In accordance with Rule 18.8 of the Insolvency (England & Wales) Rules 2016.

WU07

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



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

1	Company details		
Company number	0 8 5 9 9 1 5 6	→ Filling in this form Please complete in typescript or in	
Company name in full	Nexus Capital Management Ltd	bold black capitals.	
2	Liquidator's name		
Full forename(s)	Martin C Armstrong FCCA FABRP		
Surname	FIPA		
3	Liquidator's address		
Building name/number	Allen House		
Street	1 Westmead Road		
Post town	Sutton		
County/Region	Surrey		
Postcode	SM1 4 LA		
Country			
4	Liquidator's name •		
Full forename(s)	Andrew	Other liquidator Use this section to tell us about	
Surname	Bailey	another liquidator.	
5	Liquidator's address 🛭		
Building name/number	Allen House	Other liquidator Use this section to tell us about	
Street	1 Westmead Road	another liquidator.	
Post town	Sutton		
County/Region	Surrey		
Postcode	SM14LA		
Country			

WU07 Notice of progress report in a winding-up by the court

6	Period of progress report						
From date	$\begin{bmatrix} 1 & 1 & \begin{bmatrix} 1 & 1 \end{bmatrix} & \begin{bmatrix} 1 & $						
To date	$\begin{bmatrix} 1 & 1 & 1 & 1 \end{bmatrix}$ $\begin{bmatrix} 1 & 1 $						
7	Progress report						
	☑ The progress report is attached						
8	8 Sign and date						
Liquidator's signature	Signature X						
Signature date							

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	Carisse Hollett
Company name	Turpin Barker Armstrong
Address	Allen House
	1 Westmead Road
Post town	Sutton
County/Region	Surrey
Postcode	S M 1 4 L A
Country	
DX	tba@turpinba.co.uk
Telephone	020 8661 7878

✓ 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.

Turther 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

JOINT LIQUIDATORS' PROGRESS REPORT TO CREDITORS AND MEMBERS FOR THE YEAR ENDING 20 February 2023

Nexus Capital Management Ltd ("the Company") – In Compulsory Liquidation In the HIGH COURT OF JUSTICE Number: 0276 of 2021

TABLE OF APPENDICES

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Appendix 6	Notice of Invitation to form a Creditors Committee
Appendix 7	Estimated of Expenses
Appendix 8	Proof of Debt
Appendix 9	Proxy

EXECUTIVE SUMMARY

Nexus Capital Management Ltd was incorporated on 5 July 2013.

Our duties and functions as Liquidators are the realisation of the Company assets, the agreement of the claims of creditors and the eventual distribution of the Company funds between the creditors in accordance with their legal entitlements.

A winding up order was made by the High Court of Justice on 20 October 2021, following a petition presented by Mr Thomasz Mlynarski, Ms Agnieszka Mlynarska-Wisniewska and Ms Teresa Rygula-Mlynarska on the 16 March 2021.

We were appointed as Joint Liquidator on 21 February 2022 by the Secretary of State.

More detail about the assets and liabilities of the Company and our proposed fees and expenses are set out in our report below.

The Official Receiver ("OR") issued a report to creditors, summarising the information listed below.

<u>Financial Position of the Company</u>

The assets and liabilities of the Company as provided by the Official Receiver are as follows: -

	£ Estimated to Realise
Assets	
Funds Loaned to Inter Company	0.00
Funds Loaned for Commodity Trading	0.00
Loan to Common World Holdings (USA)	0.00
Investment funds loaned to a Company	0.00
Total	0.00

STATUTORY INFORMATION

Company name: Nexus Capital Management Ltd

Registration number: 08599156

Registered Office: Allen House, 1 Westmead Road, Sutton, Surrey, SM1 4LA

Joint Liquidators' names: Martin C Armstrong FCCA FABRP FIPA and Andrew Bailey

Joint Liquidators' address: Allen House, 1 Westmead Road, Sutton, Surrey, SM1 4LA

Joint Liquidators' contact details: carisse.hollett@turpinba.co.uk and 020 8661 7878

Date of appointment: 21 February 2022

Actions of Joint Liquidators'

Any act required or authorised under any enactment to

be done by a Joint Liquidator may be done by either or both of the Joint Liquidators acting jointly or alone.

