.

The approval of these proposals will be considered as a single resolution

- 1 Until the application to the Court is made and heard for the ending of the Administration, to continue to do all such things reasonably expedient and generally exercise all his powers as Administrator as he, in his discretion, consider desirable in order to maximize realizations from the assets of the Company and manage the business and affairs and property of the Company.
- 2. In the meantime, to take any action considered appropriate with a view to achieving any of the objectives which are possible in particular that they are able to:
 - (1) retain, re-organise and dispose of any of the Company's assets of business as he considers expedient, and in the case of any disposal at such time and on such terms as he think fit,
 - do all such things with a view to enhancing the value of the Company's assets;
 - (iii) compromise such of the Company's debts at such time and on such terms as he thinks fit;

3

(i) to consider, and if thought appropriate, present a winding up petition with a view to placing the Company into Compulsory Liquidation and an application for the appointment of administrator to cease to have effect upon the making of the winding up order; and for the Administrator to be discharged from liability under paragraph 98(1) of Schedule B1 to the Act with effect from such time as the Court specifies or; or filing notice



- requesting the company to be placed into Creditors' Voluntary Liquidation; or
- (ii) If there are sufficient funds to make a distribution to unsecured creditors the Administrator if thought appropriate will file a notice with the Registrar of Companies in order that the Administration will cease and the Company will move automatically into Creditors' Voluntary Liquidation (CVL) It is proposed that the Administrator will also become the Liquidator of the CVL Under Paragraph 83(7) of Schedule B1 and Rule 2 117(3), creditors have the right to nominate an alternative liquidator of their choice. To do this, creditors must make their nomination in writing to the Administrator provided that the nomination is made after the receipt of the proposals and prior to these proposals being approved. Where this occurs, the Administrator will advise creditors and provide the opportunity to vote. In the absence of a nomination, the Administrator will automatically become the Liquidator of the subsequent CVL.
- 4 If though appropriate, to take any action with a view to a more advantageous realisation of the Company's assets than would be effected on a winding up for achieving the objective as set out in paragraph 3(1)(b) of Schedule B1 to the Act, (by saving in tax and statutory fees), and in particular that the Administrator shall.
 - do all such things with a view to enhancing the value of the Company's assets prior to realisation,
 - (ii) effect an orderly sale of all or any of the Company's assets in such a manner as he thinks fit, with a view to maximising realisations,
 - (iii) dispose of the Company's assets or business at such time and on such terms as he considers appropriate;
- 5. To investigate, and if appropriate, pursue any claim that the Company may have against any persons, firm or company, whether in contract or otherwise, including any Officer or former Officer of the Company and any firm or company which supplies or has supplied goods or services to the Company.
- To determine that the Administrator's remuneration be fixed by reference to time properly spent by them in attending to matters arising from the administration and that they be empowered to draw and pay sums on account from time to time in accordance with Statement of Insolvency Practice No 9 as and when funds are available. A creditors' guide to fees is attached at Appendix 6.
- Where the Administrator have instructed other professional agents and solicitors to assist in the Administration, those agents', solicitors' and other professional costs be



discharged during the course of the Administration, as a cost an expense of the Administration.

- 8 If a meeting of creditors is requisitioned, to allow the creditors to consider, and if thought fit, establish a Creditors' Committee to exercise the functions conferred to it, by or under the Insolvency Act 1986 and the Insolvency Rules 1986
- 9 To consult with the Creditors' Committee, if formed, at appropriate intervals concerning the conduct of the administration and the implementation and development of these proposals and where they consider it expedient, obtain the sanction of that committee on behalf of the creditors of the Company (and without further reference to them) to any significant disposals of assets which the Administrator consider appropriate and pursuing any claims against third parties
- 10 To do all such other things and generally exercise all their powers as Administrator as contained in Schedules 1 and B1 to the Insolvency Act 1986 as they, in their discretion, consider will protect the assets of the Company and maximise realisations thereof, all or otherwise incidental to these proposals, and as they consider desirable or expedient to achieve the statutory purpose of the administration
- 11 In the absence of a creditors committee the Administrator will be discharged from liability under paragraph 98 of Schedule B1 to the Act immediately upon their appointment as Administrator ceasing to have effect.

