

LIQ03

Notice of progress report in voluntary winding up



Companies House

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

1 Company details

Company number 1 1 4 5 6 8 9 8

Company name in full Lumina Energy Services Limited

→ Filling in this form

Please complete in typescript or in bold black capitals.

2 Liquidator's name

Full forename(s) Andrew

Surname Fender

3 Liquidator's address

Building name/number Sanderling House. Springbrook Lane

Street Earlswood

Post town Solihull

County/Region

Postcode B 9 4 5 S G

Country

4 Liquidator's name

Full forename(s)

Surname

Other liquidator

Use this section to tell us about another liquidator.

5 Liquidator's address

Building name/number

Street

Post town

County/Region

Postcode


Country

Other liquidator

Use this section to tell us about another liquidator.

LIQ03

Notice of progress report in voluntary winding up

6	Period of progress report												
From date	0	3	0	1	2	0	2	2					
To date	0	2	0	1	2	0	2	3					
7	Progress report												
<input checked="" type="checkbox"/> The progress report is attached													
8	Sign and date												
Liquidator's signature	<div>Signature</div> <div>X </div>												X
Signature date	2	3	0	2	2	0	2	3					

LIQ03

Notice of progress report in voluntary winding up



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 Accountancy Services Limited

Sanderling House, Springbrook Lane

Earlswood

Solihull

Postcode

B 9 4 5 S G

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.¹
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

¹You 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

**TO ALL KNOWN MEMBERS & CREDITORS
ANNUAL REPORT**

23 February 2023

Dear Sirs

LUMINA ENERGY SERVICES LIMITED – IN CREDITORS' VOLUNTARY LIQUIDATION

Following my appointment as Liquidator of the above named company on 3 January 2020, I set out below my third annual report in respect of the Liquidation which should be read in conjunction with my earlier reports.

STATUTORY INFORMATION

The Company, registered number 11456898, traded from premises at 19 Birmingham Street, Oldbury, B69 4DT. The registered office is currently: Sanderling House, Springbrook Lane, Earlswood, Solihull, B94 5SG; and was formerly the trading address.

There have been no changes of office holder since the date of liquidation.

RECEIPTS & PAYMENTS ACCOUNT AND CASE PROGRESSION

I attach at **Appendix 1**, my receipts and payments account for the period covered by this report together with a cumulative receipts and payments for the period of my appointment, 3 January 2020 to 2 January 2023.

You may recall that the Statement of Affairs of the company listed the following assets:-

Asset	Estimated Realisable Value (£)	Realised to Date (£)
Cash in Hand	4,500	4,500

Specialists in:**Reconstruction:**

Corporate turnaround

Corporate Insolvency:

Administration

Company Voluntary
Arrangements

Receivership

Creditors Voluntary
LiquidationsMembers Voluntary
LiquidationsCompulsory
Liquidations**Personal Insolvency:**Individual Voluntary
Arrangements

Bankruptcy

Cash in Hand

As detailed in my first annual report, cash in hand reflected funds held on behalf of the Company and has been realised in full.

Claims against The Director

As you will recall and following my investigation of the Company's bank statements I identified a number of cash withdrawals by the Director in the sum of £42,555. In the absence of any explanation from the Director as to what these withdrawals were for I sold the action to Manolete, a leading insolvency litigation financing company for the sum of £1,000 plus 50% of any realisation.

Whilst Manolete have spent a considerable amount of time on this case they have unfortunately concluded that for the reasons set out below the collection of the debt is no longer viable:

Breach of duties claim in respect of Cash Withdrawals

Mr Saini provided some purchase invoices which were checked for their dates and amounts against the various cash withdrawals and they do largely match up. The withdrawals were mostly made a few days after the date of the corresponding invoice, for roughly the same amount as the relevant invoice. In conclusion, Mr Saini withdrew only £555.12 more than the sum of invoices, which comes to £41,999.88.

Whilst Manolete and myself have suspicions about the genuineness of at least some of the invoices, I do not have sufficient evidence to allege that they have been produced fraudulently, particularly in circumstances where the directors of two of the companies that Mr Saini says received the cash have provided letters confirming the same.

By providing the invoices and letters, Mr Saini has produced evidence that the Cash Withdrawals were applied for the benefit of the Company on the basis that they were used to settle the relevant invoices.

Potential preference claims in respect of certain Cash Withdrawals

Manolete identified a potential preference claim against: The Midland Eco Boiler Company Ltd ("Midland") for £11,844.44; and Ecogroup Energy Services Ltd ("Ecogroup") for £26,880.46. Whilst the former company had modest net assets of c.£12k according to its last filed accounts, the claim against it did not meet Manolete's minimum quantum threshold of £20k and there is of course no guarantee that it will now have any net assets, not to mention the risk of asset dissipation. As regards the latter company, it is dormant and has no net assets according to its last filed accounts and so is not worth pursuing.

There is an overarching recoverability concern on account of the fact that Mr Saini does not appear to own any property or have any known assets of substance.

