



SARHAL ENTERPRISES LIMITED (IN LIQUIDATION)

Company number: 6395153

**Liquidators' First Report to Creditors and
Shareholders**



1. Introduction

Sarhal Enterprises Limited (In Liquidation) (“the Company”) was placed into liquidation by special resolution of the shareholders on the 23rd day of January 2020 at 2:00 pm. Kenneth Peter Brown and Paul Thomas Manning, both Chartered Accountants and Accredited Insolvency Practitioners of Tauranga, were appointed as Joint and Several Liquidators of the company.

In accordance with section 255 of the Act we report on the Company's affairs together with our proposals for conducting the liquidation.

2. Restrictions

This report is not intended for general circulation, nor is it to be reproduced or used for any purpose other than that outlined above without our written permission in each specific instance.

We do not assume any responsibility or liability for any losses occasioned to any party as a result of the circulation, publication, reproduction or use of this report contrary to the provisions of this paragraph.

We reserve the right (but will be under no obligation) to review this report and if we consider it necessary to revise the report in the light of any information existing at the date of this report which becomes known to us after that date.

3. Company information

Date of Incorporation:	16 August 2017	
Trading Address:	98 West Bank Road, Whakatane	
Type of business:	Kiwifruit contracting	
Date trading ceased:	November 2019	
Shareholders:	Balwinder Singh	Number of Shares: 100
Directors:	Balwinder Singh	

4. Background and reasons for liquidation

The Director of the company has advised the reason for the failure of the Company was due to reduced work affecting cash flow resulting in unpaid Inland Revenue Department amounts.

Attached as **Appendix 1** is the Declaration of Independence, Relevant Relationships and Indemnities.

5. Statement of affairs

Attached at **Appendix 2** is the Statement of Affairs of the Company. This statement has been prepared based upon financial statements of the Company as at the date of our appointment and as such may be subject to change.

In preparing the statement we have relied on information provided by the director of the Company. We have not carried out an audit of the information which has been provided, nor have we subjected the information provided to detailed verification procedures. While we believe the statement, based on the information provided to us, reasonably reflects the position of the Company, we cannot be held responsible for inaccuracies in the report arising from deficiencies in the information or explanations given to us.



6. Creditors

List of creditors

The only known creditors are:

ACC, PO Box 3248, Wellington

ASB, PO Box 35 Shortland Street, Auckland

Inland Revenue Department, PO Box 39010, Wellington

Unsecured creditor claims

We attach as **Appendix 3** our Public Notice which sets 2nd day of March 2020 as the day on or before which the creditors of the Company are to make their claims, and to establish any priority their claims may have under section 312 of the Act or to be excluded from the benefit of any distribution made before the debts are claimed or from objecting to the distribution.

Please complete the Unsecured Creditor's Claim form attached as **Appendix 4** and return to us at the following address or by fax or email:

The Liquidators
Sarhal Enterprises Limited (In Liquidation)
C/- BDO Tauranga Limited
PO Box 15660
TAURANGA 3144
Email: karen.ragg@bdo.co.nz
Fax: (07) 571 6281

It is too early to reliably estimate what funds, if any, will be available for preferential and unsecured creditors.

Secured creditors notice

Creditors claiming a security interest (including retention of title or other claims) in the Company's assets who:

- have not advised the Liquidators of their security interest; or
- have not received correspondence from the Liquidators concerning their security interest,

Should contact the Liquidators immediately and should not file a claim as an unsecured creditor unless they wish to surrender their charge to the Liquidators.

This report constitutes notice under section 305 (8) of the Act to any secured creditor receiving it that pursuant to section 305 (8) of the Act, you as a secured creditor of the Company are required to (unless you have already advised the Liquidators in writing of such an election or have already received such a notice) elect and notify the Liquidators in writing within 20 working days after receipt of this notice, which of the following powers they wish to exercise:

- a. Realise the property subject to your charge, if entitled to do so; or
- b. Value the property subject to your charge and claim in the liquidation as an unsecured creditor for the balance due, if any; or



- c. Surrender the charge to the Liquidators for the general benefit of creditors and claim in the liquidation as an unsecured creditor for the whole debt.

Pursuant to section 305(9) of the Act, if a creditor fails to notify the Liquidators in compliance with this notice within 20 working days they will be taken as having surrendered their charge to the Liquidators for the general benefit of creditors and they may then claim in the liquidation as an unsecured creditor for the whole debt.

Creditors meeting

In accordance with section 245 of the Act, for the reasons given in the formal notice attached at Appendix 5, we have dispensed with the meeting of creditors.

