



CR-2021-002159

**IN THE HIGH COURT OF JUSTICE**

**THE BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES**

**INSOLVENCY AND COMPANIES LIST (Ch D)**

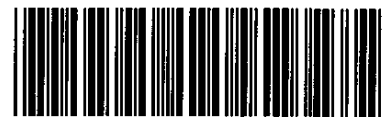
**BEFORE: INSOLVENCY AND COMPANIES COURT JUDGE BARBER**

**DATE: 23 OCTOBER 2023**

**IN THE MATTER OF VARITI MANAGEMENT SERVICES LIMITED**

**AND IN THE MATTER OF THE COMPANIES ACT 2006**

MONDAY



\*RCEQELMP\*  
RP 23/10/2023 #217  
COMPANIES HOUSE

**Between:**

- (1) KONSTANTIN KAMENETSKIY
- (2) STANISLAV LOZHKIN
- (3) ANTON BARABANOV
- (4) VLADIMIR SOTNIKOV
- (5) SERGEY KONONENKO
- (6) SERGEY NAZIROV

**Applicants**

**-and-**

- (1) VITALI ZOLOTAREV
- (2) OLEG LEKSUNIN
- (3) YURI SHULKIN
- (4) ROMAN FILATOV
- (5) THE REGISTRAR OF COMPANIES
- (6) VARITI MANAGEMENT SERVICES LIMITED

**Respondents**

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**ORDER**

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**UPON** the Applicants' Claim by CPR Part 8 Claim Form dated 19 November 2021 for declaratory relief and an order under s 1096(1) of the Companies Act 2006 ("**CA 2006**") that the Fifth Respondent, the Registrar of Companies (the "**Registrar**"), remove documents from the register of companies in respect of the Sixth Respondent, Variti Management Services Limited (company number 11366250) (the "**Company**") (the "**Claim**")

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

**AND UPON** hearing Chantelle Staynings, Counsel for the Applicants and Natalia Perova, Counsel for the First to Fourth Respondents, the Registrar and the Company neither being present nor represented, at a trial of the Claim on 28 to 29 June and 30 August 2023

**AND UPON** judgment in the Claim having been handed down at a remote hearing by MS Teams on 23 October 2023

**AND UPON** hearing Chantelle Staynings, Counsel for the Applicants and Gateley Legal for the First to Fourth Respondents (Counsel for the First to Fourth Respondents not being present), and the Registrar and the Company neither being present nor represented, at the remote hearing on 23 October 2023

**AND UPON** it appearing that the Registrar has provided a letter of non-objection in respect of the application for an order pursuant to s 1096 CA 2006 on the relevant terms set out herein

**AND UPON** the Court being satisfied that the presence of the document referred to at paragraph 4(4) of this order (Form AD01 registered on 19 January 2021: Change of Registered Office Address) has caused, or may cause, damage to the Company, and that the Company's interest in removing the material outweighs any interest of other persons in the material continuing to appear on the register

**IT IS HEREBY DECLARED THAT:**

1. written resolutions of the members of the Company sent by email by Vitali Zolotarev to Konstantin Kamenetskiy timed at 09.05 on 19 January 2021 providing for the appointment of Roman Filatov and Iurii Shulkin as additional directors and imposing a limit of 3 on the number of directors (the **"Written Resolutions"**) are void and of no legal effect;
2. the Third and Fourth Respondents, Messrs Roman Yurevich Filatov and Iurii Shulkin, were never appointed as directors of the Company and have no authority to deliver documents to the Registrar or take any other actions in the name of, or on behalf of, the Company;
3. the First Applicant, Mr Konstantin Kamenetskiy, has at all times since 19 January 2021 held, and continues to hold, office as the sole director of the Company;
4. for the purposes of s 1096(1) CA 2006, the documents listed below, which appear on the register maintained by the Registrar in respect of the Company, were/are: (i) derived from the invalid Written Resolutions, (ii) filed by Messrs Filatov and/or Shulkin without the authority of the Company, and/or (iii) factually inaccurate:

- (1) Form AP01 registered on 19 January 2021 (Appointment of Director in respect of purported appointment of Mr Iurii Shulkin as the Company's director);
- (2) Form AP01 registered on 19 January 2021 (Appointment of Director in respect of purported appointment of Mr Roman Yurevich Filatov as the Company's director);
- (3) Form CH01 registered on 19 January 2021 (Change of Particulars for Director in respect of the change of Mr Roman Yurevich Filatov's service address);
- (4) Form AD01 registered on 19 January 2021 (Change of Registered Office Address in respect of the change of the Company's registered office address to Upcross House, Upcross Gardens, Flat 32, Reading RG1 6PN);
- (5) Form PSC08 registered on 28 May 2021 (Notification of Person with significant Control (PSC) statement);
- (6) Form PSC09 registered on 28 May 2021 (Withdrawal of Person with Significant Control (PSC) statement);
- (7) Form PSC01 registered on 1 June 2021 (received for filing in electronic format on 28 May 2021) (Notice of Individual Person with Significant Control in respect of Mr Vitalii Zolotarev);
- (8) Form CS01 registered on 1 June 2021 (Confirmation Statement);
- (9) Form RP04 registered on 19 July 2021 (received for filing in electronic format on 16 July 2021) (Second Filing of a Previously Filed Document accompanied by form SH01 received for filing in electronic format on 16 July 2021 (Return of Allotment of Shares));
- (10) The Company's Unaudited Accounts (Accounts for a dormant company) made up to 31 May 2020 (registered on 23 July 2021);
- (11) Form TM02 registered on 26 July 2021 (Termination of Appointment of Secretary or Corporate Secretary in respect of termination of appointment of the Company's secretary Law Firm UK Ltd);

(12) Form PSC08 registered on 18 August 2021 (Notification of Person with Significant Control (PSC) statement); and

(13) Form TM01 registered on 1 October 2021 (Termination of a Director Appointment in respect of purported termination of Mr Konstantin Kamenetskiy's appointment).

5. at all times from 26 April 2019, the Company's registered office has been situated at 33 Kings Road, Reading, RG1 3AR

6. members of the Company hold the number of shares set out in the table immediately below.

Name	Number of Ordinary Shares	Percentage
Mr Zolotarev	2,169,614	38.8
Mr Lozhkin	1,811,185	32.4
Mr Leksunin	377,396	6.7
Mr Barabanov	142,407	2.5
Mr Kamenetskiy	239,454	4.3
Mr Kononenko	314,199	5.6
Mr Nazirov	92,408	1.7
Mr Sotnikov	445,881	8.0
<b>TOTAL</b>	<b>5,592,544</b>	<b>100</b>

**AND IT IS ORDERED THAT:**

1. Pursuant to s 1096(1) CA 2006, following receipt of a sealed copy of this Order the Registrar remove from the Company's record on the register of companies the documents referred to at paragraphs 4(1) to (13) inclusive of the declaration above.

2. A further hearing of the Claim be listed for a remote hearing by MS Teams on the first available date on or after 30 October 2023 with a time estimate of 30 minutes for the purposes of considering the issue of costs, any oral application for permission to appeal from this order (if any) and any other consequential directions as necessary.
3. The time limit under CPR 52.12 for the First to Fourth Respondents to file any appellant's notice seeking permission to appeal against this order shall be extended to 21 days from the hearing referred to in Paragraph 2 above.

This Order be served by the Applicants on the First to Fourth Respondents and the Registrar

The court has provided a sealed copy of this order to the serving party: **Withers LLP**, 20 Old Bailey, London EC4M 7AN [ref TBM/LN92495.0001]