

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**AHMEDABAD**  
**COURT - 2**

ITEM No.302

IA/316(AHM)2022 in CP(IB) 397 of 2018

**Order under Section 60(5) IBC**

**IN THE MATTER OF:**

Aditya Birla Fashion & Retail Ltd  
V/s

.....Applicant

Kiran Chinubhai Shah RP of KSL & Industries Ltd

.....Respondent

**Order delivered on: 15/07/2024**

**Coram:**

**Mrs. Chitra Hankare, Hon'ble Member(J)**  
**Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)**

**ORDER**

The case is fixed for pronouncement of order.

The order is pronounced in open Court vide separate sheet.

**Sd/-**

**DR. V. G. VENKATA CHALAPATHY**  
**MEMBER (TECHNICAL)**

**Sd/-**

**CHITRA HANKARE**  
**MEMBER (JUDICIAL)**

**IN THE NATIONAL COMPANY LAW TRIBUNAL**

**AHMEDABAD (COURT - II)**

**IA No. 316 of 2022**

**In**

**CP(IB) No. 397 of 2018**

*(Filed under Section 60(5) of IBC, 2016 r.w Rule 11 of the NCLT Rules, 2016)*

**IN THE MATTER OF:**

Aditya Birla Fashion & Retail Ltd.  
Having its registered office at  
Piramal Agastya Corporate Park,  
Building A, 4<sup>th</sup> & 5<sup>th</sup> Floor,  
Unit Nos. 401,403, 501, 502,  
L.B.S. Road, Kurla  
Mumbai-400070

Also at: KH No.118/110/1, Building 2,  
Divyashree Technopolis, Yemalur Post  
Off Hal Airport Road,  
Bangalore-560037

... Applicant

**V/s**

1. Mr. Kiran Shah  
Resolution Professional  
of M/s. KSL And Industries Ltd.  
608, Sakar-1, Nr. Gandhigram Railway Station,  
Opp: Nehru Bridge, Ashram Road  
Ahmedabad-380009
2. M/s. Devika Trading Pvt. Ltd.  
Registered office at: Office No.122,  
1<sup>st</sup> Floor, Paras Center A, Tata Road No.2,  
Opera House, Mumbai-400004  
Also at:

Plot No.50/53, Sai Prabhu Building  
Ground Floor, Sector 31A,  
Vashi Village, Navi Mumbai

3. M/s. Tanvishtrading Pvt. Ltd.  
Registered office at: Office No.122,  
1<sup>st</sup> Floor, Paras Center A, Tata Road No.2,  
Opera House, Mumbai-400004

Also at:

Dhanlaxmi Apartment, Building No.1  
3<sup>rd</sup> Floor, Nr. John School, M.I.D.C.,  
Dombivali East, District Thanre,  
Maharashtra-421203

... Respondent

Order pronounced on 15.07.2024

**Coram:**

**MRS.CHITRA HANKARE,  
MEMBER (JUDICIAL)**

**DR.VELAMUR G VENKATA CHALAPATHY,  
MEMBER (TECHNICAL)**

**Present:**

For the Applicant : Mr. Varun Sharma, Adv. a.w Mr. Akhil  
Kukreja & Sanchita Chamoli, Adv.  
For the Respondent : Mr. Arjun Sheth, Adv. a.w Mr. Kiran  
Shah, RP in person

**JUDGEMENT**

1. Following prayers are sought by the applicant, the said  
prayers are reproduced herein:

A. Direct respondent no.1 / Resolution Professional of Corporate Debtor to determine on the applicant's response dated 01.03.2022 and issue a response and / or requisite documents and NOC to the applicant and respondent no.2 & 3 for execution of leave and licence agreement for the premise bearing G-1 & F-101 on the ground and first floors, respectively, at Empress City Mall at City Survey No.101, Sheet No.199, Mauza Nagpur and City Survey No.2399, Sheet No.65-66, Mauza, Sitabuldi and situated at Walker Road, Nagpur;

B. Direct respondent no.1 / Resolution Professional of Corporate Debtor to provide NOC for execution of leave and license or in the alternative, direct respondent no.1 / Resolution Professional of the Corporate Debtor to appoint an authorized representative on behalf of the Corporate Debtor for execution of leave and license agreement for the premises bearing No. G-1 & F-101 on the ground and first floors, respectively, at Empress City Mall at City Survey No.101, Sheet No.199, Mauza Nagpur

and City Survey No.2399, Sheet No.65-66, Mauza, Sitabuldi and situated at Walker Road, Nagpur; and

C. Pass any further or other order which this Hon'ble Tribunal may deem fit and proper in the facts of the present case, in the interest of justice.

2. Heard the applicant and respondents. The applicant had filed IA no. 220/2022 with certain prayers to hand over the same property to the Resolution Professional which has been acceded to by the Resolution Professional and the said IA is being disposed off. The stated property which is the same under the same agreement whose lease agreement had already expired and the issues addressed have been adjudicated in IA no. 220/2022. Hence the prayer will no more be available to be considered for renewal of lease any more as the Resolution Professional has agreed to take over the property. In view of the same this application becomes infructuous.
3. In view of the facts as discussed hereinabove, we pass following order:-

**ORDER**

The application I.A. no. 316 of 2022 is disposed of being  
infructuous.

**Sd/-**

**DR. V. G. VENKATA CHALAPATHY  
MEMBER (TECHNICAL)**

**Sd/-**

**CHITRA HANKARE  
MEMBER (JUDICIAL)**

GP-LRA