

AM10

Notice of administrator's progress report



Companies House

MONDAY



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A07

23/05/2022

#30

COMPANIES HOUSE

1 Company details

Company number 1 1 4 2 1 2 3 5

Company name in full Omni Energy Ltd

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

2 Administrator's name

Full forename(s) Simon

Surname Weir

3 Administrator's address

Building name/number Ashfield House

Street Illingworth Street

Post town Ossett

County/Region West Yorkshire

Postcode W F 5 8 A L

Country

4 Administrator's name ①

Full forename(s)

Surname

① Other administrator
Use this section to tell us about
another administrator.

5 Administrator's address ②

Building name/number

Street

Post town

County/Region

Postcode

Country

② 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	d	1	d	1	m	1	m	1	y	2	y	0	y	2	y	1
To date	d	1	d	0	m	0	m	5	y	2	y	0	y	2	y	2
7	Progress report															
<input checked="" type="checkbox"/> I attach a copy of the progress report																
8	Sign and date															
Administrator's signature	Signature X <i>hW.</i> X															
Signature date	d	2	d	0	m	0	m	5	y	2	y	0	y	2	y	2

**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.

Contact name **Tom Riordan**

Company name **DS Insolvency Limited**

Address
Ashfield House
Illingworth Street

Post town **Ossett**

County/Region **West Yorkshire**

Postcode **W F 5 8 A L**

Country

DX

Telephone

**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

Omni Energy Ltd
(In Administration)
Administrator's Summary of Receipts & Payments

Statement of Affairs £		From 11/11/2021 To 10/05/2022 £	From 11/11/2021 To 10/05/2022 £
	ASSET REALISATIONS		
79,112.00	Book Debts	103,777.31	103,777.31
454,369.00	Cash at Bank	515,406.33	515,406.33
97,000.00	Cash in Hand	97,000.00	97,000.00
1,250.00	Furniture & Equipment	NIL	NIL
NIL	Intercompany PAYG Ltd	NIL	NIL
	Sundry Refund (SSE)	1,225.00	1,225.00
22,000.00	VAT Refund	NIL	NIL
		<u>717,408.64</u>	<u>717,408.64</u>
	COST OF REALISATIONS		
	Agents/Valuers Fees	1,500.00	1,500.00
	Debt collection assistance	15,072.37	15,072.37
	Legal Fees	56,155.50	56,155.50
	Specific Bond	1,090.00	1,090.00
	Statutory Advertising	89.20	89.20
		<u>(73,907.07)</u>	<u>(73,907.07)</u>
	PREFERENTIAL CREDITORS		
	Wages	2,932.74	2,932.74
		<u>(2,932.74)</u>	<u>(2,932.74)</u>
	SECONDARY PREFERENTIAL CREDITORS		
(7,613.00)	HM Revenue & Customs	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	UNSECURED CREDITORS		
(50,000.00)	Banks/Institutions	NIL	NIL
(738,679.31)	Trade & Expense Creditors	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	DISTRIBUTIONS		
(10.00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>(142,571.31)</u>		<u>640,568.83</u>	<u>640,568.83</u>
	REPRESENTED BY		
	Bank 1 Current		626,005.42
	Vat Receivable		14,563.41
			<u>640,568.83</u>



Simon Weir
Administrator

**OMNI ENERGY LTD
(IN ADMINISTRATION)
("the Company")**

HIGH COURT OF JUSTICE, Business and Property Courts in Leeds 570 of 2021

**The Administrator's First Progress Report in Accordance with
Rule 18.6 of the Insolvency Rules 2016**

20 May 2022

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.

Simon Weir of DSI Business Recovery was appointed Administrator of OMNI ENERGY LTD on 11 November 2021. The affairs, business and property of the Company are managed by the Administrator. The Administrator acts as agent of the Company and contracts without personal liability.

Simon Weir is licensed in the UK to act as an Insolvency Practitioner.