In the light of the above, Manolete, having consulted with their Investment Committee and decided not to proceed further with these claims.

Loan – D S Johal

Breach of duties claim in respect of payment of £15,000 to Mr Johal

Mr Saini's position regarding this payment is that – as far as he can recall - it was intended to be a loan because the payment reference says that it was a loan; whereas Mr Johal claims that the monies were transferred to him in partial payment of an invoice (of which he has provided a copy).

Notwithstanding the questionability of Mr Saini's purported inability to remember the purpose of the payment, Mr Johal's version of events provides a defence to the claim against both Mr Johal (for a transaction at an undervalue) and Mr Saini (for breach of duties in causing the Company to enter into a transaction at an undervalue).

As the Director does not have any know assets of any substance and as the element of the claim is below the Manolete £20k minimum it has now been reassigned to myself as Liquidator to pursue.

FEES AND EXPENSES IN THE LIQUIDATION

The creditors authorised the fee of £4,500 plus VAT for assisting the director in calling the relevant decision procedures and with preparing the Statement of Affairs. The sum of £3,750 plus VAT was paid to the Liquidator's firm as reflected in the receipts and payments account.

Creditors have authorised the Liquidator to draw remuneration by reference to the time properly given by the Liquidator and his staff in attending to matters arising in the winding up since the appointment. I attach at **Appendix 2** a summary of my costs together with a note of charge out and disbursement rates. A guide to fees is available on request. The time costs for the period of this report amount to £1,678.00 representing 4.60 hours at an average rate of £364.78 per hour and cumulative time costs for the period of the Liquidation, attached as **Appendix 3**, amount to £18,781.00 representing 53.30 hours at an average rate of £352.36 per hour. Fees in the sum of £1,933.07 have been billed and drawn against these costs.

Since my appointment, time has been expended as follows:

- 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, completion of post appointment formalities and periodic case reviews
- Realisation of assets as detailed within this report
- Correspondence with creditors and members

- Completion of duties in respect of the Company Directors Disqualification legislation and investigation of company's affairs. The investigation generally commences with the recovery of books and records for the director which can on occasions be arduous depending on the availability of records and the level of co-operation of the director. In the event that records are not forthcoming, for whatever reason, I make efforts to obtain what is available from third party sources, such as bank statements from the bank, but again, this can be time consuming as some banks seem reluctant to expend time in assisting me in this respect. The investigation includes the review and comparison of the last available set of accounts against the statement of affairs and consideration as to the difference in the position. The review of bank statements to the extent that these are available, for at least the last six months, looking for any anomalous payments, such as large or round figure sums, payments to parties apparently connected to the company etc. I and my staff, as part of this exercise review the level of Crown debt, the period over which this debt was incurred and the relative position at the time, as regards the repayment of other creditors. Further, consideration is given to whether any antecedent transactions have occurred, such as preference or transaction at undervalue in accordance with Sections 238 and 239 of the Insolvency Act 1986.
- Identification of S D Johal loan amongst the Company records and pursuing this debt.
- Identifying cash withdrawals from the Company bank account without any supporting documentation. Pursuing the Director for an explanation and potential recovery for the benefit of the creditors as a whole.

Attached at **Appendix 4** for comparison purposes is a copy of the fees estimate as circulated with the initial letter to creditors. Whilst this fees estimate has been exceeded, it is not the intention of the Liquidator at this stage to convene a decision procedure to increase the level of authorised fees.

Creditors have also authorised me to draw category 2 type disbursements from the funds in hand, however no expenses have been drawn. Details of all disbursements incurred to date as below:-

Nature of disbursement	Amount incurred between 03.01.22 and 02.01.23	Amount drawn between 03.01.22 and 02.01.23
The Liquidator's category 1 disbursements (net)		
Advertising	0.00	0.00
Vision Blue – case management software	0.00	0.00
Bordereau	0.00	0.00
AML checks	0.00	0.00
The Liquidator's category 2 disbursements (net)		
Stationery, printing, postage, telephone	0.00	Nil
Storage	0.00	Nil

Also as **Appendix 5** for comparison purposes is a copy of the expenses estimate as circulated with the initial letter to creditors. This expenses estimate has not been exceeded and is unlikely to be exceeded during the course of the Liquidation.

More information is available on the R3 website at:
<http://www.creditorinsolvencyguide.co.uk>

CREDITORS' CLAIMS AND DIVIDENDS

At present there are insufficient funds available to pay a dividend to creditors, however there are outstanding issues to bring to a conclusion as detailed above and I will report to you further in due course.

The General DATA Protection Regulation requires that individuals whose data is being held be contacted and provided with information about their rights. A privacy notice is available at <http://www.sanderlings.co.uk/privacynotice.pdf>.

This concludes my report, however if you should require any additional information, please do not hesitate to contact me.

Yours faithfully
For and on behalf of
Lumina Energy Services Limited

A handwritten signature in black ink, appearing to be 'AF' followed by a flourish.