Court name and reference In the High Court of Justice

Number 0276 of 2021

JOINT LIQUIDATORS' ACTIONS SINCE THE APPOINTMENT OF THE JOINT LIQUIDATORS

Following our appointment, we sought to immediately identify the Company's assets and to secure the Company's books and records.

We have written to the banks, numerous creditors and third parties to gain information to assist us with our investigations to date. We also sought to interview the directors and other third parties with the assistance of the OR. These matters are ongoing, and we continue to engage with the various parties to assist with our enquiries.

There is certain work that we are required by the insolvency legislation to undertake in connection with the liquidation that provides no financial benefit for the creditors.

A description of the routine work undertaken since our appointment as Liquidator is contained in Appendix 1.

RECEIPTS AND PAYMENTS

My Receipts & Payments Account for the period from 21 February 2022 to 20 February 2023 is attached at Appendix 2.

All amounts are shown net of VAT.

We have reconciled the account against the financial records that we are required to maintain with the Insolvency Services Account operated by The Insolvency Service in respect of the Liquidation.

The balance of funds is held in an interest-bearing account at the Insolvency Services Account.

RECEIPTS

There have been no receipts during the reporting period.

PAYMENTS

OR Handover Balance

Following our appointment, the Official Receiver transferred a debit balance on the Insolvency Service Account of £9,400.

ISA Bank Charges

The Insolvency Service Account which is maintained by the Secretary of State charges quarterly banking fee payable on 1st January 1st April 1st October at a rate of £22.00. During the reporting period a sum of £88.00 was paid.

ASSETS

Book Debts

According to the Official Receivers Statement of Affairs, there are 4 debtors. Following information from the directors, book debts were estimated to realise approximately £350,000. Despite writing to the debtors, we have not made any realisation to date. We continue to pursue the debts owed and will update creditors in the next annual report.

INVESTIGATION INTO THE AFFAIRS OF THE COMPANY

We undertook an initial investigation into the Company's affairs to establish whether there were any potential asset recoveries or conduct matters that justified further investigation, taking account of the public interest, potential recoveries, the funds likely to be available to fund an investigation, and the costs involved. We are required by the Statements of Insolvency Practice to undertake such an initial investigation and the work detailed below has been undertaken in connection with that initial investigation.

We have engaged with The Official Receiver, the company's bankers and creditors, in addition to third parties to assist with our enquiries.

We identified a number of concerns that warranted further investigation and these matters are subject to continuing review.

Matters requiring further investigation that may lead to potential recovery actions have been identified, and the work outlined above was undertaken to further those investigations with a view to making recoveries for the benefit of the creditors.

JOINT LIQUIDATORS' REMUNERATION

On Appointment, as the Company did not have any known assets, we did not seek approval for our remuneration.

We delayed seeking approval for the basis of our fees in this case because we did not know enough about the Company and the complexity, or otherwise of the Liquidation.

For your information, our total time costs from 21 February 2022 to 20 February 2023 amount to £31,348 representing 100.50 hours of work at a blended charge out rate of £311.92 per hour.

A detailed schedule of our time costs incurred from appointment to 20 February 2023 is attached at Appendix 3.

Since we were appointed Liquidator, we have undertaken work as part of our routine administrative functions, or in order to realise the assets of the Company details of which are detailed within this report.

There are certain tasks that are required by statute or regulatory guidance or are necessary for the orderly conduct of the proceedings, and while they do not produce any direct benefit for creditors, they still have to be carried out. A description of such tasks I have undertaken since my appointment is set out at Appendix 1.

We attach a copy of our practice fee recovery policy at Appendix 4.

