



McDonald
Vague

business recovery partners

Vienna Group Limited (In Liquidation)

Liquidators' Seventeenth Report to Creditors and Shareholders For the period from 23 January 2023 to 22 July 2023

McDonald Vague Limited
Level 1, 136 Green Lane East
Greenland

P O Box 6092
Victoria Street West
Auckland 1142
New Zealand

p: 09 303 0506
f: 09 303 0508

e: insol@mvp.co.nz
www.mvp.co.nz

1 INTRODUCTION AND APPOINTMENT

Peri Micaela Finnigan and Iain McLennan, Licensed Insolvency Practitioners, of Auckland, were appointed jointly and severally as liquidators of Vienna Group Limited (“the company”) on 23 July 2015. Peri Micaela Finnigan resigned from her position as liquidator on 26 June 2022, appointing Boris van Delden, Licensed Insolvency Practitioner of Auckland as her successor.

Pursuant to Section 255(2)(d) of the Companies Act 1993 (“the Act”), the liquidators herewith report on the progress of the liquidation. This report should be read in conjunction with the liquidators’ previous reports. This report is being sent to all shareholders and all creditors who have filed a claim in the liquidation.

A Statement of Realisations and Distributions is **attached**.

2 RESTRICTIONS

Whilst all care and attention has been taken in compiling this report, we do not accept any liability whatsoever to any party as a result of the circulation, publication, reproduction or use of this report.

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

3 CONDUCT OF THE LIQUIDATION DURING THE PRECEDING SIX MONTHS

As recorded in previous reports, the company’s business, including fixed assets, goodwill and inventory have been sold and all collectable accounts receivable have been recovered.

There have been no further realisations since the last report.

4 INVESTIGATIONS

The liquidators have examined the company director and his wife. We have also analysed the cause of the company failure and commenced proceedings.

As a result of our investigation, High Court Proceedings were served on a service provider who then sought to have the proceedings struck out. That application was unsuccessful except for an order that security for costs are to be paid. Security for costs have been paid.

The service provider sought leave to appeal elements of the strike out decision. The liquidators objected to one element being given leave to appeal. The leave to appeal hearing has been held the service provider has been granted leave to appeal. The appeal is being heard later this year.

Costs were awarded to the company in liquidation from the success in the High Court action to date. The payment of costs are held over by agreement between the parties while the leave to appeal matters are underway. Against that costs have been awarded against the company in liquidation on the leave to appeal matter.

5 CREDITORS' CLAIMS

5.1 Secured Creditors

A secured claim has been received for funds advanced by a person related to the company in respect of a General Security Agreement for the amount of \$105,564. Interest continues to accrue on this amount. There was one other registered specific security holder at date of liquidation. No claim has yet been lodged.

5.2 Preferential Creditors

The Inland Revenue Department has submitted a preferential claim for \$5,197. No dividend has been paid to preferential creditors at the date of this report.

New Zealand Customs are a preferential creditor for unpaid duty and levies, and GST for \$2,335,896. The duty claim arises as the calculations on entry to NZ were incorrect. NZ Customs conducted an audit and issued an unchallenged assessment for underpaid duty. The liquidators are considering the repercussions of the GST element of the preferential claim.

5.3 Unsecured Creditors

At the date of preparing this report three unsecured creditor claims totalling \$139 have been received.

6 FUNDS / LIKELY OUTCOME

There will be a short fall on the amount due to the general security agreement holder and preferential creditors. Therefore, at this stage the liquidator does not anticipate paying a distribution to unsecured creditors.

7 COMPLETION OF THE LIQUIDATION

The following matters are to be completed:

- Recovery action process
- Distribution to preferential creditors

8 ESTIMATED DATE OF COMPLETION

It is impracticable at this stage to estimate a date for completion of the liquidation.

9 CONTACT DETAILS

Enquiries should be directed to Iain McLennan on DDI (09) 303 9512 or by email to IMcLennan@mvp.co.nz.

The Liquidators can be contacted at:

McDonald Vague Limited
Level 1, 136 Green Lane East
Greenlane
Auckland 1051

P O Box 6092
Victoria Street West
Auckland 1142



IAIN McLENNAN
LIQUIDATOR

DATED this 21st day of August 2023

Realisations and Distributions			
Vienna Group Limited (In Liquidation)			
23 July 2015 to 22 July 2023			
			22/07/2023
Realisations			
Advance from Shareholders			-
Bank Account Closure			150,295.55
ACC Refund			1,427.28
Debtors- Post Liquidation			36,903.48
Debtors - Pre Liquidation			137,343.75
Third Party Receipts			-
Interest			32,237.20
Sale of Assets			220,000.00
Pre receivership GST Refund			-
Total Realisations			578,207.26
Payments			
Liquidators Fees			
Liquidators Fees			333,339.33
Disbursements			731.05
Total Liquidators Fees			334,070.38
Other Costs of Liquidation and Trading On			
Bank Fees			20.45
Consulting Fees			944.00
Freight & Shipping Costs			12,496.66
Debt Management Fee			1,430.00
Debtor Reimbursement			2,119.68
Legal Fees			38,427.71
Security for costs			25,000.00
IRD -Late filing fees			-
Transcript Services			785.40
Resident Withholding Tax On Interest			9,023.94
Total Costs of Liquidation and Trading On			90,247.84
Distributions			
Secured Creditor			-
Preferential Wages and Holiday Pay			-
Preferential GST and PAYE			-
Dividends to Unsecured Creditors			-
Total Distributions to Unsecured Creditors			-
Total Payments			424,318.22
BALANCE HELD			153,889.04