

WU07

Notice of progress report in a winding-up by the court



Companies House

SATURDAY



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23/09/2017

#416

COMPANIES HOUSE

1 Company details

Company number	0	7	3	8	8	4	3	3
Company name in full	M H Carbon Limited							

→ **Filling in this form**
Please complete in typescript or in bold black capitals.

2 Liquidator's name

Full forename(s)	David A
Surname	Ingram

3 Liquidator's address

Building name/number	30 Finsbury Square
Street	
Post town	London
County/Region	
Postcode	E C 2 P 2 Y U
Country	

--

4 Liquidator's name

Full forename(s)	
Surname	

① **Other liquidator**
Use this section to tell us about another liquidator.

5 Liquidator's address

Building name/number	
Street	
Post town	
County/Region	
Postcode	
Country	

② **Other liquidator**
Use this section to tell us about another liquidator.

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6 Period of progress report

From date	^d 1	^d 4	^m 0	^m 8	^y 2	^y 0	^y 1	^y 6	
To date	^d 1	^d 3	^m 0	^m 8	^y 2	^y 0	^y 1	^y 7	

7 Progress report

<input checked="" type="checkbox"/> The progress report is attached	
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8 Sign and date

Liquidator's signature	Signature X <i>Liam W. J. ...</i>	X							
Signature date	^d 2	^d 2	^m 0	^m 9	^y 2	^y 0	^y 1	^y 7	

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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 Jenna K Warburton

Company name Grant Thornton UK LLP

Address 30 Finsbury Square

Post town London

County/Region

Postcode EC2P 2YU

Country

DX

Telephone Tel/Fax



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 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

Our Ref M02511/DAI/IDM/DRO/LKG/7

To the creditors and members

Recovery and Reorganisation

Grant Thornton UK LLP
30 Finsbury Square
London EC2P 2YU

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F +44 (0)20 7184 4308
grantthornton.co.uk

22 September 2017

Dear Sirs

M H Carbon Limited - In Liquidation (the Company)
High Court of Justice No 8749 of 2013

1 Introduction

1.1 Following my appointment as Liquidator of the above company on 14 August 2014, in accordance with Part 18 of the Insolvency (England and Wales) Rules 2016 I now report on the progress of the liquidation for the year ended 13 August 2017 and attach:

- Appendix A, an account of our receipts and payments for the year ended 13 August 2017 and also for the whole liquidation to that date;
- Appendix B, a statement of the remuneration charged by the Liquidator in the period 14 August 2016 to 13 August 2017 and a statement of expenses incurred in the period
- Appendix C, an analysis of time costs as required by Statement of Insolvency Practice 9
- Appendix D, an extract from the Insolvency (England and Wales) Rules 2016 relating to creditors' rights to request additional information from the liquidator (rule 18.9)
- Appendix E, an extract from the Insolvency (England and Wales) Rules 2016 relating to creditors' rights to challenge the liquidator's remuneration or expenses if excessive (rule 18.34).

1.2 I am licensed by the Insolvency Practitioners Association and I am bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment.

2 Statutory information

The company's registered number is 07388433.

3 Progress report

3.1 As advised in my previous report to creditors, the Company was wound up by the Court in the public interest as part of a petition with 14 other connected companies.

3.2 I am the Liquidator of four of the connected companies. Nedim Ailyan of Griffins (previously Abbott Fielding Limited) and James Dowers of DDJ Limited have been appointed as liquidators of the remaining companies.

Chartered Accountants

Grant Thornton UK LLP is a limited liability partnership registered in England and Wales: No. OC307742. 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 grantthornton.co.uk for further details.

Carbon Credits

- 3.3 As previously reported, the Company sold Voluntary Emissions Reduction Carbon Credits (VERs) to members of the public as investments. The VERs sold by the Company were held on trust for investors in the VER registries by MH Carbon Nominees Limited (MHCN). As such the Company does not hold any VERs in its name.
- 3.4 The joint liquidators of MHCN filed a Witness Statement in Court seeking directions for how to proceed with the sale of a portfolio of carbon credits. The directions hearing is scheduled to take place during October 2017.
- 3.5 It should be noted that this is a test case including only carbon credits held at the APX Registry, so the process will not include all investors. Those investors included have been contacted directly by the joint liquidators' legal advisors, Gowlings. Any payments made to investors in respect of the sale of the VERs will be paid directly by Gowlings and not via the Company's liquidation estate. Gowlings are acting on a Conditional Fee Arrangement basis and will only draw remuneration on the event that realisations are made.
- 3.6 Please note that Gowlings will not request any payment from the investors in exchange for selling the VERs and any approaches made by third parties requesting such, should be treated with caution.