Virtual Meeting

I am seeking approval from creditors that our remuneration as Joint Liquidators is fixed on the following basis:

- That the Joint Liquidators' fees be charged as a fixed fee of £20,000 plus VAT for dealing with administration, creditors and investigations.
- That the Joint Liquidators' fees be approved on a 25% asset realisation basis for dealing with and making realisations.

Fixed Fee basis

We are seeking to be remunerated on a fixed fee basis in respect of the work of our staff and we have already undertaken in respect of the following categories of work.

Administration:

This represents the work that my staff and I have to undertake in respect of the routine administrative functions of the case, including preparing, reviewing and issuing statutory reports. It also includes my control and supervision of the work done by my staff on the case together with the supervisory functions of my managers.

Such work does not give direct financial benefit to the creditors, but we have to undertake it in order to meet our obligations under the insolvency legislation and the Statements of Insolvency Practice, which sets out the required practice that we must follow.

Creditors:

Claims of creditors – We need to maintain up to date records of the names and addresses of creditors, together with the amounts of their claims as part of my management of the case, and to ensure that we have accurate information about who to send notices and reports to. We will also have to deal with correspondence and queries received from creditors regarding their claims and dividend prospects as they are received. We are required to undertake this work as part of our statutory functions.

Investigations:

The insolvency legislation gives me powers to take recovery action in respect of what are known as antecedent transactions, where assets have been disposed of prior to the commencement of the insolvency procedure and also in respect of matters such as misfeasance and wrongful trading. We are required by the Statements of Insolvency Practice to undertake an initial investigation in all cases to determine whether there are potential recovery actions for the benefit of creditors.

We are required by the Statements of Insolvency Practice to undertake such an initial investigation and the work undertaken specifically, will be to recover Company's accounting records; bank statements and records from HMRC.

The majority of our time costs have been incurred in relation to our investigations which have been undertaken by the Joint Liquidators and senior members of our team due to the nature of the claims.

25% asset realisation

The insolvency legislation gives me powers to take recovery action in respect of what are known as antecedent transactions, and should any realisation of any company assets including recoveries with respect to the claims identified from our investigations be made we as Joint Liquidators are approved to take 25% asset realisation fee.

Attached at Appendix 5 is a Notice of Meeting of Creditors.

Attached at Appendix 9 is a Proxy Form to allow creditors to vote.

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at http://www.creditorinsolvencyguide.co.uk/.

Details about how an office holder's fees may be approved for each case type are available in a series of Guidance Notes issued with Statement of Insolvency Practice 9, and they can be accessed at https://www.turpinbainsolvency.co.uk/fees-and-links

There are different versions of these Guidance Notes, and in this case please refer to the most recent version.

Please note that we have also provided further information about an office holder's remuneration and expenses in our practice fee recovery sheet, which is enclosed at Appendix 4.

Creditors Committee

Creditors are also invited to determine whether to form a Creditors' Committee, and a notice of invitation to form a Creditors' Committee and further instructions are enclosed.

To enable the creditors to make an informed decision as to whether they wish to either seek to form a Committee, or to nominate themselves to serve on a Committee, further information about of the role of the Committee and what might be expected from its members has been prepared by R3 and can be found is available at the link https://www.r3.org.uk/technical-library/england-wales/technical-guidance/creditor-guides/more/29111/page/1/liquidation-creditors-committees-and-commissioners/

The Committee will be formed if sufficient creditors are willing to act. The minimum number of Committee members is three and the maximum is five. The Committee represents the interests of the creditors as a whole, rather than the interest of certain parties or individuals and it is a statutory function to assist the Liquidator to discharge their responsibilities.

If a committee is formed, it is for that body to approve:

- The basis of the Liquidators fees.
- The drawing of certain disbursements; and
- The Liquidators discharge from liability in respect of any actions taken during the Administration.

It should be noted that Committee members are not remunerated for their time other than receiving travel expenses.