**DS Insolvency Ltd t/a DSI Business Recovery
Ashfield House
Illingworth Street
Ossett
West Yorkshire
WF5 8AL
Info@dsinsol.com**

- 1. INTRODUCTION**
- 2. THE PROGRESS OF THE ADMINISTRATION**
- 3. CREDITORS: CLAIMS AND DISTRIBUTIONS**
- 4. OTHER MATTERS AND INFORMATION TO ASSIST CREDITORS**
- 5. PRE-ADMINISTRATION COSTS**
- 6. THE ADMINISTRATOR'S FEES AND EXPENSES**

APPENDICES

- 1. Statutory information**
 - 2. The Administrator's receipts and payments account as at 10 May 2022**
 - 3. The Administrator's estimated outcome statement as at 10 May 2022**
 - 4. Time Cost Summary as at 10 May 2022**
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ABBREVIATIONS

For the purpose of this report the following abbreviations shall be used:

"the Act"	Insolvency Act 1986
"the Rules"	Insolvency Rules 2016
"the Administrator"	Simon Weir of DSi Business Recovery
"the Company"	OMNI ENERGY LTD (in Administration)
"the Court"	HIGH COURT OF JUSTICE, Business and Property Courts in Leeds 570 of 2021
"EOS"	Estimated Outcome Statement
"SIP"	Statement of Insolvency Practice (England & Wales)
"Review Period"	Period covered by the report from 11 November 2021 to 10 May 2022

1. INTRODUCTION

This report has been prepared to provide creditors with an update on the progress of the Administration of the Company since my appointment as Administrator on 11 November 2021 in accordance with the requirements of Rule 18.6 of the Insolvency Rules 2016.

Given the information previously provided to creditors in the Proposals circulated on 1 January 2022, I have not included detailed background information in respect of the Company.

As advised in my notice to Creditors of 21 January 2022, the Administrator's proposals were approved on 20 January 2022.

A schedule of statutory information in respect of the Company is attached at Appendix 1.

2. THE PROGRESS OF THE ADMINISTRATION

2.1 The Administrator's receipts and payments account

Attached at Appendix 2 is a receipts and payments account for the Review Period.

An EOS as at 10 May 2022 is attached at Appendix 3.

The rest of this report describes the key developments in the Administration over the Review Period.

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

2.2 Administration (including statutory reporting)

The Administrator has 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 Administrator and his 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 Administrator's Proposals, seeking relevant creditors' approvals and issuing notice of the outcome.
- Drafting 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 Administrator 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; and
- Completing periodic tax returns.

2.3 Realisation of assets

Debtors

As at the date of Administration the Company had known sums due totalling £135,112, which after contras, were expected to realise £79,112. Realisations have exceeded expectations and to date £103,777 has been collected. No further debtor realisations are anticipated. The former Director's of the Company have provided their assistance in relation to the debtor collection exercise and have been reimbursed which is referred to later in this report.

Cash in Hand

At the date of Administration, the Administrator was holding £97,000.

Cash at Bank

The Administrator has received the credit balance from Starling Bank of £515,406. This sum exceeded the anticipated credit balance of £454,369 due to post appointment credits being paid into the account.

Inter Company Loan

The balance due from the parent Company, PAYG Energy Ltd of £12,240 has been written off as irrecoverable as it has no assets and is dormant.

Furniture and Equipment

Michael Steel and Co (Plant and Machinery) Ltd valued the office equipment for the Administrator in the sum of £2,250 on an in-situ basis to a willing buyer and £1,250 on a market value ex situ basis. No parties were interested in making an offer to buy the equipment on an in-situ basis. Upon our agent's advice the equipment was abandoned as the costs of collection and removal were expected to outweigh the potential realisations.

Recoverable VAT

A VAT refund is anticipated in respect of the final billing cycle estimated at c. £22,000. We are liaising with the Company's former Directors in this regard. There have been no realisations in the review period.

Licenses

The Company held licenses to sell gas and electricity. As part of the SoLR and Administration process, the Company's licenses had to be revoked and therefore have no realisable value.

Leasehold Property

The landlord of the company's leasehold office in Chapel Allerton, Leeds, is holding a £10,000 deposit in respect of the property which will be offset against any claim for lost rent whilst the premises remain unlet during the unexpired portion of the lease. The landlord has indicated that there will be a shortfall in respect of the deposit and that they will be lodging an unsecured claim in the Administration for the balance.