Dated. 7 March 2012

Nimish C Patel Administrator



V8 GOURMET LIMITED (IN ADMINISTRATION) RECEIPTS AND PAYMENTS ACCOUNT FOR THE PERIOD 16 JANUARY 2012 TO 7 MARCH 2012

RECEIPTS	£
Balance c/fd	156,285
Total Receipts	156,285
PAYMENTS	
Utility Payments	17
Legal Fees	8,490
Storage Costs	68
Computer Cost	110
Joint Administrators' Remuneration	90,000
Vat on Payments	19,712
Total Payments	118,397
Balance in Hand	37,888

V8 Gourmet Limited - In Administration Estimated Outcome Statement as on 7 March 2012

Realisations Balance offd Book Debts Plant and Equipment Rental for Plant & Equipment and Vehicles Stock	Receipt and payments £	Anticipated future movements £ 5,000 50,000 17,890 20,715	Total £ 1.56,285 5,000 50,000 17,890 20,715	
Total realisations	156,285	93,605	249,890	
Costs Utility Payments Agents/Valuers Fees Legal Fees Storage Costs Insurance Costs Computer Cost Joint Administrators' Remuneration Vat on Payments	(17) (8,490) (68) (110) (90,000) (19,712)	(15,000) (35,000) (1,500) (8,000)	(17) (15,000) (43,490) (1,568) (8,000) (110) (140,000) (19,712)	
Total Payments	(118,397) 0	(109,500) 0	(227,897)	
Estimated total assets available for preferential creditors	37,888	(15,895)	21,993	
Estimated Preferential creditors			70,333	31%
Estimated (deficiency)/surplus as regards preferential creditors		-	(48,340)	
Estimated prescribed part of net property where applicable (to carry forward)		-	0	
Estimated total assets available for floating charge holders			(48,340)	
Debts secured by floating charges			2,500,000	
Total assets available to unsecured creditors		-	(2,548,340)	
Unsecured creditors			2,880,677	
		-	(5,429,017)	

(2,385,816)

(739,825)

4,460,713

(4,100,000)

3,000,100

(2,639,414)

360,686

360,713

CONSOLIDATED PROFIT AND LOSS ACCOUNT FOR THE PERIOD ENDED 31 DECEMBER 2009 Particulars	
Turnover	10,441,206
Cost of Sales	(8,068,792)
Gross Profit	2,372,414
Administrative expenses	(4,724,597)
Operating Loss	(2,352,183)
Interest payable and similar charges	(287,231)
Loss on ordinary activities before taxation Tax on (loss)/profit on ordinary activities	(2,639,414)
Loss on ordinary activities after faxation	(2,639,414)
BALANCE SHEET AS AT 31 DECEMBER 2009 Particulars	Company 2009 £
Fixed Assets	
Intangible assets	4,669,108
Tangible assets	531,424
Investments	5,200,538
Current Assets	
Stocks	307,424
Debtors	1,115,725
Cash at bank and in hand	222,842
	1,645,991

Creditors amounts falling due within one year

Creditors amounts falling due after more than one year

Net current (liabilities)/assets

Capital and Reserves Called up share capital

Profit and loss account

Shareholders' Funds

Total assets less current liabilities

V8 COURMET LINUTED - IN ADMINISTRATION Administrator's Time Cost Analysis from 16 January 2012 to 7 March 2012

Employee Grade (Hours)

Avernge Rate p/h		217	271	450	921	160	180	219
Total Cost					7.50 1,320 00			
Total Hours		88 00	4.40	2 50	7.50	3 00	2.00	107 40
<u>Office</u> <u>Assistant</u>	8	2.50	00 0	0.00	0.00	0.00	0.00	2 50
Office Breculive	25	0.00	000	00 0	0.00	000	0.00	0.00
Supervisor	<u>120</u>	16.00	08 0	000	4 00	2.00	1.00	23.80
Supervisor	<u>150</u>	08 9	00 0	000	00 0	0.00	00.00	08.9
Assistant Manager	175	0.00	0.00	00 0	00 0	00 0	0 00	0.00
Manager	240	28 10	2.50	0.00	3.50	1 00	1 00	66.10
Senior Manager	300	0.00	0.00	00'0	00 0	0.00	0.00	0.00
Partnei	450	4.60	1.10	2.50	0.00	0.00	00 0	8.20
	Charge Rate	Case Administration	Telephone calls/ Correspondence	Meetings/ Travel	Creditors/ Distributions	Reporting	Employee Matters	TOTAL

