



Neutral Citation Number: [2022] EWHC 2074 (Ch)

Case No: CR-2022-002121

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
INSOLVENCY AND COMPANIES LIST (ChD)

1 August 2022

Before :

Jonathan Hilliard QC sitting as a Deputy Judge of the High Court

In the matter of Petropavlovsk plc (in administration)

And in the matter of the Insolvency Act 1986

**Peter Arden QC, Jim Sturman QC and Joseph Wigley (instructed by Joseph Hage
Aaronson LLP) for the Applicants**

Hearing date: 29 July 2022

APPROVED JUDGMENT

JONATHAN HILLIARD QC sitting as a Deputy Judge of the High Court:

Introduction

1. By Application Notice dated 27 July 2022, Allister Jonathan Manson, Trevor Binyon and Joanne Rolls (the “**Administrators**”), the joint administrators of Petrapavlovsk plc, seek a direction pursuant to paragraph 63 of Schedule B1 to the Insolvency Act 1986 providing them with liberty to proceed with the sale of the Company’s business to UMMC-INVEST (the “**Application**”).
2. The Application is extremely urgent, so it was listed for hearing before me on 29 July. I heard the matter for a little over half a day and indicated at the end of the hearing that I would provide a decision on Monday, with substantive reasons to follow. The Administrators indicated through Mr Arden QC that they were content with this course. I was provided with an updated draft order reflecting changes that I referred to at the hearing on Friday.
3. My decision is that I grant the Application. I will set out the reasons for this in a further, longer written judgment (the “**Substantive Judgment**”). I intend to hand down that further judgment later this week.
4. As to the terms of the order, I am content to make the order in the terms sought in the updated draft order, with the following adjustments:
 - (1) An additional recital should be added in the following terms:

“And upon the urgency of the Application requiring an order to be made forthwith with a judgment setting out the written reasons to be handed down subsequently.”
 - (2) Wording should be added to the recitals to make clear that the Office of Sanctions Implementation provided a letter on 28 July that was put before the Court.
 - (3) A paragraph should be added to the order adjourning- subject to further order of the Court- any consequential matters arising in relation to this order to the hand down of the judgment setting out the written reasons. This is in case the Administrators or any interested party wish to make any applications in relation to the order on hand down of the Substantive Judgment, or any consequential matters arise out of my order.
5. I therefore make an order in the terms appended to this judgment.

Appendix

Claim No.: CR-2022-002121

IN THE HIGH COURT OF JUSTICE

THE BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

INSOLVENCY AND COMPANIES LIST (Ch D)

Before: Mr Jonathan Hilliard QC sitting as a Deputy Judge of the High Court

Dated: 1 August 2022

**IN THE MATTER OF PETROPAVLOVSK PLC (IN ADMINISTRATION)
AND IN THE MATTER OF THE INSOLVENCY ACT 1986**

ORDER

UPON THE APPLICATION of Mr Allister Jonathan Manson, Mr Trevor Binyon and Ms Joanne Rolls, the joint administrators of Petropavlovsk Plc (“**the Company**”) (“**the Applicants**”) by application notice dated 27 July 2022 (“**the Application**”) for directions pursuant to paragraph 63 of Schedule B1 to the Insolvency Act 1986, including for a direction that the Applicants should be at liberty to enter into, perform and procure the Company to perform, the draft share sale and purchase agreement which the Applicants have negotiated with UMMC-Invest (“**UMMC**”) for the sale and purchase of the assets of the Company (“**the SPA**”), a copy of which was exhibited to the witness statement of Allister Jonathan Manson dated 27 July 2022 filed in support of the Application

AND UPON HEARING Peter Arden QC and, remotely via MS Teams, Jim Sturman QC, leading counsel for the Applicants

AND UPON THE COURT HAVING READ the witness statement of Allister Jonathan Manson dated 27 July 2022 and any other documents on the court file marked as having been read

AND UPON the Office of Financial Sanctions Implementation, HM Treasury (“**OFSI**”), by email dated 27 July 2022 timed at 17.46 having been provided with the Application, proposed draft order and witness statement of Allister Jonathan Manson dated 27 July 2022 filed in support of the Application and by the same email having been given notice of the date of the hearing of the Application

AND UPON OFSI having responded by letter dated 28 July 2022 which was put before the Court but OFSI not appearing or being represented at the hearing

AND UPON THE APPLICANTS' undertaking through counsel to file a further witness statement exhibiting the further documents referred to and handed up at the hearing, and upon the witness statement of Allister Jonathan Manson dated 30 July 2022 having been accordingly filed and read by the Court

AND UPON the urgency of the Application requiring an order to be made forthwith with a judgment setting out the written reasons for the order to be handed down subsequently

IT IS ORDERED AND DIRECTED that:

1. The Applicants be at liberty to enter into, perform and procure the Company to perform, the SPA.
2. The Applicants be at liberty to receive any cash consideration payable by UMMC pursuant to the SPA into their insolvency estate bank accounts with any UK commercial bank.
3. Costs of and associated with the Application be treated as an expense in the administration of the Company.
4. Subject to any further order of the Court, any consequential matters arising in relation to this order (including any application for permission to appeal) are adjourned to the hand down of the judgment setting out the written reasons for this order.