Other Realisations

The Administrator's solicitors, DWF, have been in correspondence with Utilita Energy regarding a potential payment to the Administrator arising as a contribution towards the costs incurred pre-appointment of the SOLR process. No realisations have been made in the review period, the sum in question is £10,000 and correspondence is ongoing.

The Administrator has received an electricity refund of £1,225 which was not anticipated.

Statement of Insolvency Practice 13 Disclosure — Sale of assets to connected parties

No assets have been sold to any connected parties by the Administrator.

2.4 Costs incurred but remaining unpaid

Included within the EOS at Appendix 3 are costs incurred during the Review Period, but which as yet remain unpaid. These costs are detailed below.

Cost Description	Post Appointment Costs Incurred 11 November 2021 to 10 May 2022	Post Appointment Costs paid as at 10 May 2022	Post Appointment Costs outstanding at 10 May 2022
Legal Fees (DWF Solicitors)	£91,011	£56,155	£34,856
Administrators Remuneration (DSi Business Recovery)	£36,785	Nil	£36,785
TOTAL	£127,796	£56,155	£71,641

3. CREDITORS: CLAIMS AND DISTRIBUTIONS

Secured creditors

There are no known Secured Creditors. I have, however, had notification from European Energy Pooling, who have submitted a claim for £137,761, that they have "security" over the Company's assets under a contract signed under Belgian Law dated 23 August 2019. I have instructed DWF Solicitors to establish if the security they claim is valid. Their "security" has not been registered at Companies House in England and Wales. DWF are presently obtaining advice from counsel in Belgium.

Ordinary Preferential creditors

There are no known ordinary preferential creditors.

Secondary Preferential Creditors

The only known Secondary Preferential Creditor is HM Revenue and Customs for approximately £7,613 in respect of PAYE and NI contributions. No claim has yet been received. Once received, this claim will be paid in full plus statutory interests.

3.1 Prescribed Part

Under Section 176A of the Insolvency Act 1986, where after 15 September 2003 a company has granted to a creditor a floating charge, a proportion of the net property of the company must be made available purely for the unsecured creditors. This equates to:

- 50% of net property up to £10,000.
- Plus, 20% of net property in excess of £10,000.
- Subject to a maximum of £600,000.

3.2 Unsecured creditors

The Statement of Affairs indicated that there are 72 unsecured creditors with claims totalling £788,679. Creditors are invited to submit details of their claims to our offices as soon as possible. Proof of Debt forms are available on request.

The Administrator has to date agreed 24 unsecured claims totalling £341,527. One claim, from European Energy Pooling, in the sum of £137,761 is currently held in abeyance.

In addition, there are a further 54 known potential creditors who have yet to lodge a claim. Whilst the creditor claims with outstanding proofs are estimated to total £421,054, based on the figures in the Statement of Affairs, due to the unusual nature of the energy industry it is anticipated these claims will be considerably less in practice, currently estimated at £200,000.

As reflected in the attached EOS, the Administrator anticipates a distribution to unsecured creditors of 70.6p in the £ assuming European Energy Pooling are a fully secured creditor. In the event that they are an unsecured creditor, the estimated dividend to unsecured creditors is increased to 76.6p in the £.

4. OTHER MATTERS AND INFORMATION TO ASSIST CREDITORS

4.1 Investigations

As part of the Administrator's 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.

As part of my duty as Administrator, I am obliged to review shortly after appointment all the information available to me 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 did not identify any further assets or actions which would lead to a recovery for creditors.

5. PRE-ADMINISTRATION COSTS

Included within the Administrator's Proposals dated 31 December 2021 was a Statement of Pre-Administration Costs.

These costs were approved by the Unsecured Creditors as detailed below:

	Amount approved	Date approved	Date paid
DSi Business Recovery	£15,390	20.01.2022	Not yet paid

6. THE ADMINISTRATOR'S FEES AND EXPENSES

6.1 The Administrator's Fees

The basis of the Administrator's fees was fixed as follows:

That the Administrator's 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.

The Administrator has drawn no pre or post appointment remuneration to date. Given the current uncertainty of whether or not the Company has any secured creditors the Administrator does not propose to draw any pre or post appointment remuneration until this has been resolved and further approval has been sought and obtained from each class of creditor.

