



IN THE HIGH COURT OF JUSTICE

CR-2021-002181

THE BUSINESS AND PROPERTY COURTS OF ENGLAND & WALES

CR-2021-002181

INSOLVENCY AND COMPANIES LIST (ChD)

Before the Honourable Mr Justice Zacaroli

On 11 November 2022

**IN THE MATTER OF BULB ENERGY LTD (IN ENERGY SUPPLY
COMPANY ADMINISTRATION)**

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

AND IN THE MATTER OF THE ENERGY ACT 2011

ORDER

UPON THE APPLICATION of Matthew James Cowlshaw, Matthew David Smith and Daniel Francis Butters of Teneo Financial Advisory Limited, of 156 Great Charles Street, Queensway, Birmingham B3 3HN, as the joint energy administrators (the “**Joint Energy Administrators**”) of Bulb Energy Ltd (in energy supply company administration) dated 8 November 2022 (the “**Application**”) seeking an order appointing the effective time of an energy transfer scheme under Sch. 21 to the Energy Act 2004 (as applied by s.96(1) of the Energy Act 2011) (“**ETS**”).

AND UPON THE APPLICATION of British Gas Trading Limited (“**BGT**”) dated 10 November 2022, seeking orders that BGT be joined to the Application, that the Court decline to appoint the effective time for the ETS or, alternatively, that 2 December 2022 be appointed as the effective time for the ETS with liberty to apply for a further extension of the effective time.

AND UPON ScottishPower Energy Retail Limited and SP Smart Meter Assets Limited (the “**ScottishPower Entities**”) seeking an adjournment of the Application.

AND UPON HEARING Counsel for the Joint Energy Administrators, Richard Fisher KC, Henry Phillips and Edoardo Lupi; Counsel for Octopus Energy Retail 2022 Limited (the “**Prospective Purchaser**”), Andrew Thornton KC; Counsel for

BGT, Jonathan Adkin KC and Matthew Morrison; Counsel for the ScottishPower Entities, David Allison KC and Ryan Perkins; and Counsel for E.ON UK plc (“**E.ON**”), William Buck.

AND UPON READING the evidence filed by the Joint Energy Administrators, the Prospective Purchaser, BGT, and the ScottishPower Entities.

IT IS ORDERED AND DIRECTED THAT:

1. The Application be adjourned to the first available date on or after 25 November 2022 (and no later than 2 December 2022), with a time estimate of one day, before the Hon. Mr Justice Zacaroli if possible, but otherwise before another Judge (the “**Adjourned Hearing**”).
2. For the purpose of addressing the scope of the Court’s role in appointing the effective time for the ETS by way of preliminary issue of law at the Adjourned Hearing (the “**Preliminary Issue**”):
 - (a) Any party wishing to make submissions on the Preliminary Issue do file and serve a skeleton argument by 4pm on 18 November 2022 addressing the Preliminary Issue; and
 - (b) The Joint Energy Administrators (and the Prospective Purchaser if so advised) do file and serve a skeleton argument in response by 4pm on 23 November 2022.
3. Costs reserved.

Service of the order:

The Court has sent a sealed copy of this order to the Applicants’ legal advisers, Linklaters LLP, at the following address:

One Silk Street, London EC2Y 8HQ (ref. Hodgson / Clarke / Krasner)