7. Proposals for conducting the liquidation

Any available assets will be realised and creditor claims called for. In addition, the Liquidators will review the Company's books and records to establish if there are any potentially voidable transactions, any potential shareholder current issues and ensure the Director has complied with his duties and obligations imposed on him under the Companies Act 1993.

The Liquidators will then seek to have the Company removed from the register.

8. Estimated date of completion

We anticipate the liquidation will be completed within the next six months.

9. Contact information

If you require any further information or if you have any information that will be of assistance to the Liquidators, please direct enquiries to:

Karen Ragg
Phone: 07 571 6280
Email: karen.ragg@bdo.co.nz

BDO Tauranga Limited
PO Box 15660
TAURANGA 3144

Level 1
525 Cameron Road
TAURANGA 3110

Dated this 30th day of January 2020

Kenneth Peter Brown
Joint Liquidator

Paul Thomas Manning
Joint Liquidator



APPENDICES

Appendix 1 -

Declaration of Independence, Relevant Relationships and Indemnities

SARHAL ENTERPRISES LIMITED
(IN LIQUIDATION) Reg. No: 6395153
("COMPANY")

This document requires the Practitioner/s appointed to an insolvent entity to make declarations as to:

- A. their independence generally;
- B. relationships, including
 - i the circumstances of the appointment;
 - ii any relationships with the Company and others within the previous 24 months;
 - iii any prior professional services for the Company within the previous 24 months;
 - iv that there are no other relationships to declare; and
- C. any indemnities given, or up-front payments made, to the Practitioner.

This declaration is made in respect of ourselves, our co-directors and BDO Tauranga Limited.

A. Independence

We, Kenneth Peter Brown and Paul Thomas Manning, of BDO Tauranga Limited have undertaken a proper assessment of the risks to our independence prior to accepting the appointment as Joint Liquidators of the Company in accordance with the law, RITANZ Code of Conduct and applicable professional standards. This assessment identified no real or potential risks to our independence. We have evaluated the significance of any real or potential risk to Independence and taken such action as is necessary to preserve the Practitioner's Independence. In all cases, we are not otherwise aware of any reasons that would prevent us from accepting this appointment.

B. Declaration of Relationships

i Circumstances of appointment

This appointment was referred to us by a client who knew the director and referred him to us. We met with the director and his son at our office on 16 January 2020 and advised him as to the options available to him having regard to the financial state of the Company.

We believe that this referral does not result in a conflict of interest or duty because:

- The company or director was unrelated to the client who referred him to us
- We had not heard of or had any involvement with the company or the director prior to him contacting us

We agreed to accept nomination as liquidators, but have provided no information or advice to the Company or its Directors prior to our appointment beyond that outlined in this DIRRI.

ii Relevant Relationships (excluding Professional Services to the Insolvent)

Other than disclosed herein, neither we, nor our firm, have, or have had within the preceding 24 months, any relationships with the Company, an associate of the Company, a former insolvency practitioner appointed to the Company or any person or entity that has security over on the whole or substantially whole of the Company's property.

There are no other prior professional or personal relationships that should be disclosed.

iii Prior Professional Services to the Insolvent

Neither we, nor our Firm, have provided any professional services to the Company in the previous 24 months, other than those outlined herein.

iv No other relevant relationships to disclose

There are no other known relevant relationships, including personal, business and professional relationships, from the previous 24 months with the Company, an associate of the Company, a former insolvency practitioner appointed to Sarhal Enterprises Limited or any person or entity that has a valid and enforceable security interest on the whole or substantially the whole of the Company's property that should be disclosed.

C. Indemnities and up-front payments

We have been provided with the following indemnities and upfront payments for remuneration for the conduct of this administration:

We received an upfront payment of \$500 on 22 January 2020, towards liquidator fees
We obtained a signed indemnity from the director to pay up to \$5,000 plus GST for fees, or lesser amount if that was what was incurred.

This does not include statutory indemnities.

