

LIQ03

Notice of progress report in voluntary winding up



Companies House

THURSDAY



A75709RV

A16

03/05/2018

#80

COMPANIES HOUSE

1 Company details

Company number 0 7 0 0 4 4 1 3

Company name in full USMANIYAH LIMITED

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

2 Liquidator's name

Full forename(s) Phillip

Surname Roberts

3 Liquidator's address

Building name/number Sterling Ford

Street Centurion Court

Post town 83 Camp Road

County/Region St. Albans

Postcode A L 1 5 J N

Country

4 Liquidator's name ①

Full forename(s)

Surname

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

5 Liquidator's address ②

Building name/number

Street

Post town

County/Region

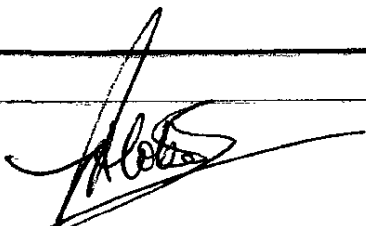
Postcode

Country

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

LIQ03

Notice of progress report in voluntary winding up

6	Period of progress report											
From date	d	0	2	m	0	3	y	2	0	1	7	
To date	d	0	1	m	0	3	y	2	0	1	8	
7	Progress report											
<input type="checkbox"/> The progress report is attached												
8	Sign and date											
Liquidator's signature	Signature											
												X
Signature date	d	0	9	m	0	3	y	2	0	1	8	

LIQ03

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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	Fedai Eren
Company name	STERLING FORD
Address	Sterling Ford Centurion Court
Post town	83 Camp Road
County/Region	St. Albans
Postcode	A L 1 5 J N
Country	
DX	
Telephone	01727 811 161

**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**

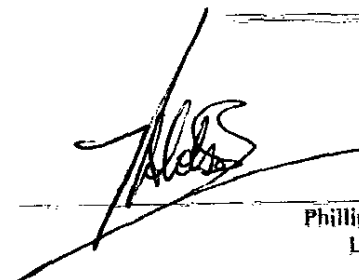
For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

USMANIYAH LIMITED
(In Liquidation)
Liquidator's Summary of Receipts & Payments

Statement of Affairs £		From 02/03/2017 To 01/03/2018 £	From 02/03/2017 To 01/03/2018 £
	ASSET REALISATIONS		
800.00	Fixtures & Fittings	NIL	NIL
400.00	Stock	NIL	NIL
		NIL	NIL
	UNSECURED CREDITORS		
(17,982.00)	Directors	NIL	NIL
(1,100.00)	H M Revenue & Customs - PAYE & NI	NIL	NIL
		NIL	NIL
	DISTRIBUTIONS		
(1.00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
(17,883.00)		NIL	NIL
	REPRESENTED BY		
			NIL

Note:


Phillip Roberts
Liquidator



Our ref: JPA/PAR/FE/180430-2796-1-Report
Your Ref:

30 April 2018

Centurion Chambers
Centurion Court
83 Camp Road
St Albans
Herts
AL1 5JN

Tel: 01727 811 161
Fax: 01727 858 716
www.sterlingford.co.uk
e-mail: office@sterlingford.co.uk

DX: 6172 St Albans

TO ALL MEMBERS AND KNOWN CREDITORS

Dear Sirs

**RE: USMANIYAH LIMITED T/AS CURRYZONE
IN CREDITORS' VOLUNTARY LIQUIDATION ("the Company")
Former Trading Address: 9 Wallace Ave, Worthing BN12 4AL.
Company Registration No: 07004413
Date of Liquidation: 2 March 2017**

Further to my report to creditors dated 7 March 2017, I am pleased to update creditors on the administration of this matter under Part 18 The Insolvency (England and Wales) Rules 2016 ("the Rules 2016"), by issuing this Progress Report for the first year of the liquidation, for the period 2 March 2017 to 1 March 2018. I would also advise members and creditors of any material matters that have arisen since the first anniversary of the liquidation, to the date of this report.

Accordingly, please find attached hereto the following: -

- a) Statutory Information
- b) **Abstract of the Liquidator's Receipts and Payments** – from which you will note that the balance in the estate account as at 30 April 2018 stood at £Nil.
- c) Opt-out form for creditors
- d) Registration form to receive communications electronically
- e) Notice of an Invitation to creditors to form a creditors' committee

PROGRESS REPORT

1. General / Background

I was appointed Liquidator of the Company on 2 March 2017 and this is my first progress report to the members and creditors of the Company, showing how the liquidation has been conducted so far.

