

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH (COURT- I) CHENNAI**

ATTENDANCE CUM ORDER SHEET OF THE HEARING
HELD ON **28.06.2024** THROUGH VIDEO CONFERENCE

PRESENT: HON'BLE SHRI SANJIV JAIN, MEMBER (JUDICIAL)
HON'BLE SHRI VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

IN THE MATTER OF : North East Centre for Technology Application
and Reach(NECTAR)
Vs
Srivari Metal Works Pvt Ltd

MAIN PETITION NUMBER : CP/549/IB/2017
(IA/MA) APPLICATION NUMBERS
MA/1112/2019; MA/1113/2019; MA/1114/2019; MA/1115/2019

ORDER

MA/1112/2019

Present: Ms. Sangamithra, Ld. Counsel for Applicant.

Vide separate order pronounced in open Court, these applications are dismissed.

MA/1113/2019

Present: Ms. Sangamithra, Ld. Counsel for Applicant.

Vide separate order pronounced in open Court, these applications are dismissed.

MA/1114/2019

Present: Ms. Sangamithra, Ld. Counsel for Applicant.

Vide separate order pronounced in open Court, these applications are dismissed.

MA/1115/2019

Present: Ms. Sangamithra, Ld. Counsel for Applicant.

Vide separate order pronounced in open Court, the application is disposed of with directions.

-sd-

**[VENKATARAMAN SUBRAMANIAM]
MEMBER (TECHNICAL)**

MS

-sd-

**[SANJIV JAIN]
MEMBER (JUDICIAL)**

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI**

MA/1112/2019

In

CP/549/(IB)/CB/2017

*(filed under Section 35(1)(b), 35(1)(d) & 60(5) of the Insolvency &
Bankruptcy Code, 2016)*

In the matter of M/s. Sri Vari Metal Works Private Limited

Mr. S. Rajagopal

Liquidator of

M/s. Sri Vari Metal Works Private Limited

11/108, 4th Street, Karpagam Avenue,

Raja Annamalaipuram,

Chennai-600 028.

: Applicant

Vs

Mr. T.Sundaresan

Residing at C-84, Thally Hudco,

Thally Road,

Hosur 635 109.

Also at

E- 12, No. 166,

Zuzuvadi Village,

Hosur,

Krishnagiri District- 635 109.

: Respondent

Order pronounced on 28th June, 2024

CORAM :

SANJIV JAIN, MEMBER (JUDICIAL)

VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

For Liquidator

: Mr.B.Dhanaraj, Counsel.

Respondent

: Ex-parte.

ORDER

1. This Application has been filed by the Liquidator seeking the following reliefs:

a) Direct the Respondent to handover the possession of the scheduled properties to the Liquidator/Applicant.

b) Direct the Respondent to render accounts in regard to the payments made and payable to the Corporate Debtor for the Schedule mentioned property.

c) Direct the Respondent to discharge all dues of the electricity board / penalty and essential services availed by the Respondent at the Schedule mentioned Property.

d) Pass such further or other orders as may be deemed fit and proper in the facts and circumstances of the case and thus render justice.

Schedule

Complete Ground Floor of Shed #E-14, located in Survey No.166 in Zuzuvadi Village, Hosur, Krishnagiri District, facing South measuring 548.4 sqm.

2. The facts relevant for the disposal of the application are that this Tribunal vide an order dated 09.01.2018, initiated CIRP against the Corporate Debtor M/s. Sri Vari Metal Works Private Limited. The Applicant was appointed as the IRP. Subsequently, the Corporate Debtor was ordered to be liquidated. The Applicant became the Liquidator of the Corporate Debtor vide an order dated 05.12.2018 in MA/627/2018 passed by this Tribunal.

3. It is stated that the Financial Creditors did not exercise their option under Section 52 of the Insolvency and Bankruptcy Code, 2016 and therefore the Applicant proceeded with the Liquidation process. It is stated that the Applicant came across with an unregistered rental and lease agreement dated 19.10.2017 entered into between the Corporate Debtor and the Respondent in respect of Complete Ground Floor of Shed #E-14, located in Survey No.166 in Zuzuvadi Village, facing South measuring 548.4 sqm.
4. It is stated that the Applicant is required to take into custody all the assets and properties of the Corporate Debtor as provided under Section 35(1)(b) of IBC, 2016. The Applicant is also bound to take measures to protect and preserve the assets of the Corporate Debtor. It is stated that the Applicant has taken possession of the assets of the Corporate Debtor, except the assets which are leased under the unregistered Lease Agreement. It is stated that the unregistered lease agreement at best can be termed as the License Arrangement, wherein the Respondent is liable to pay the license fee for usage of such property.
5. It is stated that as per Section 17(1)(b) of the Registration Act, 1908, any document, which has the effect of creating and taking away the

rights in respect of immovable property, must be registered under Section 49 of the said Act, which imposes a bar on the admissibility of an unregistered document which is required to be registered under Section 17 of the said Act. Therefore, the alleged Lease Agreement is not recognized in the eyes of law and the Respondent is in unlawful possession, occupying the assets of the Corporate Debtor. It is stated that the Respondent has consumed electricity and is liable to pay the charges / penalty for the said electricity, till the date of handing over of the possession to the Applicant.