Dated: 21/1/20


.....
KENNETH PETER BROWN


.....
PAUL THOMAS MANNING



NOTE:

If circumstances change, or new information is identified, the Practitioner must update this Declaration and provide a copy to creditors with our next communication

1. *As well as table a copy of any replacement declaration at the next meeting of the company's creditors.*
2. *Any relationships, indemnities or up-front payments disclosed in the DIRRI must not be such that the Practitioner is no longer independent. The purpose of components B and C of the DIRRI is to disclose relationships that, while they do not result in the Practitioner having a conflict of interest or duty, ensure that creditors are aware of those relationships and understand why the Practitioner nevertheless remains independent.*

Appendix 2 - Statement of affairs

Sarhal Enterprises Limited (In Liquidation)
Statement of Affairs as at the date of the appointment of the
Liquidators being 23 January 2019

	Estimated to realise \$
Assets	
ASB	0
Plant and Equipment	0
Debtors	0
	0
 Less Secured Creditors:	 0
	0
 Less Preferential Creditors - Note 1	
IRD - GST	186,149
IRD - PAYE / KSE / KSR	4,819
	190,968
 Deficit before unsecured creditors	 (190,968)
 Unsecured creditors:	
ACC	14,785
ASB	5,000
IRD - Income tax	4,819
Trade Creditors	0
	24,604
 Estimated deficit (subject to costs of Liquidation)	 (215,572)

Note 1 - No statement has yet been received from the IRD, so unsecured interest and penalties have not been excluded

Disclaimer

This statement should be read in conjunction with the disclaimer on page one of the above Liquidators report and BDO Tauranga Limited have not audited the report and they, their directors or employees accept no liability to any other party in relying on the information presented. The purpose of the report is to give creditors of the company an indication of the financial position of the company as at the date of the appointment of the Liquidators.



Appendix 3 - Public notice of appointment

SARHAL ENTERPRISES LIMITED (IN LIQUIDATION)
COMPANY NUMBER 6395153
("the Company")

NOTICE OF APPOINTMENT OF LIQUIDATORS
AND
NOTICE TO CREDITORS TO CLAIM

Pursuant to Section 255(2)(a) and
Liquidation Regulation 12 of the Companies Act 1993

Kenneth Peter Brown and Paul Thomas Manning, both Chartered Accountants and Accredited Insolvency Practitioners of Tauranga, were appointed joint and several liquidators of the Company by special resolution of the shareholders on 23 January 2020 at 2:00 pm

NOTICE is hereby given that as joint and several liquidators of the Company, we fix 2nd day of March 2020, as the day on or before which the creditors of the Company are to make their claims, and to establish any priority their claims may have under section 312 of the Companies Act 1993 or to be excluded from the benefit of any distribution made before the debts are claimed, or as the case may be, from objecting to the distribution.

Creditors and shareholders may direct enquiries during normal business hours to:

Karen Ragg

Postal Address BDO Tauranga Limited
 PO Box 15660
 Tauranga 3144

Telephone (07) 571 6280

Facsimile (07) 571 6281

Email karen.ragg@bdo.co.nz <http://www.bdo.co.nz/>

Dated this 30th day of January 2020

Kenneth Peter Brown
Joint Liquidator



Appendix 4

UNSECURED CREDITORS CLAIM FORM

Section 304(1) Companies Act 1993

NAME AND POSTAL ADDRESS OF CREDITOR IN FULL Principal Contact: E-mail Address: Telephone Number: My Reference is: (if applicable)	* Any personal information collected is for the purpose of administering the claims in accordance with the Companies Act 1993. The information will be used and retained by BDO Tauranga Limited and will be released to other parties only with your authorisation or in compliance with the Privacy Act 1993. Any claim by an unsecured creditor against a company in a liquidation must be in this prescribed form and must - (a) Contain full particulars of the claim; and (b) Identify any documents that evidence or substantiate the claim. You may have access to and request correction of any personal information. (* Not applicable if creditor is not an individual entity within the meaning of the Privacy Act 1993)
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NAME OF COMPANY: Sarhal Enterprises Limited(In Liquidation)

I, (Name).....
 (If claim is made on behalf of creditor, specify relationship to creditor and authority)
 claim that the company was at the date of liquidation indebted to the above named creditor for the sum of (Amount in words and figures):

 \$.....

STATUS OF CLAIM: 1. I hold no security for the claimed amount 2. I am surrendering the security I hold and I am claiming as an unsecured creditor 3. I am making a preferential claim (Refer details on reverse) 4. I am claiming reservation of title rights pursuant to rights held by me (Refer details on reverse)	TICK <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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Full particulars of the claim are set out, and any supporting documents that substantiate the claim, are identified on the reverse of this form.
 (The liquidators may require the production of a document under Section 304(2) of the Companies Act 1993. You are **not required** to attach any supporting documents at this stage, but you may attach them now, if you think it would expedite the processing of the claim.)