Attached at Appendix 6 is a Notice of Invitation to form a Creditors Committee.

Please note that I must receive at least one vote by the decision date, or the decisions will not be made. I would therefore urge creditors to respond promptly.

Should any creditor or group of creditors wish to request a physical meeting of creditors, they must do so within 5 business days of the delivery of the notice that accompanies this letter. Such requests must be supported by proof of their debt, if not already lodged. I will convene a meeting if creditors requesting a meeting represent a minimum of 10% in value or 10% in number of creditors or simply 10 creditors, where "creditors" means "all creditors."

JOINT LIQUIDATORS' EXPENSES

Expenses are any payments from the estate which are neither an office holder's remuneration nor a distribution to a creditor or a member. Expenses also includes disbursements. Disbursements are payments which are first met by the office holder and then reimbursed to the office holder from the estate. Expenses are split into:

- category 1 expenses, which are payments to persons providing the service to which the expense relates who are not an associate of the office holder; and
- category 2 expenses, which are payments to associates or which have an element of shared costs. Before being paid category 2 expenses require approval in the same manner as an office holder's remuneration.

Category 1 expenses

We have incurred the following expenses in the period since our appointment as Liquidator:

Type of expense	Amount incurred/ accrued in the reporting period.
Bond	£44.00
Statutory Advertising	£90.80
HMLR	£6
Total	£140.80

The estimated expenses of the Liquidation are £30,088.75 as detailed in Appendix 7. We are seeking a decision from creditors approving category 2 disbursements.

I have used the following professional advisors in the reporting period:

Professional Advisor	Nature of Work	Basis of Fees
IMD Solicitors LLP	Solicitors	Time Costs

My choice of professional advisors was based on my perception of their experience and ability to perform this type of work and the complexity and nature of the assignment. I also confirmed that they hold appropriate regulatory authorisations. I have reviewed the fees they have charged and am satisfied that they are reasonable in the circumstances of this case and represents value for money.

IMD Solicitors LLP

IMD Solicitors LLP have been instructed to provide assisting us with our investigations. We have requested details of their costs to date but have not yet been provided with an amount. Creditors will be informed of their fees within in the annual report.

IMD Solicitors LLP is ranked by Chambers Europe, Chambers Global Guide and The Legal 500.

LIABILITIES

Secured Creditors

An examination of the Company's mortgage register held by the Registrar of Companies, showed that the Company has no current charges over its assets.

Preferential Creditors

We are not aware of any preferential creditors.

Crown Creditors

We have not received a claim from HMRC to date.

Non-preferential unsecured Creditors

The Official Receiver's report to creditors indicated that there were 7 non-preferential unsecured creditors with an estimated total liability of £183,647.54.

DIVIDEND PROSPECTS

On the basis of the realisations to date, together with estimated future realisations, it is not yet known whether there will be sufficient realisations to issue a dividend to creditors.

If you have not yet submitted a claim within the Liquidation, attached at Appendix 8 is a proof of debt form. Please complete the form and return it to Turpin Barker Armstrong, Allen House, 1 Westmead Road, Sutton, SM1 4LA.

FURTHER INFORMATION

An unsecured creditor may, with the permission of the Court, or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question), request further details of the Joint Liquidators' remuneration and expenses within 21 days of their receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the Court, or with the concurrence of 10% in value of the unsecured creditors (including the creditor in question), apply to Court to challenge the amount of remuneration charged by the Joint Liquidators as being excessive, and/or the basis of the Joint Liquidators' remuneration, and/or the amount of the expenses incurred as being excessive, within 8 weeks of their receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

To comply with the Provision of Services Regulations, some general information about Turpin Barker Armstrong can be found at https://www.turpinbainsolvency.co.uk/fees-and-links

SUMMARY

The Liquidation will remain open until our investigations have been fully resolved. We estimate that this will take approximately 12 months and once resolved the Liquidation will be finalised and our files will be closed.

