

IN THE HIGH COURT OF JUSTICE

CASE NO: CR-2020-BHM-000366



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**BUSINESS AND PROPERTY COURTS IN BIRMINGHAM
INSOLVENCY AND COMPANIES LIST (ChD)**

**IN THE MATTER OF ACT GRANGE LIMITED (IN LIQUIDATION) & OTHERS
AND IN THE MATTER OF THE INSOLVENCY ACT 1986**

BETWEEN:

MR TONY MITCHELL

Applicant

and

MR PHILIP MICHAEL BALLARD

Respondent

ORDER

**Before District Judge Rich, sitting at Birmingham Civil Justice Centre,
Priory Court, 33 Bull Street, Birmingham, B4 6DS on 25 June 2020.**

UPON THE APPLICATION of the Applicant dated 24 June 2020

AND UPON READING the evidence

IT IS ORDERED:

1. That the Applicant has leave to make a composite application in respect of each of the cases listed in Schedule A to D (attached to this order) (together the 'Block Transfer Cases').
2. That the proceedings listed in Schedule A to D, in so far as there are currently proceedings in any County Court or any District Registry in England & Wales other than the Birmingham District Registry, be transferred to the Birmingham District Registry solely for the purpose of considering and, if thought fit, making the orders listed below.
3. That the Applicant does ensure that a sealed copy of every order transferring any case to this Court and of every order which may be made as a result of this application be lodged with the Court having jurisdiction over each case affected by such order for filing on the Court file to that case.
4. That the time for service of this application be abridged to permit the application to be heard at such time as this court shall think fit.
5. Pursuant to Section 108 of the Act and Rules 12.36, 12.37(1)(c) and 12.37(2)(c) of the Insolvency Rules 2016 ('Rules'), the Applicant, be removed from his office as sole liquidator of the companies identified in Schedule A, being in Creditors' Voluntary Liquidation;
6. Pursuant to Section 108 of the Act and Rules 12.36, 12.37(1)(d) and 12.37(3)(c) of the Rules, the Respondent be appointed as sole liquidator of the companies identified in Schedule A, being in Creditors' Voluntary Liquidation, where the Applicant was the sole liquidator;
7. Pursuant to Section 108 and Rules 12.36, 12.37(1)(c) and 12.37(2)(c) of the Rules, the Applicant be removed from his office as sole liquidator of the companies listed in Schedule B, being in Members' Voluntary Liquidation;
8. Pursuant to Section 108 of the Act and Rules 12.36, 12.37(1)(d) and 12.37(3)(c) of the Rules, the Respondent be appointed as sole liquidator of the companies identified in Schedule B, being in Member' Voluntary Liquidation, where the Applicant was the sole liquidator;
9. Pursuant to Section 168(3) of the Act and Rules 12.36 12.37(1)(c) and 12.37(2)(d) (winding up by the Court), the Applicant be removed as sole

liquidator of the companies identified in Schedule C, as being subject to a Compulsory Winding Up Order;

10. Pursuant to Section 168(3) of the Act and Rules 12.36, 12.37(1)(d) and 12.37(3)(d) (winding up by the Court), the Respondent be appointed as sole liquidator of the companies identified in Schedule C, as being subject to a Compulsory Winding Up Order;
11. Pursuant to Section 298 of the Act and Rules 12.36, 12.37 (1)(c) and 12.37(2)(f) of the Rules, the Applicant be removed from his office as trustee in bankruptcy of the individuals listed in Schedule D, being in bankruptcy;
12. Pursuant to Sections 298 and 303(2) of the Act and Rules 12.36, 12.37(1)(d) and 12.37(3)(f) of the Rules, the Respondent be appointed as trustee in bankruptcy of the individuals listed in Schedule D attached hereto;
13. The creditors in each of the Block Transfer Cases be notified of this order by one advertisement in the London Gazette relating to the Block Transfer Cases, within 14 days of the Applicant solicitors receiving a sealed order of this order. The creditors shall also be notified of the change in officeholder within the next progress report.
14. Any creditor, or, in the case of any members' voluntary liquidation, any member, in respect of any of the Block Transfer Cases, who has an objection to this order shall have 28 days from the date of the advertisement in the London Gazette, to apply to court to set aside or vary the terms of this order. Such application shall not affect the transfer of the Block Transfer Cases until further or other order by the court.
15. The Respondent shall give notice to the Secretary of State, the Registrar of Companies in respect of the Block Transfer Cases, of the terms of this order as soon as reasonably practicable.
16. The Applicant shall be at liberty to apply for his release as officeholder of each of the Block Transfer Cases, 28 days after the giving of notice to creditors in accordance with this order, save that such release may be subject to further order in the event of an application by any creditor or member under paragraph 14 of this order for the specific case subject to that application.

17.No order as to costs save for the costs of this application shall be paid as an expense of the Block Transfer Cases, so that the estate of each Block Transfer Case shall bear an equal share, or such other share as the Respondent may decide but with no estate having to bear an amount exceeding 10% of the value of the available funds in the estates as at the date of this Order.

18. This order has been made by the Court under CPR 23.9 as the court has disposed of an application without hearing and without service. Any party may apply to have this order set aside or varied within 7 days of the date of service of this order on that party.

Dated: 25 June 2020