

The Insolvency Act 1986

**Administrator's progress report**

Name of Company

Battery Distribution Group Limited

Company number

03567783

In the  
High Court of Justice, Chancery Division,  
Birmingham District Registry

(full name of court)

Court case number  
8610 of 2013(a) Insert full  
name(s) and  
address(es) of  
administrator(s)I (a)  
Nicholas Wood  
Grant Thornton UK LLP  
30 Finsbury Square  
London  
EC2P 2YU

administrator of the above company attach a progress report for the period

(b) Insert date

From

(b) 3 June 2014

To

(b) 2 December 2014

Signed

Joint Administrator

Dated

5/12/16

**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

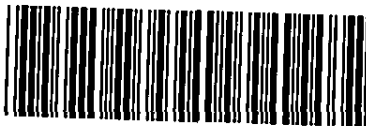
The contact information that you give will be visible to searchers of the

Nicholas Wood  
Grant Thornton UK LLP  
30 Finsbury Square  
London  
EC2P 2YU

DX Number

020 7184 4300  
DX Exchange

MONDAY



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08/12/2014

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COMPANIES HOUSE

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 Cardiff**



Our Ref NSW/PAM/RJJ/TXA/B02093  
Your Ref

To the creditors

2 December 2014

Dear Sirs

**Battery Distribution Group Limited - In Administration (the Company)**  
**High Court of Justice, Chancery Division, Birmingham District**  
**Registry**  
**No 8610 of 2013**

**1 Introduction**

- 1.1 Following my appointment as joint administrator of the above company with Ian Carr by a qualifying floating charge holder on 3 December 2013, I am now in a position to conclude the administration. This is my final progress report and I attach:
- Appendix A, an account of my receipts and payments for the period ended 2 December 2014 in accordance with Rule 2.47 of the Insolvency Rules 1986
  - Appendix B, a statement of the remuneration charged by the administrator in the period 3 June 2014 to 2 December 2014 and a statement of expenses incurred in the period
  - Appendix C, an analysis of my time costs as required by Statement of Insolvency Practice 9
  - Appendix D, an extract from the Insolvency Rules 1986 relating to creditors' rights to request additional information from the administrator (Rule 2.48A)
  - Appendix E, an extract from the Insolvency Rules 1986 relating to creditors' rights to challenge the administrator's remuneration and expenses, if excessive (Rule 2.109)
- 1.2 Ian Carr has left Grant Thornton UK LLP and thus was removed as joint administrator by order of the court on 27 June 2014

**2 Statutory information**

- 2.1 The Company's statutory details are as follows

Registered number	03567783
Registered office	c/o Grant Thornton UK LLP, 4 Hardman Square Spinningfields Manchester M3 3EB

**Chartered Accountants**

Grant Thornton UK LLP is a limited liability partnership registered in England and Wales No.0C307742. Registered office: Grant Thornton House, Melton Street, Euston Square, London NW1 2EP. A list of members is available from our registered office. Grant Thornton UK LLP is authorised and regulated by the Financial Conduct Authority. Grant Thornton UK LLP is a member firm of Grant Thornton International Ltd (GTIL). GTIL and the member firms are not a worldwide partnership. Services are delivered by the member firms. GTIL and its member firms are not agents of, and do not obligate, one another and are not liable for one another's acts or omissions. A list of personnel permitted by Grant Thornton to accept appointments as insolvency practitioners and of their respective authorising bodies may be inspected at the above address. Please see [www.grant-thornton.co.uk](http://www.grant-thornton.co.uk) for further details.

**Recovery and Reorganisation**

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### **3 Background**

- 3 1 The Company was incorporated in 1998 and operated as a supplier and distributor of batteries mainly for cars and light commercial vehicles, but also for a range of other commercial and leisure applications. At the time of our appointment, the Company operated from a leasehold head office and warehouse site in Aldridge, West Midlands and had three other leasehold sites in Exeter, Glasgow and Southbourne.
- 3 2 The Statement of administrators' proposals (the Proposals) were circulated to all known creditors on 21 January 2014 and were deemed to be approved on 31 January 2014.
- 3 3 The objective of the administration was to realise the assets for the benefit of the preferential and secured creditors.
- 3 4 This report sets out the outcome of the administration. Creditors should refer to the Proposals and my progress report to creditors dated 27 June 2014 (Progress report) for details of the steps taken and matters arising prior to this period of this report.