A CREDITORS' GUIDE TO ADMINISTRATORS' FEES

ENGLAND AND WALES

1 Introduction

When a company goes into administration the costs of the proceedings are paid out of its assets. The creditors, who hope eventually to recover some of their debts out of the assets, therefore have a direct interest in the level of costs, and in particular the remuneration of the insolvency practitioner appointed to act as administrator. The insolvency legislation recognises this interest by providing mechanisms for creditors to determine the basis of the administrator's fees. This guide is intended to help creditors be aware of their rights under the legislation to approve and monitor fees, explains the basis on which fees are fixed and how creditors can seek information about expenses incurred by the administrator and challenge those they consider to be excessive..

2 The nature of administration

- 2.1 Administration is a procedure which places a company under the control of an insolvency practitioner and the protection of the court with the following objective.
 - · rescuing the company as a going concern, or
 - achieving a better result for the creditors as a whole than would be likely if the company were wound up without first being in administration,

or, if the administrator thinks neither of these objectives is reasonably practicable

 realising property in order to make a distribution to secured or preferential creditors

3 The creditors' committee

The creditors have the right to appoint a committee with a minimum of 3 and a maximum of 5 members. One of the functions of the committee is to determine the basis of the administrator's remuneration. The committee is normally established at the meeting of creditors which the administrator is required to hold within a maximum of 10 weeks from the beginning of the administration to consider his proposals. The administrator must call the first meeting of the committee within 6 weeks of its establishment, and subsequent meetings must be held either at specified dates agreed by the committee, or when a member of the committee asks for one, or when the administrator decides he needs to hold one. The committee has power to summon the administrator to attend before it and provide information about the exercise of his functions.

4 Fixing the administrator's remuneration

- 4.1 The basis for fixing the administrator's remuneration is set out in Rule 2.106 of the insolvency Rules 1986, which states that it shall be fixed:
 - as a percentage of the value of the property which the administrator has to deal with,
 - by reference to the time properly given by the administrator and his staff in attending to matters arising in the administration, or
 - as a set amount

Any combination of these bases may be used to fix the remuneration, and different bases may be used for different things done by the administrator. Where the remuneration is fixed as a percentage, different percentages may be used for different things done by the administrator.

It is for the creditors' committee (if there is one) to determine on which of these bases, or combination of bases, the remuneration is to be fixed. Where it is fixed as a percentage, it is for the committee to determine the percentage or percentages to be applied, and where it is a set amount, to determine that amount. Rule 2.106 says that in arriving at its decision the committee shall have regard to the following matters:

- the complexity (or otherwise) of the case;
- any responsibility of an exceptional kind or degree which falls on the administrator;
- the effectiveness with which the administrator appears to be carrying out, or to have carried out, his duties;
- the value and nature of the property which the administrator has to deal with
- 4.2 If there is no creditors' committee, or the committee does not make the requisite determination (and provided the circumstances described in paragraph 4.3 do not apply), the administrator's remuneration may be fixed by a resolution of a meeting of creditors having regard to the same matters as apply in the case of the committee. If the remuneration is not fixed in any of these ways, it will be fixed by the court on application by the administrator, but the administrator may not make such an application unless he has first tried to get his remuneration fixed by the committee or creditors as described above, and in any case not later than 18 months after his appointment.
- 4.3 There are special rules about creditors' resolutions in cases where the administrator has stated in his proposals that the company has insufficient property to enable a distribution to be made to unsecured creditors except out of the reserved fund which may have to be set aside out of floating charge assets.

In this case, if there is no creditors' committee, or the committee does not make the requisite determination, the remuneration may be fixed by the approval of –

- · each secured creditor of the company; or
- If the administrator has made or intends to make a distribution to preferential creditors —
- each secured creditor of the company; and
- preferential creditors whose debts amount to more than 50% of the preferential debts of the company, disregarding debts of any creditor who does not respond to an invitation to give or withhold approval.

having regard to the same matters as the committee would.

