



McDonald  
Vague

business recovery partners

Level 10, 33 Federal Street  
Auckland Central

P O Box 6092  
Victoria Street  
West  
Auckland 1142  
New Zealand

p: 09 303 0506  
f: 09 303 0508

e: [insol@mvp.co.nz](mailto:insol@mvp.co.nz)

# SINORAMA HOLIDAYS LIMITED (In Liquidation)

## Liquidators' Final Report

### 1 INTRODUCTION AND APPOINTMENT

Sinorama Holidays Limited ("the company") was placed into liquidation by a special resolution of the shareholders pursuant to Section 241(2)(a) of the Companies Act 1993 ("the Act") on 2 October 2018 at 9.00 a.m. Peri Finnigan and Iain McLennan, RITANZ Accredited Insolvency Practitioners, of Auckland, were appointed as joint and several liquidators of the company.

Pursuant to section 257(1)(a)(i) of the Companies Act 1993 ("the Act") the liquidators herewith report to all creditors and shareholders that the liquidation of the company has been completed. This final report should be read in conjunction with the liquidators' previous reports.

### 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 REALISATION OF ASSETS

Our last report detailed the actions taken for recovery and the outcomes. We advised that the only further prospects of recovery were from pursuing a legal action in Canada for travel agent bonds and/or receiving a distribution as a creditor in the bankruptcy of the Canadian company, Vacances Sinorama INC ("VSI") (*a company owing creditors in excess of CAD\$55 million*).

The legal advice gained in Canada did not support taking further action against the Quebec Compensation fund, nor IATA nor ACTA and suggested a low chance of success at considerable cost.

The Bankruptcy trustee of VSI has advised that there is no distribution to be made to the creditors (including Sinorama Holidays Ltd). The liquidators have also abandoned pursuing the director for breaches of duties, an overdrawn current account and insolvent transactions on grounds the cost would outweigh any benefit and on advice the director has no means to contribute. Any action would most likely lead to bankruptcy and no recovery. MBIE have been provided a detailed report.

#### **4 CREDITORS**

Claims in the liquidation exceed \$2 million. Total distributions to secured and preferential creditors were \$506,640. The GSA holder has suffered a significant shortfall. The preferential creditors have received a partial payment and unsecured creditors have received no recovery.

#### **5 INVESTIGATIONS**

The liquidators have completed their investigations into the books, records and affairs of the company. There were no matters that came to the knowledge of the liquidators that could eventuate in a benefit to creditors. A full report has been provided to the authorities to consider actions against the director.

#### **6 COMPLETION OF LIQUIDATION**

The liquidation of the company is now complete. A statement of realisations and distributions is not attached as there have been no further realisations since our last report. Funds held at the last report have been applied to the costs of completing the liquidation, records storage and disbursements including statutory advertising. The company is ready to be removed from the New Zealand Register ("the register").

#### **7 REMOVAL OF COMPANY FROM THE REGISTER**

The liquidators have given public notice pursuant to Section 320(4) of the Act of the intention to remove the company from the register.

The attention of all creditors or shareholders is drawn to Section 321 of the Act which provides that any person may send to the Registrar of Companies, not later than the date specified in the notice, an objection to the removal on any one or more of the following grounds:

- (a) That the company is still carrying on business or there is other reason for it to continue in existence; or
- (b) That the company is party to legal proceedings; or
- (c) That the company is in receivership, or liquidation, or both; or

- (d) That the person is a creditor, or a shareholder, or a person who has an undischarged claim against the company; or
- (e) That the person believes that there exists, and intends to pursue, a right of action on behalf of the company under Part 9 of the Act; or
- (f) That, for any other reason, it would not be just and equitable to remove the company from the New Zealand register.

Note: Section 321(2) of the Act provides that a claim by a creditor or a shareholder or any other person against a company is not an “undischarged claim” if a receiver or liquidator has notified that person that the company has no surplus assets.

The date by which objections must be lodged with the Registrar is Wednesday, 30 September 2020.

## **8 PREVIOUS REPORTS**

Creditors are advised that all previous reports relating to the conduct of the liquidation are available on the companies office website.

## **9 CONTACT DETAILS**

Enquiries should be directed to the writer on (09) 303 9519 or by email to [pfinnigan@mvp.co.nz](mailto:pfinnigan@mvp.co.nz).

The Liquidators can be contacted at:

McDonald Vague Limited  
Level 10, 33 Federal Street  
Auckland 1010

P O Box 6092  
Victoria Street West  
Auckland 1142



---

Peri Finnigan  
LIQUIDATOR

DATED this 26<sup>th</sup> day of August 2020