Insolvency & Specialist Advisory Services Consultants & Intermediaries

Sterling Ford in association with Phillip A Roberts and Partners

Phillip A Roberts is authorised to act as an Insolvency Practitioner by the Insolvency Practitioners Association

Those acting in statutory insolvency appointments act as agents for those companies or individuals and without personal liability

Sterling Ford is the trading title of Sterling Ford Associates Limited Registered in England No. 09217576

Registered Office: Centurion Chambers, Centurion Court, 83 Camp Road, St Albans, Herts AL1 5JN

Head Office: St Albans By Appointment: London, East Grinstead & Milton Keynes

2. Realisation of Assets

2.1 Fixtures, Fittings and Equipment and Stock

In my report to creditors dated 7 March 2017, I advised creditors that in the director's Statement of Affairs, Fixtures, Fittings and Equipment and Stock with a [net] book value of £3,200 and £400 were estimated to realise £800 and £400 respectively. During the creditors' meeting the director expressed an interest in acquiring some or all of the Company's assets and it was agreed that the liquidator would be in touch with the director with regard to any offers he wished to make, once he had considered whether to obtain an independent valuation of the assets concerned.

Following my appointment, I have on numerous occasions chased the director and his accountant to reach agreement with me over the sale of these assets, but without response. I have also sent the director a pro-forma invoice, but payment in the sum of £1,200 in aggregate has still not been received. There also remains the matter of the goodwill, which must be worth at least 2% of turnover given that Mr Sikder has seamlessly continued to trade on albeit using a successor company, Original Curryland Limited, which company was incorporated on 9 June 2015. Assuming turnover of about £100,000, one would expect to receive at least £2,000 into the liquidation for goodwill. Whilst the former director continues to act as a director of a company using the prohibited name 'CurryZone', he may be personally liable for the debts of his new company under section 217 Insolvency Act 1986 and at the direction of the court, face criminal prosecution for this offence pursuant to section 218 Insolvency Act 1986. However, it may still be possible for the former director to avoid prosecution by acquiring the rights to the business undertaking properly, through me, as liquidator and giving notice to creditors as required.

3. Investigations

3.1 Company Directors Disqualification Act 1986 ("CDDA 1986")

The Liquidator is required by law to submit confidential reports to the Department for Business, Energy and Industrial Strategy's Disqualification Unit (BEIS) on the conduct of each person who acted as a director of the Company in the three year period before the liquidation. These have been completed and duly submitted.

3.2 Statement of Insolvency Practice 2 ("SIP2")

In accordance with SIP2 a liquidator is also required, inter alia, to investigate any prior (antecedent) transactions that he may be able to challenge for the purpose of obtaining a recovery for the benefit of the liquidation estate. I would advise members and creditors that my enquiries in this regard are ongoing. My enquiries in this matter have been hampered by the failure of the Company's director and accountant to deliver up the Company's records, which I have had to bring to the attention of the Insolvency Service and HMRC, as both departments have asked me about these records. I understand that the Company's former accountant may still be in possession of some of these records and if necessary, I shall enforce their delivery up in due course, by application to the Court under section 236 Insolvency Act 1986, if neither the Company's accountant nor its director comply in this regard, in the meantime.

My enquiries are presently focusing on two main areas, first - transactions with the former director/ in relation to his current/loan account, to ascertain whether he is a debtor or a creditor. Secondly, work to ascertain whether HMRC's assessments in respect of understated income and/or outputs are reasonable and fair in the circumstances. Subject to receiving cooperation from the Company's former accountant and its director, I would hope to agree these claims in due course, which may or may not require the director to contribute to the assets of the Company, for the purpose of the winding up.

4. Creditors' Claims

My records indicate that there were 2 creditors in this matter, but up to the anniversary on 1 March 2018, only HM Revenue and Customs has submitted a proof of debt with a claim of £23,378.67.

5. Dividend Prospects

There are no preferential creditors in this matter.

My enquiries into the Company's affairs are still ongoing and will update creditors in my next report with regard to their dividend prospects.

6. Pre-Appointment Costs

At the first meeting of creditors held on 2 March 2017, it was resolved that the fees of Sterling Ford for assisting the Director in convening the statutory meetings to place the Company into liquidation, and for their assistance in preparing the Statement of Affairs would be a set fee of £2,500 plus VAT and disbursements of £131 plus VAT. The meetings were advised that the sum paid of £2,631 plus VAT was paid by Mr Azim Sikder personally.

7. Liquidator's Remuneration & Expenses

7.1 Fixing of basis of remuneration

At the first creditors' meeting held on 2 March 2017, creditors approved that my remuneration be fixed on the basis of the time costs recorded by myself and my staff at the rates specified in Sterling Ford Policies Regarding Fees and Disbursements (1 January 2016 edition). Following the changes that came into force in the Rules 2016, Sterling Ford Policies Regarding Fees has been amended and a copy of the 1 June 2017 edition is enclosed.

