

AM22

Notice of move from administration to creditors' voluntary liquidation



Companies House

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

1 Company details

Company number 0 5 9 4 4 7 5 8

Company name in full Mucho Mas Limited

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Court details

Court name In the High Court of Justice, Business and Property

Courts of England and Wales

Court case number 3 4 8 5 o f 2 0 2 0

3 Administrator's name

Full forename(s) Gordon

Surname Thomson

4 Administrator's address

Building name/number RSM Restructuring Advisory LLP

Street 25 Farringdon Street

Post town London

County/Region

Postcode E C 4 A 4 A B

Country

AM22

Notice of move from administration to creditors' voluntary liquidation

| | | |
|------------------|-------------------------------|--|
| 5 | Administrator's name ① | |
| Full forename(s) | Matthew | ① Other administrator Use this section to tell us about another administrator. |
| Surname | Haw | |

| | | |
|----------------------|----------------------------------|--|
| 6 | Administrator's address ② | |
| Building name/number | RSM Restructuring Advisory LLP | ② Other administrator Use this section to tell us about another administrator. |
| Street | 25 Farringdon Street | |
| | | |
| Post town | London | |
| County/Region | | |
| Postcode | E C 4 A 4 A B | |
| Country | | |


| | | |
|------------------|---|--|
| 7 | Appointor/applicant's name | |
| | Give the name of the person who made the appointment or the administration application. | |
| Full forename(s) | | |
| Surname | | |

| | | |
|--------------------------------|-----------------------------------|--|
| 8 | Proposed liquidator's name | |
| Full forename(s) | Gordon | |
| Surname | Thomson | |
| Insolvency practitioner number | 2 4 9 7 4 | |

| | | |
|----------------------|--------------------------------------|--|
| 9 | Proposed liquidator's address | |
| Building name/number | RSM Restructuring Advisory LLP | |
| Street | 25 Farringdon Street | |
| | | |
| Post town | London | |
| County/Region | | |
| Postcode | E C 4 A 4 A B | |
| Country | | |

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| | | | |
|--------------------------------|--|--|-----------|
| 10 | | Proposed liquidator's name^① | |
| Full forename(s) | Matthew | | |
| Surname | Haw | | |
| Insolvency practitioner number | 9 | 6 | 2 7 |
| | | ① Other liquidator Use this section to tell us about another liquidator. | |
| 11 | | Proposed liquidator's address^② | |
| Building name/number | RSM Restructuring Advisory LLP | | |
| Street | 25 Farringdon Street | | |
| Post town | London | | |
| County/Region | | | |
| Postcode | E | C | 4 A 4 A B |
| Country | | | |
| | | ② Other liquidator Use this section to tell us about another liquidator. | |
| 12 | | Period of progress report | |
| From date | d 2 7 | m 0 2 | y 2 0 2 1 |
| To date | d 2 6 | m 0 8 | y 2 0 2 1 |
| 13 | | Final progress report | |
| | | <input checked="" type="checkbox"/> I have attached a copy of the final progress report. | |
| 14 | | Sign and date | |
| Administrator's signature | Signature  | | |
| Signature date | d 2 6 | m 0 8 | y 2 0 2 1 |

**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 | Jemini Shukla |
| Company name | RSM Restructuring Advisory LLP |
| Address | 25 Farringdon Street |
| Post town | London |
| County/Region | |
| Postcode | E C 4 A 4 A B |
| Country | |
| DX | |
| Telephone | 0203 201 8000 |

**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 and dated 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

MUCHO MAS LIMITED IN ADMINISTRATION
JOINT ADMINISTRATORS' FINAL PROGRESS REPORT
FOR THE PERIOD TO 26 AUGUST 2021

THE POWER OF BEING UNDERSTOOD
AUDIT | TAX | CONSULTING



INTRODUCTION

Contact details

The key contacts at RSM in connection with this report are:

Primary office holder

Gordon Thomson
RSM Restructuring Advisory LLP
25 Farringdon Street, London, EC4A 4AB
Tel: 0203 201 8000

Case manager

Jamie Wilson
RSM Restructuring Advisory LLP
25 Farringdon Street, London, EC4A 4AB
Tel: 0203 201 8000

Basis of preparation

This report has been prepared solely to comply with the statutory requirements of the relevant legislation to provide creditors with information relating to the progress of the Administration. It should be read in conjunction with any previous reports that have been issued, copies of which are available on request.

This report has not been prepared for use in respect of any other purpose, or to inform any investment decision in relation to any debt or financial interest in the Mucho Mas Limited ("the Company").

Any estimated outcomes for creditors are illustrative and may be subject to revision and additional costs. They should not be used as the basis for any bad debt provision or any other purpose.

Neither the Joint Administrators nor RSM Restructuring Advisory LLP accept any liability whatsoever arising as a result of any decision or action taken or refrained from as a result of information contained in this report. The Joint Administrators act as agents of the Company and without personal liability.