Note that there is no requirement to hold a creditors' meeting in such cases unless a meeting is requisitioned by creditors whose debts amount to at least 10 per cent of the total debts of the company.

- 4.4 A resolution of creditors may be obtained by correspondence
- 5. Review of remuneration
- Where there has been a material and substantial change in circumstances since the basis of the administrator's remuneration was fixed, the administrator may request

that if be changed. The request must be made to the same body as initially approved the remuneration, and the same rules apply as to the original approval.

- 6 Approval of pre-administration costs
- 6.1 Sometimes the administrator may need to seek approval for the payment of costs in connection with preparatory work incurred before the company went into administration but which remain unpaid. Such costs may relate to work done either by the administrator or by another insolvency practitioner. Details of such costs must be included in the administrator's proposals
- Where there is a creditors' committee, it is for the committee to determine whether, and to what extent, such costs should be approved for payment. If there is no committee or the committee does not make the necessary determination, or if it does but the administrator, or other insolvency practitioner who has incurred preadministration costs, considers the amount agreed to be insufficient, approval may be given by a meeting of creditors. Where the circumstances described in paragraph 4.3 apply, the determination may be made by the same creditors as approve the administrator's remuneration.
- The administrator must convene a meting of the committee or the creditors for the purposes of approving the payment of pre-administration costs if requested to do so by another insolvency practitioner who has incurred such costs. If there is no determination under these provisions, or if there is but the administrator or other insolvency practitioner considers the amount agreed to be insufficient, the administrator may apply to the court for a determination.
- 7 What information should be provided by the administrator?
- 7.1 When seeking remuneration approval
- 7 1.1 When seeking agreement to his fees the administrator should provide sufficient supporting information to enable the committee or the creditors to form a judgement as to whether the proposed fee is reasonable having regard to all the circumstances of the case. The nature and extent of the supporting information which should be provided will depend on;
 - · the nature of the approval being sought;
 - · the stage during the administration of the case at which it is being sought; and
 - · the size and complexity of the case.
- 7 1.2 Where, at any creditors' or committee meeting, the administrator seeks agreement to the terms on which he is to be remunerated, he should provide the meeting with details of the charge-out rates of all grades of staff, including principals, which are likely to be involved on the case
- 7 1.3 Where the administrator seeks agreement to his fees during the course of the administration, he should always provide an up to date receipts and payments account. Where the proposed fee is based on time costs the administrator should disclose to the committee or the creditors the time spent and the charge-out value in the particular case, together with, where appropriate, such additional information as may reasonably be required having regard to the size and complexity of the case. The additional information should comprise a sufficient explanation of what the administrator has achieved and how it was achieved to enable the value of the exercise to be assessed (whilst recognising that the administrator must fulfil certain statutory obligations that might be seen to bring no added value for creditors) and to establish that the time has been properly spent on the case. That assessment will need to be made having regard to the time spent and the rates at which that time was charged, bearing in mind the factors set out in paragraph 4.1 above. To enable this assessment to be carried out it may be necessary for the administrator to provide an

analysis of the time spent on the case by type of activity and grade of staff. The degree of detail will depend on the circumstances of the case, but it will be helpful to be aware of the professional guidance which has been given to insolvency practitioners on this subject. The guidance suggests the following areas of activity as a basis for the analysis of time spent:

- Administration and planning
- Investigations
- Realisation of assets
- Trading
- Creditors
- Any other case-specific matters

The following categories are suggested as a basis for analysis by grade of staff:

- Partner
- Manager
- · Other senior professionals
- · Assistants and support staff

The explanation of what has been done can be expected to include an outline of the nature of the assignment and the administrator's own initial assessment, including the anticipated return to creditors. To the extent applicable it should also explain:

- Any significant aspects of the case, particularly those that affect the amount of time spent.
- The reasons for subsequent changes in strategy.
- Any comments on any figures in the summary of time spent accompanying the request the administrator wishes to make.
- The steps taken to establish the views of creditors, particularly in relation to agreeing the strategy for the assignment, budgeting, time recording, fee drawing or fee agreement
- Any existing agreement about fees
- Details of how other professionals, including subcontractors, were chosen, how they were contracted to be paid, and what steps have been taken to review their fees.