### **4 Pre-appointment expenses**

- 4 1 I received pre-administration legal advice from Shakespeares Legal LLP (Shakespeares). Costs incurred in this regard amount to £5,000 (plus VAT) and following approval from Aldermore Bank Plc (the Bank) as the secured creditor in this matter, these costs have been settled.

### **5 Receipts and payments account**

- 5 1 I attach my receipts and payments account at Appendix A. You will note that no amounts have been paid to the unsecured creditors by virtue of the application of section 176A of the Insolvency Act 1986 (prescribed part), due to there being insufficient realisations.

### **6 Report and outcome of administration**

#### **Assets**

#### **Debtors**

- 6 1 The Company's books and records on appointment showed outstanding book debts of £914,869.
- 6 2 As set out in the Proposals, the Bank had instructed specialist debt collection agents, JP Associates (JPA) to deal with all book debt collections and I have been assisting where necessary in this regard.
- 6 3 JPA has now finalised its work on the book debt collections and the Bank has now instructed Shakespeares to pursue any collectible balances. Book debt collections to date total c £604,000 and have been paid directly into JPA's account, therefore these do not appear in the Administrator's receipts and payments account at Appendix A.
- 6 4 Due to there being a significant anticipated shortfall to the Bank in relation to the Confidential Invoice Discounting Facility that was provided to the Company, no surplus will be generated from the book debts for the benefit of the preferential or unsecured creditors (even after projected collections by Shakespeares).

### **Stock**

- 6 5 On appointment, my representatives attended each of the four sites to confirm the existence of and secure any stock and other assets at the sites. Negligible quantities of stock were found, estimated to be valued between £5,000 and £10,000. Such stock was either collected under retention of title claims, or was scrapped where it had no realisable value.

### **Plant, machinery and furniture**

- 6 6 ES Group (ES) was appointed to act as my agent to assist in the sale of the Company's chattel assets.
- 6 7 As stated in the Proposals, two separate sales were concluded for the unencumbered assets for £3,000 and £1,300 (both excluding VAT) respectively following recommendation from ES.

### **Motor vehicles**

- 6 8 As stated in the Proposals, an unencumbered vehicle was sold for £3,500 on my agent's recommendation.
- 6 9 The Company also had a fleet of twelve vehicles which were all leased from Peugeot Financial Services (Peugeot). On appointment these were all collected by Peugeot (with the exception of one vehicle that was held by insurers following an accident prior to my appointment) and were sold at auction. The sum of £12,608 has been paid into the administration estate during the period in respect of the surplus that Peugeot achieved after deducting outstanding charges from the account.

### **Other assets**

- 6 10 As outlined in the Progress report, further realisations totalling £6,319 have been received from various sources, Driver and Vehicle Licensing Agency refunds (£1,411), utility refunds (£465) and business rates refunds (£4,443).
- 6 11 In addition to the above, £451 has been received in the period in respect of a business rates refund from Chichester District Council.

### **Investigation**

- 6 12 Whilst certain irregularities were identified in the Company's financial records, this has not resulted in any additional recovery of assets for the benefit of creditors. As a result, my investigations in this regard have now ceased.

## **7 Liabilities**

### **Secured creditor**

- 7 1 Aldermore Bank Plc's indebtedness on appointment amounts to £1,204,364 and is secured by a fixed and floating charge over the Company's assets. The Bank's indebtedness is stated prior to any additional charges and fees which may be applicable. The Bank has suffered a significant shortfall on its funding.

7 2 As set out in the Proposals, the Bank provided temporary funding of £5,000 to assist with immediate funding requirements, which included costs for retained staff and on-going maintenance of the computer systems. The Bank has been repaid £5,000 in the period in this regard (as shown at Appendix A)

7 3 In addition to this initial funding which has subsequently been repaid, the Bank has also directly funded several aspects of the administration, such as additional legal, investigation and administration fees. The level of realisations has been insufficient to enable these costs to be repaid to the Bank and accordingly the Bank will suffer an increased shortfall on its indebtedness

#### **Preferential creditors**

7 4 There are insufficient funds available to enable a distribution to be made to the preferential creditors