General guidance on the Administration process

You can find guidance on the different insolvency processes at the R3 website
R3 is the trade association for the insolvency profession.

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KEY ACTIONS AND DECISIONS REQUESTED FROM CREDITORS

Decisions requested from unsecured creditors

The Joint Administrators' are seeking the following decision(s) from creditors:

- That the Joint Administrators' fee basis shall be changed to a mixed basis as set out in this report, as follows:
 - The original fixed fee basis, fixed at £175,000 plus VAT, approved by creditors on 8 February 2021; and
 - A new percentage basis being 25% of the Additional Realisations (plus VAT), as set out in this report.
- that a creditors' committee will not be appointed.

Creditors' committee

Establishment and guidance

Legislation requires the Joint Administrators to invite creditors to decide whether to establish a committee because a decision is being sought. However, it is proposed that a creditors' committee will not be appointed as the decisions sought can be made by creditors generally. If you want a creditors' committee, sufficient creditors will need to both reject the proposed decision and consent to act as a representative on the committee. At least three creditors must consent to act before a committee can be formed; a maximum of five can be represented. If you do want a committee, please contact this office as soon as possible.

Please note that, if a creditors' committee is established, it would be their responsibility to approve:

- the Joint Administrators' fees, costs and expenses.
- the Joint Administrators' discharge from liability.

Guidance on acting as a committee member can be found at the R3 website, www.R3.org.uk. A hard copy can be requested by telephone, email or in writing to this office.

Key actions required by unsecured creditors

Formal notice of a Qualifying Decision Procedure to consider the above decisions is attached, together with other relevant documentation and guidance.

If you wish to vote in respect of the decisions requested above, please complete and sign:

- a Proof of Debt form and return it with evidence of your claim (if you have not previously done so); and
- a Voting form.

These must be received at RSM Restructuring Advisory LLP, 25 Farringdon Street, London, EC4A 4AB or by email to restructuring.london.core@rsmuk.com, on or before the decision date (13 September 2021) for you to vote.

Small debts

Creditors whose debts are treated as a small debt in accordance with Rule 14.31(1) of the Insolvency (England and Wales) Rules 2016 must still deliver a proof of debt if they wish to vote. Rule 14.31(1) states that Office Holders may treat a debt, which is a small debt according to the accounting records or the statement of affairs of the company, as if it were proved for the purposes of paying a dividend. Small debts are defined in Rule 14.1(3) as a debt (being the total amount owed to a creditor) which does not exceed £1,000.

CONDUCT OF THE ADMINISTRATION

Implementation of the Joint Administrators' proposals

Insolvency legislation sets out the statutory purposes of an Administration. The Joint Administrators must perform their functions with the objective of either:

- 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.

It was not possible to achieve statutory purpose (a) because sufficient investment was not achievable to allow the Company to continue to trade. Therefore, statutory purpose (b) was pursued.

The Joint Administrators completed a pre-packaged sale of the business and certain assets of the Company on 27 August 2020, immediately following their appointment. As a result, the realisations and potential level of unsecured dividend is anticipated to be significantly higher than would have been paid in a 'shut-down' or winding-up (liquidation) scenario. Therefore, the Joint Administrators consider that statutory purpose (b) has been achieved.

The reasons that the Joint Administrators consider this a better result for creditors include:

- The sale ensured the ongoing trade of the business and maximised the value in the goodwill which would have had little if any value in the event of the business ceasing to trade.
- Our agents and valuer advised that the physical assets would have realised significantly less on a forced sale basis, adversely impacting the return to all classes of creditors.
- Claims from employees are minimised as all 130 staff as at the date of sale have transferred under the Transfer of Undertakings (Protection of Employment) Regulations ("TUPE").
- The landlords' claims have been significantly reduced, compared to a shutdown position.
- The purchaser assumed a portion of the Company's secured liabilities.

The Joint Administrators' proposals in relation to the Company are:

- That the Joint Administrators continue to realise the remaining assets of the Company to distribute funds to the creditors of the Company.

- The Joint Administrators will, where relevant, distribute funds to the creditors of the Company.
- The Company will exit Administration by way of Creditors' Voluntary Liquidation.
- If the Company exits Administration by moving into a Creditors' Voluntary Liquidation, it is proposed that Gordon Thomson and Matthew Haw of RSM Restructuring Advisory LLP, 25 Farringdon Street, London, EC4A 4AB by appointed Liquidators of the Company.
- The Liquidators will have the power to act jointly and severally and may act required or authorised to be done by the Liquidators may be done by all or any one more of the persons holding the office in question immediately following their cessation to act as Administration.
- A creditors' committee will not be formed.
- That the Administrators be discharged from liability in respect of any action of theirs as Administrators immediately following their cessation to act as Joint Administrators.

Please note that the Administrators' proposals have not been revised or amended and there have been no deviations from these proposals.

