



CR-2023-003118

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND & WALES

INSOLVENCY AND COMPANIES COURT JUDGE GREENWOOD

25 JULY 2023

BUSINESS LIST (ChD)

BETWEEN:



GRIGORIY SMITYUKH

Claimant

- and -

1. THE REGISTRAR OF COMPANIES

2. GRAINHOLDING LTD

Defendants

ORDER

UPON the Claimant's Claim by CPR Part 8 Claim Form dated 13 June 2023 for declaratory relief and an order under s 1096(1) of the Companies Act 2006 that the Respondent, the Registrar of Companies (**Registrar**), remove the Claimant as a director, shareholder and a person with significant control from Grainholding Ltd (the **Company**)

AND UPON reading the Claim Form, the pleadings and the evidence

AND UPON hearing Alexander Heylin, Counsel for the Claimant, and the First and Second Defendants being on notice but not attending the 25 July 2023 hearing

AND UPON the First Defendant issuing a letter of non-objection to the relief sought by the Claimant

IT IS HEREBY DECLARED THAT:

1. That under s 1096 (1) of the Companies Act 2006:
 - 1.1 The Claimant never consented to be appointed as a director, he did not subscribe for the Company's shares and he is not a person with significant control in the Company.
 - 1.2 That the appointment of the Claimant as director and shareholder of the Company is invalid and ineffective.

AND IT IS ORDERED THAT:

1. The Registrar shall remove the Claimant's name and particulars in:
 - 1.1 the application to register a company (IN01) as follows:
 - 1.1.1 all of the particulars delivered in respect of Mr Grigoriy Smityukh as the proposed company director;
 - 1.1.2 the name and address of Mr Grigoriy Smityukh as the initial shareholder;
 - 1.1.3 all of Mr Grigoriy Smityukh's particulars set out as "*Individual person of significant control details*";
 - 1.1.4 all of Mr Grigoriy Smityukh's particulars in the Statement of Compliance;
 - 1.1.5 the reference to the document being authenticated by the subscriber; and
 - 1.2 in the memorandum of association as the subscriber.
2. The Claimant's costs in the application are awarded on the indemnity basis against the Second Defendant summarily assessed at £15,000 and payable within 14 days of the date of this order.

Service

This Order be served by the Claimant on the Defendants

The court has provided a sealed copy of this order to the serving party: the Claimant's solicitors
Gateley Legal, 1 Paternoster Square, London, EC4M 7DX [ref SL/203430.00001]