#### **Unsecured creditors**

7 5 Due to there being a shortfall to the Bank in respect of amounts due to it under its floating charge, there are insufficient funds available to enable a distribution to be made to the unsecured creditors (including any distribution under the prescribed part of floating charge assets under Section 176A of the Insolvency Act 1986)

### **8 Administrator's remuneration and expenses**

8 1 The basis of the administrator's remuneration has been agreed by the secured creditor and is calculated according to my time costs in attending to matters arising in the administration

8 2 You will note from the SIP 9 table attached at Appendix C that my time costs to 2 December 2014 are £170,107. As shown in Appendix A, I have drawn administrator's fees of £8,369.96 (plus VAT) from the estate, being the balance of funds in the estate following asset realisations and settling of liabilities. The Bank has paid additional administrator's fees of £41,630.04 (plus VAT) which results in total administrator fees of £50,000 (plus VAT) in this matter

8 3 Time costs incurred in the period but not drawn as remuneration are disclosed in Appendix B. In addition, there are expenses incurred during the administration (but not drawn) totalling £3,122 that relate to various costs incurred obtaining the insolvency practitioners bond, postage, travel, courier, telephone, subsistence and expenses in respect of the investigative work

8 4 Background information regarding the fees of administrators can be found at [www.insolvency-practitioners.org.uk](http://www.insolvency-practitioners.org.uk) (navigate via 'Regulation and Guidance' to 'Creditors Guides to Fees'). Alternatively, I will supply this information by post on request. Time is charged in units of 6 minutes

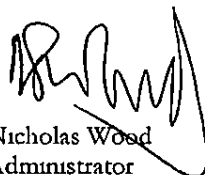
**9 Other expenses incurred by the administrator in the period**

- 9 1 Shakespeares have acted as my solicitor in this matter and have provided ongoing legal advice during the administration. Total fees of £2,500 (plus VAT) have been paid in this regard. Further legal fees have been incurred, however the Bank is to agree and make payment directly to Shakespeares in this regard (as per 7.3 above).
- 9 2 Lombard North Central PLC has been paid £1,882 for maintaining the Company servers.
- 9 3 Secure IT Disposals Limited has been paid £610 (plus VAT) for IT related services.
- 9 4 The sum of £212 was paid to JLT Specialty Limited in relation to insurance matters.

**10 Outcome of administration**

- 10 1 Form 2.35B, Notice of move from administration to dissolution will now be filed at Companies House and the Company will move to dissolution three months after the form is filed.
- 10 2 I have sought and obtained approval from the secured creditor that I shall be discharged from liability in respect of any action of in my capacity as administrator when I cease to be administrator of the Company, pursuant to paragraph 98 of schedule B1 of the Insolvency Act 1986 with effect from 14 days after I send the final report to creditors.
- 10 3 Should you have any queries in relation to the content of this report, please contact Andrew Aindow on 0161 953 6361.

Yours faithfully  
for and on behalf of Battery Distribution Group Limited

  
Nicholas Wood  
Administrator

The affairs, business and property of Battery Distribution Group Limited are being managed by Nicholas Wood, appointed as administrator on 3 December 2013.

Enc

Battery Distribution Group Limited - in administration  
 Summary of receipts and payments  
 from 3 December 2013 to 2 December 2014

	Statement of Affairs	From 03-Dec-13 to 02-Jun-14 £	From 03-Jun-14 to 02-Dec-14 £	Total £
<b>Receipts</b>				
Advance from Factors		5,000 00	(5,000 00)	0 00
Plant & Machinery	1,000 00	1,300 00	0 00	1,300 00
Furniture & Equipment	3,000 00	3,000 00	0 00	3,000 00
Motor Vehicles	4,500 00	3,500 00	12,607 80	16,107 80
Stock	70,000 00	0 00	0 00	0 00
Bank Interest		2 30	6 49	8 79
Misc Refunds		6,319 28	451 16	6,770 44
		<b>19,121 58</b>	<b>8,065.45</b>	<b>27,187.03</b>
<b>Payments</b>				
Insurance		1,114 59	212 00	1,326 59
Lease/HP Payments		956 48	1,881 60	2,838 08
Agents Fees		1,000 00	0 00	1,000 00
Legal Fees		0 00	7,500 00	7,500 00
Professional Fees		2,750 00	610 00	3,360 00
Administrators' Fees		0 00	8,369 96	8,369 96
Storage Costs		311 50	115 28	426 78
Statutory Advertising		84 60	0 00	84 60
Other Property Expenses		958 21	0 00	958 21
Insurance of Assets		106 00	0 00	106 00
Bank Charges		30 00	0 00	30 00
Consultancy costs		1,186 81	0 00	1,186 81
		<b>8,498.19</b>	<b>18,688 84</b>	<b>27,187 03</b>
<b>Net Receipts/(Payments)</b>		<b>10,623 39</b>	<b>(10,623 39)</b>	<b>0.00</b>