Realisation of assets

Sale of business

As set out previously, the Joint Administrators completed a sale of the business and certain assets of the Company to RDCP Investments 4 Limited ("the Purchaser") on a going concern basis on 27 August 2020.

The combined sale price was £1,000,000 which comprised the following assets:

- Goodwill - £829,991
- Plant & Machinery / Fixtures & Fittings - £148,000
- Seller's Records - £1
- Stock - £22,000
- Properties - £6
- Business Contracts - £1
- Intellectual Property Rights - £1

Of the £829,991 apportioned to Goodwill, the cash consideration totalled £402,407. The remaining £427,584 related to the novation of part of the three secured lenders' debts to the Purchaser and so has not been received in cash.

£296,916 was received upon completion, with the balance of £275,500 deferred over five monthly payments. The Joint Administrators have now received all of the deferred consideration.

Licences to occupy were also granted to the Purchaser regarding a number of sites previously occupied by the Company. The licenses are now terminated, and the Purchaser has paid the required licence fees for its periods of occupation. The Purchaser has also covered the legal costs in relation to the licences to occupy and the surrender of a number of leases.

The landlords of those sites not required by the Purchaser were advised that the Company (in Administration) no longer had any beneficial interest in the associated sites.

Cash at bank

The Joint Administrators have realised cash at bank in the sum of £176,128, as well as receipts of £58,280 relating to sales made in the pre-appointment period but received post-appointment.

In the period, £30 has also been realised in respect of bank interest.

Sales receipts belonging to the Purchaser continued to be paid into the Company's pre-appointment bank account for some months, and were subsequently reconciled and remitted to the Purchaser.

Debtors

Book debts of £54,250 have been realised by the Joint Administrators in the previous period. There is a further book debt to realise of £5,108 which is being pursued.

Other assets

In the period, £526 was received in respect of funds held by the Company's former solicitors and £100 compensation was received from the Company's banker due to a delay in setting up the Administration bank accounts.

Additional Realisations

A number of realisations have been, or are expected to be achieved, that were not anticipated at the time of the approval of the Joint Administrators' current fee basis (fixed fee):

- **Rent deposits**

In the period, significant work has been ongoing to assist the Purchaser and landlords with either assigning leases, or surrendering them. As part of this process, rent deposit recoveries have been secured in relation to the Company's former Croydon and London Wall sites. These total £46,299.10. The leases have also been surrendered, mitigating the potential landlord claims against the Company.

- **Business Rates Refunds**

Avison Young have been instructed to pursue potential business rates recoveries on behalf of the Company. Their review is ongoing, but to date £73,985.14 has been recovered.

It is anticipated that there may be further recoveries although no quantum is available at this time.

- **Interchange claim**

It has been widely publicised that many retailers are pursuing claims in relation to multilateral interchange fees previously charged by Visa and Mastercard.

In the period we have established that there is a potential interchange fee claim in favour of the Company that is able to be pursued. The most cost-effective way of pursuing the claim has been to assign it to a third party who will be paid a percentage of any realisations.

It is not possible to estimate at this stage what sum might eventually be realisable.

Investigations

All investigative matters have previously been reported.

Statutory and case management matters

The following work does not usually result in a financial return to creditors but is required by legislation, best practice and to ensure that the case is managed efficiently and effectively. Work done in the period included:

- ongoing consideration of ethical and anti-money laundering regulations;
- ongoing consideration of insurance of assets and cancelling as assets are sold;
- ongoing correspondence with third party advisors;
- collecting and scheduling of books and records;
- periodic case reviews, ongoing case planning and strategy;
- maintaining and updating computerised case management records;
- maintenance of cashiering records and preparation of receipts and payments accounts;
- filing of statutory documentation at Companies House and Court, and with other relevant parties;
- general taxation matters;
- dealing with routine correspondence not attributable to other categories of work;
- preparing, reviewing and issuing reports to creditors and other parties;
- general administrative matters in relation to closing the case;
- dealing with pension schemes, liaising with the PPF / Pensions Regulator / Trustees.

Receipts and payments

A summary of receipts and payments is attached. Receipts and payments are shown net of VAT, with any amount due to or from HM Revenue and Customs shown separately.

OUTSTANDING MATTERS

Assets remaining to be realised

The following assets remain to be realised. Details of the work still required and the anticipated costs are set out in the 'Conduct of the Administration' section above, and below.

As detailed above, the Joint Administrators are pursuing the remaining book debts.

| Nature of asset | Book value (£) | Estimated to realise (£) | Estimated future costs (£) |
|------------------------|----------------|--------------------------|----------------------------|
| Book Debts | 5,108.10 | 5,108.10 | 500.00 |
| Business Rates Refunds | N/A | TBC | 25% of realisation |
| Interchange Claim | N/A | TBC | Nil (Claim assigned) |

Other outstanding matters

Distributions to unsecured creditors are anticipated to be paid once the Administration has exited via a Creditors Voluntary Liquidation.