If creditors have any queries regarding the conduct of the Liquidation, or if they want hard copies of any of the documents made available on-line, they should contact Carisse Hollett on 020 8661 7878, or by email at carisse.hollett@turpinba.co.uk.

Andrew Bailey
JOINT LIQUIDATOR

A description of the routine work undertaken since our appointment as Liquidator Appendix 1

Administration

This represents the work involved in the routine administrative functions of the case by the office holder and their staff, together with the control and supervision of the work done on the case by the office holder and their managers.

It does not give direct financial benefit to the creditors, but has to be undertaken by the office holder to meet their requirements under the insolvency legislation and the Statements of Insolvency Practice, which set out required practice that office holders must follow.

- Case planning devising an appropriate strategy for dealing with the case and giving instructions to the staff to undertake the work on the case.
- Setting up electronic case files
- Setting up the case on the practice's electronic case management system and entering data.
- Issuing the statutory notifications to creditors and other required on appointment as office holder, including gazetting the office holder's appointment.
- Obtaining a specific penalty bond.
- Convening and holding a decision procedure to approve the officeholder's remuneration.
- Supervising the work of advisors instructed on the case to assist in dealing with pension schemes; obtaining reports and updates from them on the work done; and checking the adequacy of the work done.
- Dealing with all routine correspondence and emails relating to the case.
- Opening, maintaining and managing the office holder's estate bank account.
- Creating, maintaining and managing the office holder's cashbook.
- Undertaking regular bank reconciliations of the bank account containing estate funds.
- Reviewing the adequacy of the specific penalty bond on a quarterly basis.
- Undertaking periodic reviews of the progress of the case.
- Overseeing and controlling the work done on the case by case administrators.
- Preparing, reviewing and issuing an annual progress report to creditors and members.
- Filing returns at Companies House.
- Preparing and filing VAT returns.
- Preparing and filing Corporation Tax returns.

Creditors

Claims of creditors - the office holder needs to maintain up to date records of the names and addresses of creditors, together with the amounts of their claims as part of the management of the case, and to ensure that notices and reports can be issued to the creditors. The office holder also needs to deal with correspondence and queries received from creditors regarding their claims and dividend prospects as they are received. The office holder is required to undertake this work as part of his statutory functions.

Dividends - the office holder has to undertake certain statutory formalities in order to enable him to pay a dividend to creditors. This include writing to all creditors who have not lodged proofs of debt and reviewing the claims and supporting documentation lodged by creditors

in order to formally agree their claims, which may involve requesting additional information and documentation from the creditors.

- Dealing with creditor correspondence, emails and telephone conversations regarding their claims.
- Maintaining up to date creditor information on the case management system.
- Issuing a notice of intended dividend and placing an appropriate gazette notice.
- Reviewing proofs of debt received from creditors, adjudicating on them and formally admitting them for the payment of a dividend.
- Requesting additional information from creditors in support of their proofs of debt in order to adjudicate on their claims.
- Calculating and paying a dividend to creditors, and issuing the notice of declaration of dividend.

Realisation of assets:

This represents the work involved in the protection and realisation of assets, which is undertaken directly for the benefit of creditors.

- Liaising with the bank regarding the closure of the account.
- Liaising with agents to assist with asset tracing.
- Instructing solicitors to assist in the realisation of assets.

Investigations:

The insolvency legislation gives the office holder powers to take recovery action in respect of what are known as antecedent transactions, where assets have been disposed of prior to the commencement of the insolvency procedure, and also in respect of matters such as misfeasance and wrongful trading. The office holder is required by the Statements of Insolvency Practice to undertake an initial investigation in all cases to determine whether there are potential recovery actions for the benefit of creditors.