## B Remuneration charged and expenses incurred by the administrator in the period

	Charged/incurred in period 03/06/2014 to 02/12/2014	Cumulative Charged to 02/12/2014	Of which paid to 02/12/2014
	£	£	£
<b>Administrator's fees</b>	35,748	170,107	8,369
Time costs			
Expenses	503	3,122	0
<b>Legal fees</b>			
Shakespeares Legal LLP	7,500*	7,500	7,500
<b>Professional fees:</b>			
Canda Systems Limited	0	100	100
ERA Solutions Limited	0	900	900
Secure IT Disposals Limited	610	610	610
Baldwins (Leamington) Limited	0	1,750	1,750
<b>Lease/HP payments:</b>			
Lombard North Central PLC	1,882	2,838	2,838
<b>Agents/valuers:</b>			
ES Group	0	1,000	1,000
<b>Storage costs</b>			
Cintas Document UK Limited	115	427	427
<b>Statutory advertising:</b>			
Courts Advertising Limited	70	84	84
<b>Property expenses</b>			
GMS Property Services Limited	0	958	958
<b>Consultancy costs</b>	0	1,186	1,186
<b>Insurance:</b>	212	1,432	1,432
JLT Speciality Limited			

\* includes £5,000 of pre- appointment legal costs

## C SIP 9 information

### Introduction

The following information is provided in connection with the administrator's remuneration and disbursements in accordance with SIP 9

Explanation of Giant Thornton UK LLP charging and disbursement recovery policies

### Time costs

All partners and staff are charged out at hourly rates appropriate to their grade, as shown on the attached schedule. Details of the hourly charge-out rates are made available to creditors or committees at the time of fixing the basis of our fees. Support staff (ie secretaries, cashiers and filing clerks) are charged to the case for the time they work on it.

	From 01/07/12	From 01/07/13	From 01/07/14
	£	£	£
Partners up to	580	600	615
Managers up to	440	455	470
Administrators up to	310	320	330
Assistants and support staff up to	210	220	230

### Disbursements

Out of pocket expenses are charged at cost. Mileage is charged at standard rates which comply with HM Revenue and Customs limits or AA recommended rates. VAT is added to disbursement charges as necessary.

Battery Distribution Group Limited - In Admin - B30202093 - SIP 9 TIME COST ANALYSIS

Job(s) ADM

Transaction period All transactions

Export version - standard Export version - detail Detailed Version

Detailed	Partner	Hrs	£	Avg. Hly Rate	Manager	Hrs	£	Avg. Hly Rate	Executive	Hrs	£	Avg. Hly Rate	Administrator	Hrs	£	Avg. Hly Rate	Total	Hrs	£	Avg. Hly Rate
Administration and Planning (incl statutory reporting)		18.1	8,403	464.25		29.1	10,451.5	358.16		53.23	13,147.25	246.96		44.85	6,930.3	154.33	38,332.25	145.28	267.98	
Chargeholders (incl bank reinitial)		8.5	3,897.5	458.53		1	33	330		24.2	6,494	268.35					10,424.5	32.8	317.22	
Hanus period																				
Investigations and reports on directors		11.5	5,292.5	460.22		8.8	3,142	357.05		54.5	18,295	298.44		6.35	1,001.5	157.72	25,701	81.15	316.71	
Legal						5	165	330						1.7	283.5	155	428.5	2.2	194.77	
Preferential creditors										10.2	2,784	272.94		3.1	480.31	155	3,284.5	13.3	245.45	
Realisation of Assets: Debtors		24.5	11,190	456.73		4.95	1,735.5	350.61		40.45	10,224	253		3.2	497	155.31	23,656.5	73.1	321.62	
Realisation of Assets: Other		19.5	8,895	456.15						3.25	747.5	230					9,642.5	22.75	423.85	
Realisation of Assets: Property plant vehicles etc (incl HP leasing and third party)		4	192	480		4.55	1,662	365.06		98.05	24,964.5	253.01		18.5	2,588.5	139.81	29,389	117.6	249.96	
Realisation of Assets: Stock and WIP (incl ROT)						25	80	320		8.5	1,955	230		5	77.5	155	2,112.5	9.25	228.38	
Sale of business		2	96	480		3	960	320		7	1,610	230					2,666	10.2	261.37	
Trading										10.8	2,883	265.11					2,683	10.6	253.11	
Unsecured creditors		2.5	1,137.5	455						63.25	15,937.5	252.92		28.2	4,066	144.19	21,201	91.95	230.57	
Total		85.2	38,103.5	458.96		51.25	18,219	355.43		371.23	96,891.75	253.06		102.5	15,900	155.15	170,107.25	610.18	278.78	
Total fees billed to date (Time)																			£ 50,000	