Work is ongoing in relation to agreement of claims to allow for a dividend as set out in the Creditors' Claims and Dividend Prospects section below.

End of the Administration

The Joint Administrators will bring the Administration to a close by Creditors' Voluntary Liquidation. Gordon Thomson and Matthew Haw of RSM Restructuring Advisory LLP, 25 Farringdon Street, London, EC4A 4AB will be appointed as Joint Liquidators of the Creditors' Voluntary Liquidation.

CREDITORS' CLAIMS AND DIVIDEND PROSPECTS

Dividend prospects and payment

| | Owed (£'000) | Paid to date (£'000) | Estimated future prospects |
|---|-----------------|--|---|
| Secured creditor – Tom Spathis | 549 | 349 | Payment in full with a portion novated to purchaser |
| Secured creditor – Chris Moore | 404 | 204 | Payment in full with a portion novated to purchaser |
| Secured creditor – Sue Houghton | 27 | Nil | Debt novated to the purchaser |
| Preferential creditors | Nil | Nil | N/A |
| Unsecured creditors | 8,566 | Nil | Not known |
| Estimated Net Property | 377 | This is subject to the costs of the Administration | |
| Estimated 'Prescribed Part' available for creditors | 68 | | |

Prescribed Part

The 'Prescribed Part' is a statutory amount set aside for unsecured creditors from funds ('Net Property') available to a Qualifying Floating Charge Holder ('QFCH'). The amount of Net Property is calculated on a sliding scale up to maximum £800,000 depending on when the floating charge was created and whether or not it is a first ranking floating charge.

The amounts available under the Net Property and Prescribed Part, if any, are detailed above.

This will be paid to unsecured creditors in the Creditors Voluntary Liquidation.

Agreement of claims

Creditors' claims are usually only agreed if there is a likelihood of a dividend being made to that particular class of creditor.

As set out above, a dividend was paid to secured creditors. Consequently, during the Administration work was undertaken adjudicating and agreeing the secured claims and liaising with the secured creditors. A dividend will be paid in the Creditors Voluntary Liquidation to unsecured creditors and therefore no work has been done as yet to agree preferential and unsecured claims, other than that necessary for the purposes of admitting claims for voting, where applicable.

Dividend payments

Dividends have been paid in accordance with the table above, including amounts paid to the secured creditors in accordance with their charges. No further dividend will be paid in the Administration.

The likelihood and payment of any future dividends in the liquidation will be a matter for the subsequently appointed Liquidator.

Creditor communication

The following work was done in the period to comply with legislation, best practice and to ensure creditors were kept informed. It was also necessary to enable a dividend to be paid or due to be paid in the subsequent liquidation.

- Preparation and issue of progress reports to various parties, including creditors.
- Maintenance of schedules of unsecured creditors' claims.
- Dealing with correspondence and telephone calls.
- Liaising with, and reporting to, the secured creditors.

Creditors only derive an indirect financial return from this work on cases where a dividend has been, or will be, paid.

JOINT ADMINISTRATORS' FEES, COSTS AND EXPENSES

Guide to Administrators' fees and expenses

A Guide to Administrator's fees, which provides information for creditors in relation to the fees and expenses of an Administrator, can be accessed at <https://rsmuk.ips-docs.com> under 'general information for creditors'. A hard copy can be requested from this office by telephone, email or in writing. All fees, costs and expenses are subject to VAT.

Relevant Approving Body

The unsecured creditors were the Relevant Approving Body responsible for approving the Joint Administrators' post appointment fee basis and, where applicable, 'Category 2' expenses and any outstanding pre-Administration costs.

Pre-appointment fees, costs and expenses

Creditors approved the Joint Administrators' outstanding pre-appointment fees of £31,436 plus VAT on a time cost basis on 8 February 2021. These fees have been drawn.

The Joint Administrators' pre-appointment expenses, which included £30,000 plus VAT of legal fees were also approved.

Post-appointment fees, costs and expenses

Basis of fees

Insolvency legislation allows an Administrator to charge fees on one of, or a combination of, the following bases:

- as a percentage of the value of the property the Liquidator has to deal with (percentage basis);
- to the time spent by the Liquidator or their staff on the administration of the case (time cost basis);
- as a set amount (fixed fee basis); or
- a combination of the above (mixed fee basis).

The Relevant Approving Body approved the Joint Administrators' fees on a fixed fee basis in the amount of £175,000.

Review of fee basis

Reasons for change in fee basis

The fixed fee was fair and reasonable based on the information available at the time. However, this did not take account of the additional work required in relation to the Additional Realisations set out in this report, or the associated benefit achieved for creditors.

The matters referred to above represent material and substantive changes to the circumstances taken into account when proposing the original fee basis.

The Joint Administrators are therefore seeking to change the basis on which their remuneration is calculated to a mixed fee basis as set out below. Please note this change will only apply in respect of future fees.

- The original fixed fee basis, fixed at £175,000 plus VAT, approved by creditors on 8 February 2021 and
- A new percentage basis being 25% of the Additional Realisations plus VAT, as set out in this report.