Andrew Fender
Liquidator

Lumina Energy Services Limited
Receipts and Payments Account

	03-Jan-22 to 02-Jan-23	03-Jan-20 to 02-Jan-23
<u>Receipts</u>	£	
Bal c/fwd	-	
Rates Refund	-	190.16
Cash in Hand	-	4,500.00
Sale of Action	-	1,000.00
VAT Refund	-	1,129.53
Interest	-	-
VAT	-	-
	-	6,819.69
<u>Payments</u>		
Bordereau	-	
Advertising	-	
Insolv	-	
Co Search	-	
Printing, Postage, Stationery & Telephone	-	
Storage	-	
Room Hire	-	
Liquidators Fees	-	1933.07
Statement of Affairs Fee	-	3750
VAT	-	1136.62
	-	6,819.69
<u>Closing Balance</u>	0.00	0.00

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

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

From 03/01/2022 to 02/01/2023

HOURS							
Classification Of work Function	Partner	Manager	Other Senior Professional	Assistants & Support Staff	Total Hours	Time Cost £	Average Hourly Rate £
Administration & Planning	3.00	0.00	0.00	0.00	3.00	1,115.00	371.67
Realisation of Assets	0.50	0.00	0.00	0.00	0.50	175.00	350.00
Creditors	0.60	0.00	0.00	0.50	1.10	388.00	352.73
Investigations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Fees Claimed £	1,578.00	0.00	0.00	100.00		1,678.00	
Total Hours	4.10	0.00	0.00	0.50	4.60		
Average Rate	384.88	0.00	0.00	200.00			

HOURS							
Classification Of work Function	Partner	Manager	Other Senior Professional	Assistants & Support Staff	Total Hours	Time Cost £	Average Hourly Rate £
Administration & Planning	6.20	0.00	8.80	0.80	15.80	5,433.00	343.86
Investigations	4.40	0.00	10.20	3.50	18.10	5,857.00	323.59
Realisation of Assets	7.10	0.00	8.10	0.00	15.20	5,866.00	385.92
Creditors	2.40	0.00	1.20	0.60	4.20	1,625.00	386.90
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Fees Claimed £	8,556.00	0.00	9,905.00	320.00		18,781.00	
Total Hours	20.10	0.00	28.30	4.90	53.30		
Average Rate	425.67	0.00	350.00	65.31			

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, completion of post appointment formalities, periodic reviews and updating checklists, preparation for meeting of creditors/resolutions by correspondence, annual reports and associated compliance requirements at the anniversary of appointment, final report and formalities at completion of the Liquidation	Liquidator	5.0	2,400	
	Other Senior Professional	1.0	350	
	Case Administrator	16.0	3,200	
	Junior	5.0	250	
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	Liquidator	1.0	480	
	Other Senior Professional	0.0	0	
	Case Administrator	2.0	400	
Realisation of assets as detailed in the Statement of Affairs, including correspondence and communication where necessary regarding Retention of Title claims.	Liquidator	2.0	960	
	Other Senior Professional	1.0	350	
	Case Administrator	8.0	1,600	
Communication with creditors including dealing with enquiries, review of correspondence, receipt of Proofs of Debt, consideration of HMRC correspondence, tax liabilities and requirements as to compliance	Liquidator	1.0	480	
	Other Senior Professional	1.0	350	
	Case Administrator	5.0	1,000	
	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 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. Discussions and processing information provided by unsecured creditors. Consideration as to whether any antecedent transactions have occurred, such as preference or transactions at undervalue. Submission of findings to the Insolvency Service	Liquidator	1.0	480	
	Other Senior Professional	0.0	0	
	Case Administrator	5.0	1,000	
	Junior	6.0	300	
Estimate total maximum fees to be charged			14,200	

Expenses Estimate for Lumina Energy Services Limited

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 £310.40

My estimate for my category 2 expenses for the period of the case is £430.00 and I am seeking a resolution for approval of the basis of calculation of these expenses.

Expenses Category 1	Basis	Estimate of total £
Advertising	Fixed	160.40
Bonding	Fixed	40.00
VisionBlue/INSOLV fee	Fixed	110.00
Total		310.40

Expenses Category 2	Basis	Estimate of total £
Stationery / printing / postage / telephone	Fixed	175.00
Company Search	Estimated cost	45.00
Storage	Estimated cost	200.00
Veriphy	Calculated per search	10.00
Total		430.00

Fees

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

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

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

Standard Activity

Statutory Compliance, administration & planning

Investigations
Realisation of assets

Trading
Creditors

Examples of Work

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

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

Disbursements - Category 2 Disbursements

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

Expense Type

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

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

Basis of Charge

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

All other expenses and disbursements are recovered as follows:

Expense Type

Room Hire (for each statutory meeting of creditors)

Mileage 35-95p per mile

Company search costs £45 per search

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

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

INFORMATION

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

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

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

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