It should be borne in mind that the degree of analysis and form of presentation should be proportionate to the size and complexity of the case. In smaller cases not all categories of activity will always be relevant, whilst further analysis may be necessary in larger cases.

7.1.4 Where the fee is charged on a percentage basis the administrator should provide details of any work which has been or is intended to be sub-contracted out which would normally be undertaken directly by an administrator or his staff.

7.2 After remuneration approval

Where a resolution fixing the basis of fees is passed at any creditors' meeting held before he has substantially completed his functions, the administrator should notify the creditors of the details of the resolution in his next report or circular to them. In all subsequent reports to creditors the administrator should specify the amount of remuneration he has drawn in accordance with the resolution (see further paragraph 8.1 below). Where the fee is based on time costs he should also provide details of the time spent and charge-out value to date and any material changes in the rates charged for the various grades since the resolution was first passed. He should also provide such additional information as may be required in accordance with the principles set out in paragraph 7 1.3. Where the fee is charged on a percentage

basis the administrator should provide the details set out in paragraph 7 1.4 above regarding work which has been sub-contracted out.

7.3 Disbursements and other expenses

There is no statutory requirement for the committee or the creditors to approve the drawing of expenses or disbursements, but there is provision for the creditors to challenge them, as described below. Professional guidance issued to insolvency practitioners requires that, where the administrator proposes to recover costs which, whilst being in the nature of expenses or disbursements, may include an element of shared or allocated costs (such as room hire, document storage or communication facilities provided by the administrator's own firm), they must be disclosed and be authorised by those responsible for approving his remuneration. Such expenses must be directly incurred on the case and subject to a reasonable method of calculation and allocation.

8 Progress reports and requests for further information

- 8.1 The administrator is required to send a progress report to creditors at 6-monthly intervals. The report must include:
 - details of the basis fixed for the remuneration of the administrator (or if not fixed at the date of the report, the steps taken during the period of the report to fix it);
 - If the basis has been fixed, the remuneration charged during the period of the
 report, irrespective of whether it was actually paid during that period (except
 where it is fixed as a set amount, in which case it may be shown as that amount
 without any apportionment for the period of the report);
 - if the report is the first to be made after the basis has been fixed, the
 remuneration charged during the periods covered by the previous reports,
 together with a description of the work done during those periods, irrespective of
 whether payment was actually made during the period of the report,
 - a statement of the expenses incurred by the administrator during the period of the report, irrespective of whether payment was actually made during that period,
 - · the date of approval of any pre-administration costs and the amount approved;
 - a statement of the creditors' rights to request further information, as explained in paragraph 8.2, and their right to challenge the administrator's remuneration and expenses
- 8.2 Within 21 days of receipt of a progress report a creditor may request the administrator to provide further information about the remuneration and expenses (other than preadministration costs) set out in the report. A request must be in writing, and may be made either by a secured creditor, or by an unsecured creditor with the concurrence of at least 5% in value of unsecured creditors (including himself) or the permission of the court
- 8.3 The administrator must provide the requested information within 14 days, unless he considers that
 - · the time and cost involved in preparing the information would be excessive, or
 - disclosure would be prejudicial to the conduct of the administration or might be expected to lead to violence against any person, or
 - the administrator is subject to an obligation of confidentiality in relation to the information requested,

in which case he must give the reasons for not providing the information.

Any creditor may apply to the court within 21 days of the administrator's refusal to provide the requested information, or the expiry of the 14 days time limit for the provision of the information

9. Provision of Information – additional requirements

The administrator must provide certain information about time spent on a case, free of charge, upon request by any creditor, director or shareholder of the company

The information which must be provided is -

- the total number of hours spent on the case by the administrator or staff assigned to the case,
- · for each grade of staff, the average hourly rate at which they are charged out;
- · the number of hours spent by each grade of staff in the relevant period

The period for which the information must be provided is the period from appointment to the end of the most recent period of six months reckoned from the date of the administrator's appointment, or where he has vacated office, the date that he vacated office.