- Recovering the books and records for the case.
- Listing the books and records recovered.
- Conducting an initial investigation with a view to identifying potential asset recoveries by seeking and obtaining information from relevant third parties, such as the bank, accountants, solicitors, etc.
- Reviewing books and records to identify any transactions or actions the office holder may take against a third party in order to recover funds for the benefit of creditors

Nexus Capital Management Ltd (In Liquidation) Joint Liquidators' Summary of Receipts and Payments

	Statement of affairs £	From 21/02/2022 To 20/02/2023 £	From 21/02/2022 To 20/02/2023 £
RECEIPTS			
Trade & Expense Creditors Directors	NIL NIL	0.00 0.00	0.00 0.00
	- -	0.00	0.00
PAYMENTS			
OR Handover Balance ISA Bank Charges		0.00 88.00	9,400.00 88.00
	-	88.00	9,488.00
BALANCE - 20 February 2023	- =	(88.00)	(9,488.00)
MADE UP AS FOLLOWS			
Insolvency Services		(88.00)	(9,488.00)
	- =	(88.00)	(9,488.00)

Note:

It should be noted that all figures stated in the Receipts and Payments Account are detailed net of VAT.

Andrew Bailey Joint Liquidator

Time Entry - Cumulative Detailed SIP9 Time & Cost Summary

XN0109 - Nexus Capital Management Ltd From: 21/02/2022 To: 20/02/2023 All Post Appointment Project Codes

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Avg Hourly Rate (£)	Hours Cum (POST Only)
402 : Cashiering	0.00	0.30	0.00	3.20	3.50	401.00	114.57	3.50
504 : Statutory Reporting to Creditors	0.20	1.10	0.00	1.60	2.90	578.00	199.31	2.90
600 : Administration	0.00	9.90	0.00	4.90	14.80	3,661.00	247.36	14.80
603 : Statutory filing	0.00	0.00	0.00	0.90	0.90	36.00	40.00	0.90
604 : Appointment notification	1.00	1.40	0.00	0.00	2.40	1,033.00	430.42	2.40
605 : Case review	4.60	2.60	0.00	0.60	7.80	3,119.00	399.87	7.80
606 : MLR/Ethics/Bribery checklists	0.70	0.00	0.00	3.00	3.70	520.50	140.68	3.70
611 : Maintenance of case files/records	0.00	0.00	0.00	2.30	2.30	92.00	40.00	2.30
700 : Formalities	0.00	0.00	0.50	0.00	0.50	155.00	310.00	0.50
Administration & Planning	6.50	15.30	0.50	16.50	38.80	9,595.50	247.31	38.80
601 : Case Specific 1	0.80	0.00	0.00	0.70	1.50	442.00	294.67	1.50
Case Specific Matters	0.80	0.00	0.00	0.70	1.50	442.00	294.67	1.50
501 : Unsecured Creditors 502 : Employee Matters	0.20 0.10	0.60 0.00	0.00 0.00	2.30 0.10	3.10 0.20	397.00 51.50	128.06 257.50	3.10 0.20
Creditors	0.30	0.60	0.00	2.40	3.30	448.50	135.91	3.30
203 : Investigations (other)	0.90	25.80	0.00	0.00	26.70	9,457.50	354.21	26.70
204 : Reviewing/listing books and records	0.00	0.00	0.00	0.70	0.70	28.00	40.00	0.70
05 : Bank statement analysis	0.00	0.00	0.00	4.80	4.80	192.00	40.00	4.80
nvestigations	0.90	25.80	0.00	5.50	32.20	9,677.50	300.54	32.20
202 : Pursuing Antecedent Transactions	22.10	0.00	0.00	0.60	22.70	10,521.50	463.50	22.70
303 : Book Debts/retentions	0.20	1.50	0.00	0.20	1.90	628.00	330.53	1.90
807 : Cash at bank	0.00	0.10	0.00	0.00	0.10	35.00	350.00	0.10
Realisation of Assets	22.30	1.60	0.00	0.80	24.70	11,184.50	452.81	24.70
Fotal Hours	30.80	43.30	0.50	25.90	100.50	31,348.00	311.92	100.50
Fotal Fees Claimed						0.00		

^{** -} Denotes codes included in cumulative data that are not present in the period.