Total fees billed to date (Time) £ 50,000

## D An extract from the Insolvency Rules 1986 relating to creditors' rights to request additional information from the administrator

### Rule 2.48A

- (1) If
  - (a) within 21 days of receipt of a progress report under Rule 2.47 -
    - (i) a secured creditor, or
    - (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or
  - (b) with the permission of the court upon an application made within that period of 21 days, any unsecured creditor makes a request in writing to the administrator for further information about remuneration or expenses (other than pre-administration costs) set out in a statement required by Rule 2.47(1)(db) or (dc), the administrator must, within 14 days of receipt of the request, comply with paragraph (2)
- (2) The administrator complies with this paragraph by either -
  - (a) providing all of the information asked for, or
  - (b) so far as the administrator considers that
    - (i) the time or cost of preparation of the information would be excessive, or
    - (ii) disclosure of the information would be prejudicial to the conduct of the administration or might reasonably be expected to lead to violence against any person, or
    - (iii) the administrator is subject to an obligation of confidentiality in respect of the information,
 giving reasons for not providing all of the information
- (3) Any creditor, who need not be the same as the creditor who requested further information under paragraph (1), may apply to the court within 21 days of -
  - (a) the giving by the administrator of reasons for not providing all of the information asked for, or
  - (b) the expiry of the 14 days provided for in paragraph (1),
 and the court may make such order as it thinks just
- (4) Without prejudice to the generality of paragraph (3), the order of the court under that paragraph may extend the period of 8 weeks provided for in Rule 2.109(1B) by such further period as the court thinks just

## E An extract from the Insolvency Rules 1986 relating to creditors' rights to challenge the administrator's remuneration or expenses if excessive

### Rule 2 109

- (1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4)
- (1A) Application may be made on the grounds that -
  - (a) the remuneration charged by the administrator,
  - (b) the basis fixed for the administrator's remuneration under Rule 2 106, or
  - (c) expenses incurred by the administrator,
 is or are, in all the circumstances, excessive or, in the case of an application under sub-paragraph (b), inappropriate
- (1B) The application must, subject to any order of the court under Rule 2 48A(4), be made no later than 8 weeks after receipt by the applicant of the progress report which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report")
- (2) The court may, if it thinks that no cause is shown for a reduction, dismiss it without a hearing but it shall not do so without giving the applicant at least 5 business days' notice, upon receipt of which the applicant may require the court to list the application for a without notice hearing. If the application is not dismissed, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly
- (3) The applicant shall, at least 14 days before the hearing, send to the administrator a notice stating the venue and accompanied by a copy of the application, and of any evidence which the applicant intends to adduce in support of it
- (4) If the court considers the application to be well-founded, it must make one or more of the following orders -
  - (a) an order reducing the amount of remuneration which the administrator was entitled to charge
  - (b) an order fixing the basis of remuneration at a reduced rate or amount
  - (c) an order changing the basis of remuneration
  - (d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the administration
  - (e) an order that the administrator or the administrator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify
 and may make any other order that it thinks just, but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report
- (5) Unless the court orders otherwise, the costs of the application shall be paid by the applicant, and are not payable as an expense of the administration