The information must be provided within 28 days of receipt of the request by the administrator, and requests must be made within two years from vacation of office

- 10 What If a creditor Is dissatisfied?
- 101 If a creditor believes that the administrator's remuneration is too high, the basis is inappropriate, or the expenses incurred by the administrator are in all the circumstances excessive he may, provided certain conditions are met, apply to the court.
- Application may be made to the court by any secured creditor, or by any unsecured creditor provided at least 10 per cent in value of unsecured creditors (including himself) agree, or he has the permission of the court. Any such application must be made within 8 weeks of the applicant receiving the administrator's progress report in which the charging of the remuneration or incurring of the expenses in question is first reported (see paragraph 8.1 above). If the court does not dismiss the application (which it may if it considers that insufficient cause is shown) the applicant must give the administrator a copy of the application and supporting evidence at least 14 days before the hearing
- 10.3 If the court considers the application well founded, it may order that the remuneration be reduced, the basis be changed, or the expenses be disallowed or repaid. Unless the court orders otherwise, the costs of the application must be paid by the applicant and not as an expense of the administration.
- 11 What if the administrator is dissatisfied?
- 11.1 If the administrator considers that the remuneration fixed by the creditors' committee is insufficient or that the basis used to fix it is inappropriate he may request that the amount or rate be increased, or the basis changed, by resolution of the creditors. If he considers that the remuneration fixed by the committee or the creditors is insufficient or that the basis used to fix it is inappropriate, he may apply to the court for the amount or rate to be increased or the basis changed. If he decides to apply to the court he must give at least 14 days' notice to the members of the creditors' committee and the committee may nominate one or more of its members to appear or be represented on the application. If there is no committee, the administrator's notice of his application must be sent to such of the company's creditors as the court may direct, and they may nominate one or more of their number to appear or be represented. The court may order the costs to be paid as an expense of the administration

- 12 Other matters relating to remuneration
- 12.1 Where there are joint administrators it is for them to agree between themselves how the remuneration payable should be apportuned. Any dispute arising between them may be referred to the court, the creditors' committee or a meeting of creditors.
- 12.2 If the administrator is a solicitor and employs his own firm to act on behalf of the company, profit costs may not be paid unless authorised by the creditors' committee, the creditors or the court.
- 12.3 If a new administrator is appointed in place of another, any determination, resolution or court order which was in effect immediately before the replacement continues to have effect in relation to the remuneration of the new administrator until a further determination, resolution or court order is made.
- Where the basis of the remuneration is a set amount, and the administrator ceases to act before the time has elapsed or the work has been completed for which the amount was set, application may be made for a determination of the amount that should be paid to the outgoing administrator. The application must be made to the same body as approved the remuneration. Where the outgoing administrator and the incoming administrator are from the same firm, they will usually agree the apportionment between them.

13 Effective date

This guide applies where a company enters administration on or after 6 April 2010, except where:

- the application for an administration order was made before that date, or
- where the administration was preceded by a liquidation which commenced before that date,

Creditor's List

1	303	28	Bluefin Insurance Services Limited (Stuart Alexand
2	360 Trayel	29	Boc Limited (Canary Wharf-2849141/02816654)
3	A Shergill (Storage Rent) RE:Mubeen/Argun	30	Brandbank
4	Aa Wholesale Meat/Poultry	31	BRITISH GAS(CHISWICK)
5	Able Investigation Ltd	32	BRITISH GAS(LV) ELEC
9	Absolute Accessories	33	BRITISH GAS(TWIKENHAM)
7	Active Air Automation	34	British Hospitality Association
8	Aircon Hire Ltd	35	British Telecommunications Plc
6	Aluline Limited	36	Bunzl Uk Ltd T/A Wk Thomas
10	Amax Security Ltd	37	C.L.D Services Limited
[1]	Apnı Roti Ltd	38	Camden Rate Section (West Hamstead Rate)
12	Aramark Ltd	39	Canarywharf Management Ltd
13	Ardo Uk Limited	40	Cargiant Ltd
14	Argos Card Services	41	Cater-Kwik Ltd
15	As ie Van De Raa Vleesgroothandel Bv	42	Caxtons (Putney Rent)
91	Asia Express Food	43	Cerberus Networks Limited
17	Askews Refrigeration Services Ltd	44	Chhappan Bhog Ltd
18	Assent Building Control	45	Cirrus Co. Ltd
19	Avenue Properties	46	City Of London (Russia Row Rates)
20	AXA PPP Healthcare	47	City of Westminster
21	B.I.G (C/O Brady Corp Ltd)	48	CLA
22	Barnet Lock & Security	49	Coad & Coad (Qfr Rent)
23	Barnet London Borough (Annual Premises Licence)	20	Cold Storage Services
24	Beacon Properties Limited (Balham Rent)	51	Comms Express Ltd
25	BESTNUTSLID	22	Cordy Limited
26	BIFFA Waste Services Ltd	23	Curchod & Co (Weybridge Rent)
27	Block Management Uk Ltd	54	CW Telecoms Ltd