6.2 Comparison of estimates

The Administrator's time costs incurred to date are compared with the original fees estimate and the estimated future costs as follows:

Work category	Original fees estimate			Actual time costs incurred during the Review Period			Estimated Future Costs		
	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)	85	207.94	17,675	56.95	263.32	14,996	30	263	7,890
Realisation of assets	45	213.89	9,625	35.65	264.74	9,438	10	264	2,640
Creditors (claims and distribution)	25	205	5,125	33.13	249.95	8,281	35	249	8,715
Investigations	35	222.14	7,775	12.45	203.05	2,528	-	-	-
Other				5.6	275	1,540	-	-	-
TOTAL	190	211.58	40,200	143.78	255.84	36,785	75	256.60	19,245

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 £	Reason for any excess (if the expenses are likely to, or have, exceeded the original estimate)
Legal costs (DWF Solicitors)	76,021	91,011	Protracted nature of dealings with the Belgian creditor claim and in dealings with Utilita Energy

Expenses	Original expenses estimate £	Actual expenses incurred in the Review Period £	Reason for any excess (if the expenses are likely to, or have, exceeded the original estimate)
Agents and valuers costs (Michael Steel & Co)	1,000	1,500	
Consultancy/Debt Collection	15,000	15,072	Negligible difference
Revision Advice	2,000	-	
Wages	2,932	2,932	
Statutory Advertising (Courts Advertising)	178	89	
Bond (Marsh)	1,090	1,090	
Total	98,221	111,694	

Having regard for the costs that are likely to be incurred in bringing this Administration to a close, the Administrator considers that:

- the original fees estimate will be exceeded.
- the original expenses estimate will be exceeded.

The principal reasons for the increase in the estimated fees and expenses are as follows:

- The legal complexity of resolving the claim of a creditor claiming "security" over the Company's assets under a contract signed under Belgian Law.
- The prolonged issue of seeking payment from Utilita Energy in relation to the costs incurred during the SOLR process.

6.3 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 Administrator 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.

6.4 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 Administrator is 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.

For further information, "A Creditors' Guide to Administrators' Fees" is available for download from www.dsinsol.com. Should you require a paper copy, please send your request in writing to the Administrator at the address on the front of this report and this will be provided to you at no cost.

6.5 Exit from Administration

All Administrations automatically come to an end after one year, unless an extension is granted by the Court or with consent of the relevant creditors. As there are a number of ongoing matters to resolve I expect that it will be necessary to seek an extension of the Administration.

Once the Administration is ready to be concluded there are several exit routes which are available to the Administrator. These include an application to Court (in the event of a Court appointment); filing a notice in Court and with the Registrar of Companies confirming that the purpose of Administration has been sufficiently achieved; or in the event that the Company has no property (or no remaining property to distribute), the Administrator may notify the Registrar of Companies to that effect at which time the appointment of the Administrator ceases and three months following that date usually the Company is dissolved.

In addition, the Administrator could propose to place the Company into Creditors' Voluntary Liquidation, a Compulsory Liquidation or a Company Voluntary Arrangement. The exit route chosen in relation to the Company will depend on the circumstances of the Administration when it is due to end.

However, as there will be sufficient funds to pay a dividend to unsecured creditors (other than by way of the Prescribed Part), the likely options are either a move to Creditors Voluntary Liquidation allowing the liquidator to distribute the funds to unsecured creditors, or, for the Administrator to make a court application to pay a dividend to unsecured creditors following which the company is then moved to dissolution.



Simon Weir
Administrator

The affairs, business and property of OMNI ENERGY LTD (in Administration) are managed by the Administrator, who acts as agent of the Company and without personal liability

**OMNI ENERGY LTD
(IN ADMINISTRATION)**

STATUTORY INFORMATION

Omni Energy Ltd

Statutory Information

Company Number	11421235
Date of Incorporation	18/06/2018
Nature of Business	Energy Firm
Issued Share Capital	1,000 Ordinary Shares of £0.01 each
Shareholders	PAYG Energy Ltd - 1,000 Ordinary Shares of £0.01 each
Directors	Gary Bartlett Charles Hewson
Registered Office	Ashfield House Illingworth Street Ossett WF5 8AL
Bankers	Starling Bank HSBC Bank