Costs to Closure

The Joint Administrators anticipate that additional costs to closure of £1,000 will be incurred in dealing with ongoing creditor queries, property matters and statutory tasks. The Joint Administrators propose to write these costs off in full.

Liquidation costs

The fee basis in the Administration will remain the same in the subsequent Liquidation, i.e. a mixed fee basis if approved. Further fee approval for the level of the fees in the Liquidation will be sought from the appropriate Relevant Approving Body in due course, once the Company is in Liquidation.

Remuneration charged and paid

Legislation requires that 'remuneration charged' is reported. Remuneration is charged when the work to which it relates is done. It does not mean the Joint Administrators' fees have been paid. Amounts paid are shown in the attached receipts and payments account.

During the period, the fees charged by the Joint Administrators, on the fixed basis set out above, totalled £175,000.

Expenses and professional costs

The total costs and expenses estimated to be incurred by the Joint Administrators are set out below together with details of those incurred in the period. Amounts incurred in the period may include estimates where actual invoices have not been received. Amounts paid to date are shown in the attached receipts and payments account. The quantum of costs and expenses is in line with the estimates previously provided to creditors.

Category 1 expenses These comprise external supplies of incidental services specifically identifiable to the insolvency estate. They do not require approval of the Relevant Approving Body prior to being paid.

| Type of expense | Total estimated (£) | Incurred in period (£) |
|--------------------------------------|---------------------|------------------------|
| Bank charges | 0.00 | 701.55 |
| Bond | 85.00 | 85.00 |
| Statutory advertising | 100.00 | 0.00 |
| Website fee | 8.00 | 0.00 |
| Books & records collection & storage | 300.00 | 0.00 |
| Pension Agents | 3,500.00 | 500.00 |
| Postage | 0.00 | 392.37 |
| Total | 3,993.00 | 1,665.81 |

Category 2 expenses

These are costs which are not capable of precise identification or calculation, or that may include an element of shared or allocated costs. Payments to outside parties that the Office Holder, firm, or any associate has an interest, are also treated as 'Category 2' expenses. These expenses require the specific approval of the Relevant Approving Body before being paid from the insolvency estate.

Approval for the payment of the 'Category 2' expenses, at the rates prevailing at the date they were incurred, was obtained from the Relevant Approving Body. Details of the current rates are set out below.

| Type of expense | Total estimated (£) | Incurred in period (£) |
|----------------------------------|---------------------|------------------------|
| Room hire (Location dependent) | 0.00 | 0.00 |
| Mileage (42.5p per mile) | 0.00 | 0.00 |
| Tracker reports (£10 per report) | 0.00 | 0.00 |
| Subsistence (£25 per night) | 0.00 | 0.00 |
| Total | 0.00 | 0.00 |

Other professional costs

The office holders retained the following advisers based on their experience and expertise. These costs are not subject to approval by the Relevant Approving Body. However, they are subject to review and approval by the Joint Administrators.

| Party | Nature of advice | Total estimated (£) | Incurred in period (£) |
|------------------|--|---------------------|------------------------|
| Locke Lord / WHL | Legal advice – assistance with licence to occupy issues and surrenders | 35,000.00 | 21,422.00* |
| GSC | Legal advice on validity of appointment | 3,000.00 | 3,000.00 |
| Total | | 38,000.00 | 24,422.00 |

*The balance of legal costs detailed on the Administrators' receipts and payments account has been paid for by the Purchaser.

Creditors' right to information and ability to challenge fees, costs and expenses

Creditors have a right to request further information about fees or expenses (other than pre-Administration costs) and to challenge such fees or expenses.

If you wish to make a request for further information it must be made in writing within 21 days of receipt of this report either by (i) any 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).

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 court that the fees charged, the basis fixed or expenses incurred by the Administrator are in all the circumstances excessive.

Any such challenge must be made no later than eight weeks after receipt of the report which first discloses the charging of fees or incurring of the expenses in question.



Gordon Thomson
RSM Restructuring Advisory LLP
Joint Administrator

Gordon Thomson and Matthew Haw are licensed to act as Insolvency Practitioners in the UK by the Institute of Chartered Accountants in England and Wales
Insolvency Practitioners are bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment

The affairs, business and property of the Company are being managed by the Joint Administrators who act as agents of the Company and without personal liability