I would advise you that my staff and I have in the first year of the liquidation incurred time costs for the period 2 March 2017 (date of appointment) to 1 March 2018, which amounted to £4,553.47 plus VAT and relate to 23.61 hours charged at an average rate of £192.86 per hour, which in accordance with Statement of Insolvency Practice 9, were approximately attributable to work performed on the following:-

Classification of work function	Hours			Total Hours	Time Cost £	Average hourly rate
	Partner / Office Holder	Manager	Assistants & Support Staff			
Administration and Planning						
Administration / Case Planning	0.20	0.50	1.85	2.55	355.25	139.81
Review/ Staff Briefing work to do		0.05		0.05	12.25	245.00
Realisations of Assets						
Enquiries into Assets/ Data Capture	2.75	1.00	8.90	12.65	1,948.95	154.07
Communication/ Correspondence with Mr Sikder re: Company Assets	0.67		1.23	1.89	341.21	180.38
Communication/ Correspondence with Accountant re: Company Assets inter alia	0.98	0.40		1.38	466.75	337.41
Communication/ Correspondence with HMRC	0.23		0.20	0.43	102.39	236.29
Communication/ Correspondence with HMRC re: VAT refund	0.10	0.60		0.70	194.50	277.86
Creditors						
-Communication with creditors (including 1 st Report)	0.10	0.65		0.75	197.12	262.30
Creditors Claims						
Case specific matters						
-Communication Correspondence The Insolvency Service re: Directors Conduct	2.10		0.75	2.85	853.35	299.42
-Communication Correspondence Lloyds Bank Plc	0.10	0.15	0.10	0.35	81.70	233.42
Total Hours	7.23	3.35	6.03	23.61		
Total fees claimed (£)				4,553.47		

I would advise creditors that against the time costs incurred in the sum of £4,553.47, the sum of £NIL has been drawn on account leaving a balance due of £4,553.47.

7.2 Estimated Future Costs

In accordance with Rule 18.16-4(b) The Insolvency (England and Wales) Rules 2016 and Statement of Insolvency Practice 9, I am required to provide you with an estimate of the level of my future remuneration which, at the first meeting was fixed on the basis of recorded time spent and also to provide an estimate of my future expenses.

7.2.1 Estimated Future Remuneration (Fee Estimate)

Work projected to be performed in second year of liquidation or to conclusion (if concluded before second anniversary) and the cost of that work is estimated as follows:-

Classification of work function	Notes	Hours			Total Hours	Time Cost £	Average hourly rate
		Partner	Manager	Assistants & Support Staff			
<u>Administration and Planning</u>	(1)	1.00	1.00		2.00	620.00	310.00
<u>Investigations / Realisations of Assets</u>	(2)	2.00	2.00		4.00	1,240.00	310.00
<u>Creditors - Including Report</u>	(3)	2.50	2.00		4.50	1,427.50	317.22
<u>Case specific matters</u>	(4)	1.00	1.00		2.00	620.00	310.00
Total Hours		8.00	10.00		10.00		
Total fees claimed (£)						3,907.50	

Notes: (1) Reviews and Liaising between the Liquidator and Staff, Compliance
 (2) Completing my SIP2 Investigations
 (3) Reporting to Creditors
 (4) Any other matters arising

I would state that in accordance with Rule 18.4(1) The Insolvency (England and Wales) Rules 2016 that the estimated time costs to be incurred for the second year/period to conclusion (if concluded before the second anniversary) is estimated to amount to £3,907.50.

7.3.2 Estimated Future Expenses

Such future expenses are likely to include photocopies, postage etc. if I am able to conclude the liquidation by 2 March 2019 and in total, are unlikely to exceed £50 plus VAT. Full details of such expenses incurred shall be provided in my next report.

8. Creditors' Guide to Fees and Statement of Creditors' Rights

Creditors have a right to request further information from the Liquidator and additionally have a right to challenge the Liquidator's remuneration and expenses - time limits apply. Details can be found and downloaded at https://www.r3.org.uk/media/documents/technical_library/SIPS/SIP_9_EW.pdf. Alternatively a copy is available free of charge upon request from the address above.

If a creditor requires further information about the remuneration or expenses reported on herein, they must request it in writing within 21 days of receipt of this report (Rules 18.4 Insolvency (England and Wales) Rules 2016). If creditors claim that the remuneration or other expenses are excessive then they (representing 10% in value of the creditors) may apply to court in accordance with Rule 18.34.

I would advise you that I am bound by the Insolvency Code of Ethics in relation to the work performed for each insolvency appointment I hold and would inform you that my firm's Complaints Handling Policy may be found at the following link <http://sterlingford.co.uk/complaints.html>.

Yours faithfully

PHILLIP A. ROBERTS
LIQUIDATOR

USMANIYAH LIMITED
STATUTORY AND GENERAL INFORMATION

Company No: 07004413

Incorporated: 29 August 2009

Registered Office: 46 Victoria Road
Worthing
West Sussex
BN11 1XE

Trading address: 9 Wallace Parade
Goring Road
Worthing
BN12 4AL

Principal Activities: 56103 - Take-away food shops and mobile food stands

		Appointed:
Director 1:	AZIM UDDIN SIKDER	1 JUNE 2012
Share Capital:	1 Ordinary Share	
Held by:	AZIM SIKDER	1 Share

USMANIYAH LIMITED
(In Liquidation)

Summary of Receipts & Payments
02 March 2017 to 01 March 2018

RECEIPTS

Total (£)

0.00

PAYMENTS

0.00

Balance In Hand

0.00

0.00

Note - VAT is not recoverable.