3	D J De M Coulthard (L. Venice Rent)	% 74	Eon (Putney Electricity)
8	Dandi Entertaınment	85	Eon (Tooting)
57	Dan's Refrigeration	98	Eon Friem Barnet Electricity
28	David Silver Spares Ltd	87	Eon Kennington Electricity-Bb K(One)Ltd
59	Dc Direct Llp	88	Estero Creative Cummunications Lunited
09	Dcs Foods Ltd	68	Everest Darries Ltd
19	Delta International Inc	96	Evolution Print and
62	Demetriou Partnership (Tooting Rent)	16	Exchange Insurance Services Ltd
63	DFDS Logistics Services Limited	35	Express Vending Limited
64	DHD Refrigerated Transport	93	Feather Touch Ceramics Pvt Limited
65	Dilaawar Property Ltd-Twickenham New Landlord	94	Firstline Technology Ltd
99	Drain Doctor Plumbing	92	Fishbowl Marketing Ltd
29	DTZ (Chiswick Landlord)	96	Fisher Productions Ltd
89	Dvla, Swansea	26	Food Partners Ltd
69	E On (Blectricity Weybridge)	86	Ford+Barley Exhibitions Ltd
70	E.On (East Dulwich Electricity)	66	Fourth Hospitality
71	E On (Electurally Holland Park)	100	Fresh Choice
72	B On (Electricity Wimbledon)	101	Frucom Limited
73	B On Energy Limited (Balham Electricity)	102	Future I T Services Ltd (Fulham Rent)
74	East Kent Cartons Ltd	103	G.G.R. Plumbing Ltd
75	Bc Cc	104	G4S Cash Services (UK)
92	Eden Project Services Limited	105	G4S Cash Solutions (UK) Ltd
11	Biectrack Ltd	106	Gandhi Wine Suppliers Ltd
78	Blmbridge Borough Council	107	Gazelle Coach Services
62	Elpro (Oakwood)	108	Geeta's Foods Limited
08	Eon (West Hampstead Electricity)	109	Gs1 UK Ltd
18	Bon (Canary Wharf Electricity)	110	H M Customs & Excise
82	EON (Fulham Blectricity)	111	H M Revenue & Customs(Corporation Tax)
83	Eon (Greenwich Gas)	112	H M Revenue & Customs(VAT)

