

WU02

Notice of order of appointment of provisional liquidator in a winding-up by the court



Companies House

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

1	Company details	
Company number	1 0 8 6 6 4 7 2	→ Filling in this form Please complete in typescript or in bold black capitals.
Company name in full	ECOMMODITIES PLC	
2	Name of person or body or court making the appointment	
Name	High Court Of Justice	
3	Provisional liquidator's name	
Full forename(s)	Catherine Elizabeth	
Surname	Hudson	
4	Provisional liquidator's address	
Building name/number	Insolvency Service	
Street	Official Receiver's Office	
	PO Box 16664	
Post town	BIRMINGHAM	
County/Region		
Postcode	B 2 2 J Q	
Country		
5	Provisional liquidator's email address or telephone number	
Email address	PIU.OR@insolvency.gov.uk	You must give an email address or telephone number. All information on this form will appear on the public record.
Telephone number		

WU02

Notice of order of appointment of provisional liquidator in a winding-up by the court

6	Provisional liquidator's name	
Full forename(s)		
Surname		
	Other liquidator Use this section to tell us about another liquidator.	
7	Provisional liquidator's address	
Building name/number		
Street		
Post town		
County/Region		
Postcode	<div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> </div>	
Country		
8	Provisional liquidator's email address or telephone number	
Email address		
Telephone number		
	You must give an email address or telephone number. All information on this form will appear on the public record.	
9	Date of appointment of provisional liquidator(s)	
Date	<div> <div>^d</div> <div>1</div> <div>^d</div> <div>0</div> <div>^m</div> <div>1</div> <div>^m</div> <div>2</div> <div>^y</div> <div>2</div> <div>^y</div> <div>0</div> <div>^y</div> <div>2</div> <div>^y</div> <div>0</div> </div>	
10	Date of court order	
Date	<div> <div>^d</div> <div>1</div> <div>^d</div> <div>0</div> <div>^m</div> <div>1</div> <div>^m</div> <div>2</div> <div>^y</div> <div>2</div> <div>^y</div> <div>0</div> <div>^y</div> <div>2</div> <div>^y</div> <div>0</div> </div>	
11	Court order	
	<input checked="" type="checkbox"/> I have attached a copy of the court order	
12	Sign and date	
Provisional liquidator's signature	Signature <div> <div>X</div> <div>pp MA</div> <div>X</div> </div>	
Signature date	<div> <div>^d</div> <div>0</div> <div>^d</div> <div>7</div> <div>^m</div> <div>0</div> <div>^m</div> <div>1</div> <div>^y</div> <div>2</div> <div>^y</div> <div>0</div> <div>^y</div> <div>2</div> <div>^y</div> <div>1</div> </div>	

ORDER OF APPOINTMENT OF PROVISIONAL LIQUIDATOR

CLAIM NUMBER: CR-2020-004463



CR-2020-004463

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
INSOLVENCY AND COMPANIES LIST (CHD)

BEFORE MR DAVID REES QC (SITTING AS A DEPUTY HIGH COURT JUDGE)

ON 10 DECEMBER 2020 (BY SKYPE FOR BUSINESS)

IN THE MATTER OF IN THE MATTER OF ECOMMODITIES PLC
(COMPANY NUMBER 10866472)

AND

IN THE MATTER OF THE INSOLVENCY ACT 1986

ORDER

UPON THE PETITION of the Secretary of State for Business, Energy and Industrial Strategy (the "**Petitioner**"), whose address for service is Gowling WLG, Two Snowhill, Queensway, Birmingham, B4 6WR, for the winding-up of eCommodities Plc (Company Number 10866472) (the "**Company**") pursuant to section 124A of the Insolvency Act 1986 presented on 7 December 2020 (the "**Petition**")

AND UPON THE APPLICATION of the Petitioner for the appointment of a provisional liquidator in respect of the Company pursuant to section 135 of the Insolvency Act 1986 by application notice dated 7 December 2020 (the "**Application**")

AND UPON HEARING Matthew Parfitt, Counsel for the Petitioner

AND UPON HEARING the Official Receiver in person

AND UPON READING the Petition, the witness statement of Mark George (Company Investigations Investigator) and the witness statement of David John Hill (Company Investigations Chief Investigator)

AND UPON the Court being satisfied that the EU Regulation does not apply

IT IS ORDERED that one of the Official Receivers attached to the Court is hereby appointed as Provisional Liquidator of the Company until the conclusion of the hearing of the Petition or further Order

AND IT IS ORDERED that the functions of the Provisional Liquidator extend, amongst other things, to the following acts, that is to say:

- 1 To enter and/or remain upon the Company's premises and for the avoidance of doubt, any other premises to which Company has a right to enter and/or remain. Where such premises are also residential, the Official Receiver shall have no power to enter or remain at such premises, save with the consent of the occupier or further order of the Court;
- 2 To take possession of, collect in and protect all the assets, property and/or things in action to which the Company is or appears to be entitled, including any third party or trust monies, or any assets in the possession of or under the control of the Company in this country or abroad, such assets not to be distributed or parted with until further Order except pursuant to the functions and powers hereby conferred;
- 3 To take possession of and secure the books and records of the Company, including the accounting and statutory records;
- 4 To protect the assets of the Company and any third party or trust monies or assets which are in the possession of or under the control of the Company;
- 5 To investigate the affairs of the Company, insofar as he considers it necessary (with a view to tracing and protecting the assets of the Company), to investigate any transactions entered into by the Company and/or any dispositions made by the Company which may have resulted in and/or involved the dissipation and/or reduction in value of all or any of the Company's assets or which in the event that a winding-up Order is made may be voidable and/or recoverable pursuant to the provisions of the Insolvency Act 1986;
- 6 Insofar as any part of the property or assets of the Company are held to be trust property then the Provisional Liquidator shall be entitled to apply to the Court for directions as to the payment and retention of sums by way of remuneration, disbursements and expenses including his expenses in connection with his administration of the trusts affecting the property; and
- 7 Without prejudice to the generality of the foregoing, to continue or commence such action in this country or abroad for the protection and/or for the recovery of documents assets property and/or things in action as may be required and to seek such interlocutory relief therein as he shall think fit.

AND IT IS FURTHER ORDERED that the Provisional Liquidator is to have the following powers:

- (a) To be at liberty to take any and all steps to procure the closure of the Company's website (www.ecommodities.co.uk) (the "**Website**") and any other domain owned or controlled by the Company;

- (b) To be at liberty to publicise the appointment as Provisional Liquidator prior to the advertisement of Petition;
- (c) To be at liberty to bring or defend any action or other legal proceeding in the name and on behalf of the Company for the purposes of carrying out the functions specified in this Order;
- (d) To be at liberty to retain and pay or dismiss employees at his discretion;
- (e) To be at liberty to terminate, complete, compromise or perfect as advised any contracts or transactions relating to the business of the Company or involving transactions relating to assets of the Company including any clients and trust monies in the possession of or under the control of the Company;
- (f) To return to the payor any monies received after the date of this Order from members of the public for goods and services which in the opinion of the Provisional Liquidator the Company will be unable to provide;
- (g) Without prejudice to the generality of the foregoing, to sell in the ordinary course of the Company's business any of the Company's trading stock by public auction or private contract with power to transfer the whole of it to any person or to sell the same in parcels;
- (h) To do all acts and execute, in the name and on behalf of the Company, all deeds, receipts and other documents and for that purpose to use when necessary the Company's seals;
- (i) To engage all such solicitors, other agents and specialists as may be necessary to assist him in the carrying out of his functions and the exercise of his powers under this Order;
- (j) Without prejudice to the generality of the foregoing, to take control of any existing bank accounts of the Company and where appropriate freeze or retain and operate those bank accounts as the Provisional Liquidator directs and to open and operate new accounts with liberty to pay therefrom any necessary expenses incurred on behalf of the Company in the carrying out of his functions and the exercise of his powers under this Order, any balance exceeding immediate requirements to earn interest with such banks on deposit accounts;
- (k) To redirect the Company's electronic mail accounts and continue to operate, close, redirect, or otherwise to control the Company's sites on the Internet, World Wide Web or other electronic media or systems as may be necessary;
- (l) To take possession of and/or to remove all property assets and/or records including any electronic data storage and/or communication media to which the Company is or appears to be entitled and to make such forensic copies of the information stored thereon as may be necessary for the purposes of carrying out his functions;

- (m) To do all such other things as may be necessary for taking into his custody or under his control all the property and things in action to which the Company is or appears to be entitled and/or for the purposes of carrying out any of his functions under this Order.

AND IT IS FURTHER ORDERED that the Petitioner's and the Provisional Liquidator's costs of the Application be reserved to the hearing of the Petition.

AND IT IS FURTHER ORDERED that the Provisional Liquidator do have general liberty to apply for such further directions or Orders as may in his opinion be necessary or appropriate.

AND IT IS FURTHER ORDERED that the authority of the officers of the Company to control its property affairs and management be suspended and that responsibility for the Company's property affairs and management pass to the Provisional Liquidator with immediate effect save that the officers have liberty to apply to vary this order on 48 hours' written notice and in connection therewith to apply to use the funds of the Company in respect of such application to set aside and vary.

NOTICE TO THE OFFICERS OF THE COMPANY

You are required by Section 235 of the Insolvency Act 1986 to give the Provisional Liquidator all information as he may reasonably require relating to the Company's property and affairs and to attend upon him at such times as he may reasonably require.

Dated: 10 December 2020

The Solicitors for the Petitioner

Gowling WLG (UK) LLP, Two Snowhill, Birmingham, B4 6WR (Ref: 2704760/DDG/TJW)