A. STATUTORY INFORMATION

| Company information | | Administration information | |
|-------------------------|---|----------------------------|---|
| Company name: | Mucho Mas Limited | Court reference | In the High Court of Justice, Business and Property Courts of England and Wales No 3485 of 2020 |
| Company number: | 05944758 | Joint Administrators: | Gordon Thomson and Matthew Haw |
| Date of incorporation: | 25 September 2006 | Date of appointment: | 27 August 2020 |
| Trading name: | Chilango | Appointor | The Directors of the Company |
| Trading address: | <div><ul style="list-style-type: none">– 24 Brewer Street London W1F 0SN– Unit 2, 30-36 Brushfield Street, London E1 6AT– 76 Chancery Lane, London WC2A 1AA– Boxes R53, R54, R55, R67 and R57, Boxpark, Croydon– 142 Fleet Street, London, EC4A 2BP– 27 Upper Street, London, N1– 12 Leather Lane, London, EC1– 64 London Wall, London EC2M 5TP– Unit 3, 44 Oxford Street, Manchester– Unit 1A, 18 King William Street, London, EC4N 7BP– 90 Tooley Street, London, SE146A Gresham Street, London, EC2V 7AT</div> | Joint Administrators: | <div><div>Primary office holder Gordon Thomson RSM Restructuring Advisory LLP 25 Farringdon Street, London, EC4A 4AB 020 3201 8000 IP Number: 24974</div><div>Joint office holder Matthew Haw RSM Restructuring Advisory LLP 25 Farringdon Street, London, EC4A 4AB 0203 201 8000 IP Number: 9627</div></div> |
| Principal activity: | Restaurants and mobile food service activities | | |
| Registered office: | RSM Restructuring Advisory LLP 25 Farringdon Street, London, EC4A 4AB Chilango Head Office, 27 Upper Street, London, N1 0PN | | |
| Previous company names: | N/A | | |

B. RECEIPTS AND PAYMENTS SUMMARY

| Statement of Affairs | | From 27/02/2021 To 25/08/2021 | From 27/08/2020 To 25/08/2021 |
|---|---------------------|----------------------------------|----------------------------------|
| £ | £ | £ | |
| SECURED ASSETS | | | |
| Bank Interest | 8.17 | 10.39 | |
| 402,407.00 Goodwill | 0.00 | 402,407.00 | |
| 1.00 Intellectual Property Rights | 0.00 | 1.00 | |
| | | 8.17 | 402,418.39 |
| COSTS OF REALISATION | | | |
| Bank charges fixed | 0.00 | 12.00 | |
| Legal Fees / Disbursements | 14,870.82 | 14,870.82 | |
| Office Holders Fees | 100,000.00 | 100,000.00 | |
| | (114,870.82) | (114,882.82) | |
| SECURED CREDITORS | | | |
| Charge holder (1) | 0.00 | 181,309.60 | |
| Charge holder (2) | 0.00 | 106,221.98 | |
| | 0.00 | (287,531.58) | |
| ASSET REALISATIONS | | | |
| Bank Interest Gross | 7.35 | 31.34 | |
| Book Debts | 0.00 | 54,249.92 | |
| 1.00 Business contracts | 0.00 | 1.00 | |
| Cash at Bank | 0.00 | 234,408.06 | |
| Client account funds held by solicitors | 0.00 | 526.00 | |
| Compensation from Bank | 0.00 | 100.00 | |
| 148,000.00 Fixtures & Fittings | 0.00 | 148,000.00 | |
| Funds to cover bank charges | 0.00 | 3.00 | |
| Locke Lord Islington Costs | 0.00 | 7,554.50 | |
| Locke Lord LTO Costs | 0.00 | 7,154.00 | |
| Locke Lord Surrender | 2,000.00 | 8,000.00 | |
| 6.00 Properties | 0.00 | 6.00 | |
| Purchaser Licence Fee Contributions | 0.00 | 80,569.03 | |
| Purchaser Post-App Cash At Bank | 0.00 | 427,667.60 | |
| Rates refunds | 73,985.14 | 73,985.14 | |
| Rent deposit | 36,649.97 | 46,299.10 | |
| 1.00 Sellers' Records | 0.00 | 1.00 | |
| 22,000.00 Stock | 0.00 | 22,000.00 | |
| WHL Islington Costs | 0.00 | 5,838.00 | |
| | 112,642.46 | 1,116,393.69 | |
| COST OF REALISATIONS | | | |
| Bank Charges | 20.22 | 708.29 | |
| Legal Fees - GSC Solicitors | 0.00 | 3,000.00 | |
| Licence To Occupy Costs | 10,526.43 | 79,832.12 | |
| Locke Lord Islington Legal Fees | 7,554.50 | 7,554.50 | |
| Locke Lord Legal Fees LTO | (8,430.00) | 7,154.00 | |
| Locke Lord Surrender Fees | 4,090.00 | 4,090.00 | |
| Office Holders Expenses | 481.97 | 481.97 | |
| Office Holders Fees | 75,000.00 | 75,000.00 | |
| Pension agent fees | 0.00 | 500.00 | |
| Post-App Cash At Bank Paid To Porch | 0.00 | 427,667.60 | |
| Pre-appointment Legal Costs | (14,870.82) | 14,873.18 | |
| Pre-appointment Legal Disbursements | 0.00 | 256.00 | |
| Pre-appointment office holder fees | 31,436.00 | 31,436.00 | |
| Rates agents fees | 18,000.00 | 18,000.00 | |
| Service Charge | 0.00 | (9.00) | |
| WHL Fees | 0.00 | 5,838.00 | |
| | (123,808.30) | (676,382.66) | |
| FLOATING CHARGE CREDITORS | | | |
| Floating Charge Creditor | 135,713.75 | 265,713.75 | |
| | (135,713.75) | (265,713.75) | |
| 572,416.00 | (261,742.24) | 174,301.27 | |
| REPRESENTED BY | | | |
| Bank 1 Current | | 11,873.12 | |
| RBS Fixed account | | 115,493.37 | |
| VAT Receivable/Payable | | 46,934.78 | |
| | | 174,301.27 | |