171	London Borough Of Tower Hamlets (Canary Wharf Rat)	200	Nuratan Sucar Medical College
172	London Linen Supply Ltd	201	Norfolkline N.V (Dfds Seaways & Dfds Logistics)
[73	London Workwear	202	Npower (Electricity -St. Pauls)
174	Lucky Foods (Uk) Ltd	203	NSF-CMI Limited
175	Lunico (Caffe Musetti)	204	O2 (Telefonica UK Ltd)
176	Mach One Services	205	Office Depot (UK) Ltd
177	Maintaining Projects Ltd	506	Office Test Ltd
178	Manaco (Mian) Limited	202	Olympic Compactor Rentals (Uk) Limited
179	Manaco(Mian) Limited (Drinks Account)	208	Omnia 2008
180	Masood Nacem	209	Onnia Hone
181	Master Waves Ltd	210	Order Talk
182	Mathew Dickinson	211	Pages
183	Mazza	212	Patridge Events Ltd
184	Mechline Developments Limited(Greasepak)	213	Pc Point Ltd
185	Medina Dairy Ltd	214	Peach Factory Ltd
186	Medina Food Services Ltd	215	Peninsula Business Services Ltd
187	Merry Chef Limited	216	Pest Control Services
881	Mitie Pest Control (London) Lid	217	Petit Forestier UK Limited
681	Monir Khan (East Dulwich Rent)	218	Pitney Bowes
061	Molor Point (Hendon) Ltd	219	Pitney Bowes Finance Pic
161	Mr A Malhı	220	PKL Group (UK) Limited
761	Mr Mohliammed Tarif Miah	221	Popat Store
661	Mrs K Patel	222	Port Saffron Ltd
194	Msba Ltd	223	Pragon Interiors Group Plc
195	N.S Welding & Metal Works	224	Pretty Cakes Of London
961	Neil Burns	225	Promens Food Packaging Uk
161	Netto Foodstores Ltd Ctl	226	Purkie Properties Ltd
198	Next Flight Out Limited	227	RAC Motoring Services
<u>8</u>	Nicolas Enterprises	228	Rayners Catering

229	(Rb Of Kingston Upon Thames (Surbiton Rate)	258	Sunlight Textiles Services
230		259	Supaspot Ltd (West Hampstead Rent)
231	Refrigerated Delivery Services Ltd	260	Supreme Staff Limited
232	Retail Utilities Solutions Limited (Westfield Ele	197	Sworn & Company
233	Rh Packaging Ltd	262	Tandoori Clay Oven Company Ltd
234	S.S & R.S. Joulial (F. Barnet Rent)	263	Tck Fresh Produce Limited
235	Sage (UK) Limited	264	Thames Water (Bbk (One) Ltd -Kensington Road)
236	Selfridges & Co	265	Thames Water (Chiswick)
237	Shell Catering Supplies	592	Thames Water (East Dulwich)
238	Shield Foods (Uk) Ltd	797	Thames Water (Greenwich)
239	Slpendid.Co.Uk Ltd	268	Thannes Water (Gresham Street)
240	South Staffs Water (Water-Merryhill)	569	Thames Water (Holland Park)
241	Souther Electric (Gas-Putney)	270	Thames Water (Islington)
242	Southern Electric (Gas Little Venice)	271	Thames Water (Tooting)
243	Southern Electric (West Field Gas-88844 17217)	272	Thames Water (West Hampstead)
244	Southern Electric (Electricity)	273	Thames Water Utilities
245	Southern Electric (Gas- Tooting)	274	The Copyright Licensing Agency
246	Southern Electric (Gas-West Hampstead)	275	The Database Marketing Partnetship Ltd
247	Southern Electricity (East Dulwich-Gas)	276	The Design
248	Southern Electricity (Battersea-Gas)	277	The Esprit Group
249	Southern Electricity (Islington-Gas)	278	The Hampstead Tea & Coffee Co. Ltd
250	Southwark Council	279	The Insolvency Service
251	Southwark Council (Parking Services)	280	The London Locksmith Company Ltd
252	Speciality Cursines Ltd	281	The Performing Right Society
253	Shaff (GB) Ltd	282	The Right Lawyers
254	Staton Foods Ltd	283	Titan Containers Uk Ltd (Arcticstore)
255	Staton Wholesale Meats Limited	284	TNT UK Ltd
256	Sub-It, Co. Uk	285	Town & City Interiors
257	Sumedh Gupta	286	Tri-Star Packaging Supplies Ltd

Ver Elicibilises Lilling
Vb & Sons
Velyt Bhowan & Sons(Trading) Ltd
Vendors Plus
Vent Master Service Ltd
Veolia /Three Valleys Water (Friem Barnet Water)
Vırgin Medıa
Vsworx Information Systems Ltd
Wandsworth Borough Council
Watershed Packaging Limited
Wembley Laminations Ltd
Westfield Shoppingtowns Limited (Water White Cit
Westfield Shoppingtowns Ltd (Rent White City)
Willian Reed Business Media Ltd
Wood Harris Ltd (Dennys Uniforms)
Working Projects Ltd
Zaytun Limited
Zenith Hygiene Group Plc
mited giene Group Plc