SIGNED:	Date:
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Warning	It is an offence under Section 304(6) of the Companies Act 1993 to - Make, or authorise the making of, a claim that is false or misleading in a material particular knowing it to be false or misleading; or Omit, or authorise the omission from a claim of any matter knowing that the omission makes the claim false or misleading in a material particular
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Received (Date Stamp)	RESERVED FOR OFFICE USE: Claim admitted/rejected for voting purposes: (Delete one) <table style="width:100%; margin-top: 5px;"> <tr> <td style="width:50%; text-align: center;">Signed:</td> <td style="width:50%; text-align: center;">Date</td> </tr> </table> <table style="width:100%; margin-top: 10px;"> <tr> <td style="width:30%;"><u>CLAIM REJECTED FOR PAYMENT:</u></td> <td style="width:35%;">Preferential Claim for:</td> <td style="width:35%;">Ordinary Claim for</td> </tr> <tr> <td></td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> </tr> </table> <table style="width:100%; margin-top: 10px;"> <tr> <td style="width:30%;"><u>CLAIM ADMITTED FOR PAYMENT:</u></td> <td style="width:35%;">Preferential Claim for:</td> <td style="width:35%;">Ordinary Claim for</td> </tr> <tr> <td></td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> </tr> </table> <table style="width:100%; margin-top: 10px;"> <tr> <td style="width:60%; text-align: center;">Signed Liquidator:</td> <td style="width:40%; text-align: center;">Dated</td> </tr> </table>	Signed:	Date	<u>CLAIM REJECTED FOR PAYMENT:</u>	Preferential Claim for:	Ordinary Claim for		\$	\$	<u>CLAIM ADMITTED FOR PAYMENT:</u>	Preferential Claim for:	Ordinary Claim for		\$	\$	Signed Liquidator:	Dated
Signed:	Date																
<u>CLAIM REJECTED FOR PAYMENT:</u>	Preferential Claim for:	Ordinary Claim for															
	\$	\$															
<u>CLAIM ADMITTED FOR PAYMENT:</u>	Preferential Claim for:	Ordinary Claim for															
	\$	\$															
Signed Liquidator:	Dated																

PARTICULARS OF CLAIM

If the creditor owes money to the company, please give full details

Date	Details of Claim and Identification of Documents that Evidence or Substantiate the Claim	Amount \$
	<p><i>If applicable, less any purchase money security interests in relation to goods supplied by creditor to the company [Describe goods]</i></p> <p><i>If applicable, less debts owed by creditor to the company [Describe goods]</i></p> <p>RETENTION OF TITLE CLAIMANTS ONLY Please provide details of the basis of your retention of title claim and furnish a copy of the documentation showing that such reservation of title clause is a condition of contract.</p>	

PREFERENTIAL CLAIMANTS ONLY

The Seventh Schedule of the Companies Act 1993 sets out those claims which are regarded as preferential and shows their extent and order of priority.

1. Are you claiming the full amount of your claim as preferential? Yes / No

2. If no, what part of the claim is preferential? \$.....

3. Why do you believe you are a preferential creditor?
(e.g. Employee, IRD, NZ Customs).....

4. Details of your claim:.....

If applicable please record here your GST Registration number:

And total GST included in your claim: \$.....

Return to: BDO Tauranga Limited
PO Box 15660, Tauranga 3144
Or email: karen.ragg@bdo.co.nz

Appendix 5

**SARHAL ENTERPRISES LIMITED (IN LIQUIDATION)
COMPANY NUMBER 6395153
("the Company")**

**Notice of Liquidators Decision to Dispense with Meetings of Creditors
(Pursuant to section 245 Companies Act 1993)**

Kenneth Peter Brown and Paul Thomas Manning, both Chartered Accountants and Accredited Insolvency Practitioners of Tauranga, were appointed joint and several liquidators of the Company by special resolution of the shareholders on 23 January 2020 at 2:00 pm

We do not consider that a meeting of creditors should be held because there are insufficient assets to meet the cost of holding such a meeting and there are limited prospects of funds being available for payment of a dividend to creditors. In addition it appears there are only three known creditors.

No meeting of creditors will be called unless we receive notice in writing from a creditor requiring us to hold a meeting of creditors pursuant to section 314 of the Companies Act 1993 within 10 working days of their receipt of this notice. However the liquidators reserve the right to not hold a meeting if it is felt the request is frivolous or there are no available funds to cover the costs involved.

Notices should be forwarded to:

Postal Address	BDO Tauranga Limited PO Box 15660 Tauranga 3144
Telephone	(07) 571 6280
Facsimile	(07) 571 6281
Email	karen.ragg@bdo.co.nz http://www.bdo.co.nz/

Dated this 30th day of January 2020



Kenneth Peter Brown
Joint Liquidator