C. NOTICE SEEKING DECISION

IN THE IN THE HIGH COURT OF JUSTICE, BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES NO
3485 OF 2020

Mucho Mas Limited In Administration

Company No: 05944758

Gordon Thomson and Matthew Haw appointed as Joint Administrators to the above Company on 27 August 2020

Date Notice delivered to the creditors on: 26 August 2021

Decision date: 13 September 2021

Notice seeking decision by a Qualifying Decision Procedure pursuant to Section 246ZE of the Insolvency Act 1986

The Joint Administrators are seeking a decision of the creditors by correspondence. The decisions on the following matters will be deemed to have been made at 23.59 hours on the decision date unless the threshold for requisitioning a physical meeting is met or exceeded within the requisite time scale.

Decisions sought:

- That the Joint Administrators' fee basis shall be changed to a mixed basis as set out in their report dated 26 August 2021, as follows:
 - The original fixed fee basis, fixed at £175,000 plus VAT, approved by creditors on 8 February 2021 and
 - A new percentage basis being 25% of the Additional Realisations plus VAT, as set out in the Joint Administrators' report dated 26 August 2021
- that a creditors' committee will not be appointed.

Voting

A voting form is attached, detailing the matters which require your decision, which should be completed and returned to me on or before the decision date.

Please note that, in order to be able to vote you must have submitted a proof of debt form on or before the decision date, and that proof of debt must be have been admitted for the purposes of entitlement to vote.

Opted out creditors

CREDITORS who have OPTED OUT from receiving notices may nevertheless vote if the creditor provides a proof of debt and voting form in accordance with the above provisions.

Small debts

CREDITORS whose debts are treated as a SMALL DEBT in accordance with Rule 14.31(1) of the Insolvency (England and Wales) Rules 2016 must still deliver a proof of debt if they wish to vote. Rule 14.31(1) states that office holders may treat a debt, which is a small debt according to the accounting records or the statement of affairs of the company, as if it were proved for the purposes of paying a dividend. Small debts are defined in Rule 14.1(3) as a debt (being the total amount owed to a creditor) which does not exceed £1,000.

Request for physical meeting

Creditors may request that a physical meeting of creditors be held to consider the proposed decision. Any such request must be made, in writing, to the address below, on or before **2 September 2021**. Any such request must be accompanied by a completed proof of debt form.

A physical meeting will be held if requisitioned by either 10% in value of the company's creditors, or 10% in number of the company's creditors or 10 of the company's creditors (collectively 'the requisition threshold'). If the threshold is met or exceeded, the proposed decision procedure will be terminated (and the proposed decisions will not be deemed to have been made and a physical meeting of creditors will then be held).

A creditor who disagrees with the manner in which they are treated in relation to the above decision procedure may appeal to the Court within 21 days of the decision date.

Manager contact details:

Jamie Wilson

RSM Restructuring Advisory LLP, 25 Farringdon Street, London, EC4A 4AB

Tel: 0203 201 8000

Email: mucho.restructuring@rsmuk.com

Name, address and contact details of Joint Administrators**Primary office holder**

Gordon Thomson

RSM Restructuring Advisory LLP

25 Farringdon Street, London, EC4A 4AB

Tel: 020 3201 8000

Email: mucho.restructuring@rsmuk.com

IP Number: 24974

Date of appointment: 27 August 2020

Joint office holder

Matthew Haw

RSM Restructuring Advisory LLP

25 Farringdon Street, London, EC4A 4AB

Tel: 0203 201 8000

Email: mucho.restructuring@rsmuk.com

IP Number: 9627

Date of appointment: 27 August 2020

Signed



Dated: 26 August 2021

Joint Administrator

NOTE: Please complete the enclosed proof of debt and return it together with a detailed statement of your account and any other relevant documentation to Jamie Wilson, at the address above

D. VOTING PAPER

Mucho Mas Limited In Administration

Company No: 05944758

Decision date: 13 September 2021

Voting Paper

If you wish your vote to be counted please ensure you return this form, duly completed together with a proof of debt (if one has not already been submitted) and a detailed statement of your claim on or before the decision date stated above.