Directors

- 3.7 As explained in my previous report, I had interviewed the director Mr Gavin Manerowski and was arranging a meeting with director Mr Jeffrey Razaq, but Mr Razaq had postponed that meeting. Since my last report, I have met and interviewed Mr Razaq and am conducting further investigations as appropriate.

Other Investigations

- 3.8 My previous report stated that I had conducted an analysis of the Company's banking records, which brought rise to further investigations. These investigations have so far not brought rise to any realisations, but my investigations continue.

4 Creditors

- 4.1 There are no preferential creditors in this matter.
- 4.2 I have received unsecured claims totalling £4,282,576.
- 4.3 Currently, there are insufficient funds available for a distribution to be made to creditors.

5 Liquidator's remuneration and expenses

- 5.1 On 9 October 2014, the creditors resolved that I draw my remuneration by reference to my time costs with an uplift of 35% plus VAT. You will note from the SIP 9 table attached at Appendix C that my total time costs to 13 August 2017 are £83,225 and from the receipts and payments account attached at Appendix A, that I have not drawn any fees. Time costs of £22,533 incurred in the period but not drawn as remuneration to date are disclosed in Appendix B.

5.2 Time is charged in units of 6 minutes. Background information regarding the fees of liquidators can be found at [https://www.r3.org.uk/media/documents/publications/professional/Guide to Liquidators Fees - April 2017.pdf](https://www.r3.org.uk/media/documents/publications/professional/Guide%20to%20Liquidators%20Fees%20-%20April%202017.pdf). Alternatively, I will supply this information by post on request free of charge.

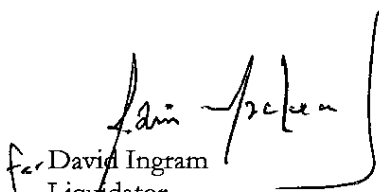
5.3 The hourly charge out rates used in calculating time costs for the current and prior period are as follows:

	Appointment - 30/06/16 £	01/07/16 - Present £
Partner / Directors	470 - 615	370 - 615
Managers	290 - 470	290 - 470
Other senior professional	240 - 305	195 - 305
Administrators	160 - 230	160 - 230
Assistants and support staff	150 - 175	160 - 175

5.4 In addition, we have incurred expenses of £442.61 as set out in Appendix B. To date these expenses have not been paid.

5.5 Should you have any queries regarding the contents of this report, please contact Jenna Warburton on 0161 953 6477 or email jenna.k.warburton@uk.gt.com.

Yours faithfully
for and on behalf of M H Carbon Limited


for David Ingram
Liquidator

Enc

M H Carbon Limited - in liquidation
 Summary of receipts and payments
 from 14 August 2014 to 13 August 2017

Statement of Affairs Per OR £	From 14/08/2014 to 13/08/2016 £	From 14/08/2016 to 13/08/2017 £	Total £
Receipts			
Bank/ISA InterestGross	0.00	0.09	0.09
	0.00	0.09	0.09
Payments			
O.R. Disbursements	14.47	0.00	14.47
O.R. Remuneration	1,235.00	0.00	1,235.00
ISA Account Fees	176.00	88.00	264.00
DTI Cheque Fees	0.00	0.15	0.15
Professional Fees	0.00	297.00	297.00
Tax on Interest	0.00	0.02	0.02
Vat Receivable	0.00	59.40	59.40
	1,425.47	444.57	1,870.04
Net Receipts/(Payments)	(1,425.47)	(444.48)	(1,869.95)
Made up as follows			
ISA	(1,425.47)	(88.00)	(1,513.47)
ISA Treasury Bills	0.00	0.07	0.07
GT Loan Account	0.00	(356.55)	(356.55)
	(1,425.47)	(444.48)	(1,869.95)

Note:

B Remuneration charged and expenses incurred by the Liquidator in the period

	Charged/incurred in period 14/08/2016 to 13/08/2017	Cumulative charged/incurred to 13/08/2017	Of which paid to 13/08/2017
	£	£	£
Liquidator's fees:	22,533.25	83,225.27	-
Time costs (excluding uplift)			
Liquidator's Expenses:			
Bond: JLT	-	10.00	-
Land Registry	33.00	132.00	-
Storage costs	-	124.11	-
Courier	38.21	63.07	-
Statutory Advertising	-	101.52	-
Postage	-	1,746.00	-
Professional searches	15.00	15.00	-
Professional fees	156.40	156.40	-
Total	22,775.86	85,573.37	-

Note:

Please be aware expenses which have been incurred to date have been paid by funds from Grant Thornton UK LLP and are yet to be paid from the liquidation estate.

M H Carbon - in Liquidation
SIP9 Analysis: 14 August 2016 to 13 August 2017

Appendix C

SIP 9 WIP ANALYSIS	Partner Hrs	Manager Hrs	Senior Professional Hrs	Admin / Support Hrs	Total Hrs	Total £	Average Hourly £
Administration and Planning	0.00	5.75	6.20	13.55	25.50	5,505.50	£ 215.90
Investigations	0.00	16.10	7.85	8.60	32.55	8,243.00	£ 253.24
Creditors	0.00	3.30	11.90	31.40	46.60	8,723.75	£ 187.20
Taxation	0.00	0.10	0.00	0.10	0.20	61.00	£ 305.00
Total	0.00	25.25	25.95	53.65	104.85	22,533.25	£ 214.91

Balance brought forward (14 August 2014 to 13 August 2016)

255.57 60,692.02
360.42 83,225.27

Grand Total

Administration & Planning Includes: case planning; statutory obligations (e.g statutory returns); maintenance of cash and estate records; general correspondence.

Investigations Includes: Investigation into Company's affairs and assets that may have been held prior to Liquidation

Creditors Includes: correspondence with unsecured creditors.

Taxation Includes: dealing with tax correspondence; coordinating with tax team.

D An extract from the Insolvency (England and Wales) Rules 2016 relating to creditors' rights to request additional information from the liquidator

Rule 18.9

- (1) The following may make a written request to the office-holder for further information about remuneration (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report or account under rule 18.14 -
 - (a) a secured creditor;
 - (b) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);
 - (c) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company;
 - (d) any unsecured creditor with the permission of the court; or
 - (e) any member of the company in a members' voluntary winding up with the permission of the court.
- (2) A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report or account by the person, or by the last of them in the case of an application by more than one member or creditor.
- (3) The office holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by-
 - (a) providing all of the information requested;
 - (b) providing some of the information requested;
 - (c) declining to provide the information requested.
- (4) The office-holder may respond by providing only some of the information requested or decline to provide the information if-
 - (a) the time or cost of preparation of the information would be excessive; or
 - (b) disclosure of the information would be prejudicial to the conduct of the proceedings;
 - (c) disclosure of the information might reasonably be expected to lead to violence against any person; or
 - (d) the office-holder is subject to an obligation of confidentiality in relation to the information.
- (5) An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.
- (6) A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of -

- (a) the office holder giving reasons for not providing all of the information requested; or
 - (b) the expiry of the 14 days within which an office-holder must respond to the request.
- (7) The court may make such order as it thinks just on an application under paragraph (6).

E An extract from the Insolvency (England and Wales) Rules 2016 to creditors' rights to challenge the liquidator's remuneration or expenses if excessive

Rule 18.34

- (1) This rule applies to an application in an administration, a winding up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that:
 - (a) the remuneration charged by the office-holder is in all the circumstances excessive;
 - (b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or
 - (c) the expenses incurred by the office-holder are in all the circumstances excessive.
- (2) The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable:
 - (a) a secured creditor;
 - (b) an unsecured creditor with either:
 - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
 - (ii) the permission of the court, or
 - (c) in a members' voluntary winding up:
 - (i) members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or
 - (ii) a member of the company with the permission of the court.
- (3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3 or final report or account under rule 18.14 which first reports the charging of remuneration or the incurring of the expenses in question ("the relevant report").