**OMNI ENERGY LTD
(IN ADMINISTRATION)**

**THE ADMINISTRATOR'S RECEIPTS AND PAYMENTS ACCOUNT
AS AT 10 May 2022**

Omni Energy Ltd
(In Administration)
Administrator's Summary of Receipts and Payments
To 10 May 2022

RECEIPTS	Statement of Affairs (£)	Total (£)
Furniture & Equipment	1,250.00	0.00
Book Debts	79,112.00	103,777.31
Intercompany PAYG Ltd	NIL	0.00
Cash at Bank	454,369.00	515,406.33
VAT Refund	22,000.00	0.00
Cash in Hand	97,000.00	97,000.00
Sundry Refund (SSE)		1,225.00
		<hr/>
		717,408.64
		<hr/>
PAYMENTS		
Specific Bond		1,090.00
Agents/Valuers Fees		1,500.00
Legal Fees		56,155.50
Debt collection assistance		15,072.37
Statutory Advertising		89.20
Wages		2,932.74
HM Revenue & Customs	(7,613.00)	0.00
Trade & Expense Creditors	(738,679.31)	0.00
Banks/Institutions	(50,000.00)	0.00
Ordinary Shareholders	(10.00)	0.00
		<hr/>
		76,839.81
		<hr/>
Net Receipts/(Payments)		640,568.83
		<hr/>

MADE UP AS FOLLOWS

Bank 1 Current	626,005.42
VAT Receivable / (Payable)	14,563.41
	<hr/>
	640,568.83
	<hr/>

h.w.

Simon Weir
Administrator

**OMNI ENERGY LTD
(IN ADMINISTRATION)
ESTIMATED OUTCOME STATEMENT AS AT 10 May 2022**

Omni Energy Ltd
Estimated Outcome Statement as at 10 May 2022

Net Asset Realisation & Recoverable VAT

per R&P as at 10 May 2022 626,005

Estimated Future Realisations

<u>Recoverable post app vat</u>	14,563	
Furniture & Equipment	0	
Book Debts	0	
Intercompany PAYG Energy Ltd	0	
Cash at Bank	0	
Vat Refund	22,000	
Utilita Contribution	10,000	
Total	46,563	46,563
		672,568

Outstanding costs Incurred but not paid

Administrators pre-appointment costs	15,390	
Administrators time costs to 10 May 2022	36,785	
Legal Fees - DWF	34,856	
Agents Fees	0	
Statutory Advertising	89	
Statutory Bond	1090	
Consultancy Fees	0	
Total	88,210	88,210
		584,358

Future anticipated costs

Administrators Time Costs post 10 May 2022	19,245	
Legal Fees - DWF	35,000	
Statutory Advertising	89	
Consultancy Fees	0	
Pension Fees	2,000	
Total	56,334	56,334

Funds Available to Preferential Creditors	528,024	
Estimated Preferential Creditors Claims	7,613	
Surplus after Preferential Creditors	520,411	520,411

Secured Creditor (if accepted)	137,761	
Secured Creditor (if rejected)	0	
Estimated Funds Available to Non - Preferential Creditors	520,411	382,650
<u>Estimated Non-Preferential Creditors Claims</u>	679,288	541,527

Estimated Dividend to Non-Preferential Creditors 76.6p in £ 70.6p in £

**OMNI ENERGY LTD
(IN ADMINISTRATION)
TIME COST SUMMARY as at 10 May 2022**

Time Entry - SIP9 Time & Cost Summary

O008 - Omni Energy Ltd
All Post Appointment Project Codes
To: 10/05/2022

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hc Rat
Administration & Planning	50.30	6.65	0.00	0.00	56.95	14,996.25	26
Case Specific Matters	2.85	0.00	0.00	0.00	2.85	783.75	27
Creditors	25.00	7.80	0.00	0.33	33.13	8,281.25	24
Investigations	3.50	8.95	0.00	0.00	12.45	2,528.75	20
Realisation of Assets	32.00	3.65	0.00	0.00	35.65	9,438.75	26
Trading	2.75	0.00	0.00	0.00	2.75	756.25	27
Total Hours	116.40	27.05	0.00	0.33	143.78	36,785.00	25
Total Fees Claimed						0.00	
Total Disbursements Claimed						0.00	