Voting instructions for decisions

- | | |
|--|----------------|
| 1. That the Joint Administrators' fee basis shall be changed to a mixed basis as set out in their report dated 26 August 2021, as follows: | For / Against* |
| a. The original fixed fee basis, fixed at £175,000 plus VAT, approved by creditors on 8 February 2021 and | |
| b. A new percentage basis being 25% of the Additional Realisations plus VAT, as set out in the Joint Administrators' report dated 26 August 2021 | |
| | |
| 2. That a creditors' committee will not be appointed. | For / Against* |

I confirm that I am / I am not a connected party or associate of the company as defined by Sections 249 and 435 of the Insolvency Act 1986.

Name of creditor _____

Address of creditor _____

_____ Date: _____

BLOCK LETTERS _____

Position of signatory in
relation to creditor, if not
the creditor _____

E. PROOF OF DEBT

Rule 14.4. of the Insolvency (England and Wales) Rules 2016

PROOF OF DEBT

| | | |
|--|---|-----------|
| Mucho Mas Limited In Administration Company No: 05944758 Gordon Thomson and Matthew Haw were appointed as Joint Administrators to the above company on 27 August 2020 | | |
| Relevant date for creditors' claims: | | |
| 1 | Name of creditor If a company please also give company registration number | |
| 2 | Address of creditor for correspondence. | |
| 3 | Total amount of claim, including any Value Added Tax and outstanding uncapitalised interest as at the relevant date. Less any payments made after that date in relation to the claim, any deduction in respect of discounts and any adjustment by way of mutual dealings and set off in accordance with relevant legislation | £ |
| 4 | Details of any documents by reference to which the debt can be substantiated. There is no need to attach them now, but you should retain them safely as the may ask you at a future date to produce any document or other evidence which is considered necessary to substantiate the whole or any part of the claim, as may the chairman or convenor of any qualifying decision procedure. | |
| 5 | If amount in 3 above includes outstanding uncapitalised interest please state amount. | £ |
| 6 | Particulars of how and when debt incurred If you need more space append a continuation sheet to this form | |
| 7 | Particulars of any security held, the value of the security, and the date it was given. | £ Date |
| 8 | Particulars of any reservation of title claimed in respect of goods supplied to which the claim relates. | |
| | Signature of creditor or person authorised to act on his behalf | |
| | Name in BLOCK LETTERS | |
| | Date | |
| | Position with or in relation to creditor | |
| | Address of person signing (if different from 2 above) | |

Notes: 1. This form can be authenticated for submission by email, to mucho.restructuring@rsmuk.com, by entering your name in block capitals and sending the form as an attachment from an email address which clearly identifies you or has been previously notified to the office holder. If completing on behalf of a company, please state your relationship to the company.

F. INVITATION TO FORM A COMMITTEE

Rule 3.39 of the Insolvency (England and Wales) Rules 2016

In the In the High Court of Justice, Business and Property Courts of England and Wales No 3485 of 2020

Mucho Mas Limited In Administration
Company No: 05944758

Gordon Thomson and Matthew Haw appointed as Joint Administrators to the above company on 27 August 2020

Notice delivered to the creditors on: 26 August 2021

Notice to creditors inviting establishment of committee

Notice is hereby given that creditors are invited to decide whether a Creditors' committee ('committee') should be established, provided that there are no fewer than three and no more than five creditors wishing to be represented on the committee. Nominations are invited for membership of any committee so established, such nominations to be received at 25 Farringdon Street, London, EC4A 4AB no later than 13 September 2021. Nominations will only be accepted from creditors who have submitted a proof of debt which is not fully secured and has neither been disallowed for voting purposes nor wholly rejected for dividend purposes.

Please note that, in order for a committee to be formed, there must be at least three creditors wishing to be represented on the committee. There can be no more than five committee members.

Guidance on acting as a committee member can be found at the R3 website, www.R3.org.uk. A hard copy can be requested by telephone, email or in writing to this office.

You may also wish to note that R3 have also produced guidance on the different insolvency processes, which can again be located at their website.

Enclosed with this notice are a proof of debt form and a consent to act, both of which should be completed and returned to the above address by the date given above in order for your nomination to the committee to be considered further. If you have already submitted a proof of debt form you do not need to do so again.

Name, address & contact details of Joint Administrators

Primary Office Holder

Gordon Thomson
RSM Restructuring Advisory LLP
25 Farringdon Street, London, EC4A 4AB
Tel: 020 3201 8000
Email: mucho.restructuring@rsmuk.com
IP Number: 24974

Joint Office Holder:

Matthew Haw
RSM Restructuring Advisory LLP
25 Farringdon Street, London, EC4A 4AB
Tel: 020 3201 8000
Email: mucho.restructuring@rsmuk.com
IP Number: 9627

Dated: 26 August 2021



Gordon Thomson
RSM Restructuring Advisory LLP
Joint Administrator

NOTE: Please complete the enclosed proof of debt form and consent to act form and return them, to Jamie Wilson, RSM Restructuring Advisory LLP 25 Farringdon Street, London, EC4A 4AB.