6. It is stated that the assets are in the hands of the third party under the guise of an unregistered rental agreement, which will diminish the value of the Liquidation assets.
7. The Respondent could not be served by ordinary mode of service. He was served through publication in the newspapers 'The New Indian Express' (English) and 'Dinamani' (Tamil) on 03.03.2023, but despite publication, he did not appear nor filed any reply.
8. This Tribunal thereafter sought clarification over the ownership of the schedule property and directed the Applicant to file an affidavit in this regard.

9. Pursuant to the observations and directions vide dated 18.06.2024, the Applicant / Liquidator filed a memo vide SR.No.3209 dated 27.06.2024 attaching the affidavit that after going through the description of the schedule property, he found that the said property does not form part of the liquidation estate of the Corporate Debtor. The Industrial Sheds E12 and E14 at Hosur belong to the suspended directors. This fact came to the notice during the hearings in MA/1293/IB/2019. This Tribunal vide an order dated 26.11.2019 in the above IA had directed the Liquidator to shift the registered office of the Corporate Debtor from Shed E14 along with the records making clear that the premises does not belong to the Corporate Debtor. The office could not be shifted because of the Covid-19 pandemic. It is stated that given the said background, the MA/1112/2019 ought to have been withdrawn as the Industrial Shed E14 does not form part of the Corporate Debtor's liquidation estate.

10. We have heard Ld. Counsel Ms. Deepa Mariyappan for the Applicant and perused the record.

11. The instant application was filed by the Applicant seeking directions to the Respondent to handover the possession of the

schedule property as described above and to render the accounts in regard to the payments made and payable to the Corporate Debtor. Subsequently an affidavit has been filed wherein it is stated that the schedule property belongs to the suspended directors not to the Corporate Debtor and it does not form part of the liquidation estate of the Corporate Debtor. Rather there was a direction from the Tribunal to shift the office of the Corporate Debtor from the above premises since not belonging to the Corporate Debtor.

12. Considering the affidavit and the documents placed on record and the fact that the schedule property belongs to the suspended directors not to the Corporate Debtor, the reliefs prayed for in the application cannot be allowed.

13. The application is accordingly **dismissed** with no orders as to costs.

-Sd-

VENKATARAMAN SUBRAMANIAM
MEMBER (TECHNICAL)

-Sd-

SANJIV JAIN
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI**

**MA/1113/2019
In
CP/549/(IB)/CB/2017**

*(filed under Section 35(1)(b), 35(1)(d) & 60(5) of the Insolvency &
Bankruptcy Code, 2016)*

In the matter of M/s. Sri Vari Metal Works Private Limited

Mr. S. Rajagopal,

Liquidator of

M/s. Sri Vari Metal Works Private Limited

11/108, 4th Street, Karpagam Avenue,

Raja Annamalaipuram,

Chennai-600 028.

: Applicant

Vs

Mrs. Sridevi,

W/o.Late.C.Govindam,

Residing at No.60 C,

Chennathur (VII), Chennathur (PO),

Hosur Taluk,

Krishnagiri District- 635 109.

Also at

E- 14, No.166,

Zuzuvadi Village,

Hosur,

Krishnagiri District- 635 109.

: Respondent

Order pronounced on 28th June, 2024

CORAM :

SANJIV JAIN, MEMBER (JUDICIAL)

VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

For Liquidator

: Mr.B.Dhanaraj, Counsel.

Respondent

: Ex-parte.

ORDER

1. This Application has been filed by the Liquidator seeking the following reliefs:

a) Direct the Respondent to handover the possession of the scheduled properties to the Liquidator/Applicant.

b) Direct the Respondent to render accounts in regard to the payments made and payable to the Corporate Debtor for the Schedule mentioned property.

c) Direct the Respondent to discharge all dues of the electricity board / penalty and essential services availed by the Respondent at the Schedule mentioned Property.

d) Pass such further or other orders as may be deemed fit and proper in the facts and circumstances of the case and thus render justice.

Schedule

Complete Ground Floor of Shed #E-14, located in Survey No.166 in Zuzuvadi Village, Hosur, Krishnagiri District, facing South measuring 548.4 sqm.

2. The facts relevant for the disposal of the application are that this Tribunal vide an order dated 09.01.2018, initiated CIRP against the Corporate Debtor M/s. Sri Vari Metal Works Private Limited. The Applicant was appointed as the IRP. Subsequently, the Corporate Debtor was ordered to be liquidated. The Applicant became the Liquidator of the Corporate Debtor vide an order dated 05.12.2018 in MA/627/2018 passed by this Tribunal.

3. It is stated that the Financial Creditors did not exercise their option under Section 52 of the Insolvency and Bankruptcy Code, 2016 and therefore the Applicant proceeded with the Liquidation process. It is stated that the Applicant came across with an unregistered rental and lease agreement dated 07.11.2016 entered into between the Corporate Debtor and the Respondent in respect of complete ground floor of Shed #E-14, located in Survey #166 in Zuzuvadi Village, facing south & measuring 548.4 Sqm and the Machines in Annexure-A.
4. It is stated that the Applicant is required to take into custody all the assets and properties of the Corporate Debtor as provided under Section 35(1)(b) of IBC, 2016. The Applicant is also bound to take measures to protect and preserve the assets of the Corporate Debtor. It is stated that the Applicant has taken possession of the assets of the Corporate Debtor, except the assets which are leased under the unregistered Lease Agreement. It is stated that the unregistered lease agreement at best can be termed as the License Arrangement, wherein the Respondent is liable to pay the license fee for usage of such property.
5. It is stated that as per Section 17(1)(b) of the Registration Act, 1908, any document, which has the effect of creating and taking away the

rights in respect of immovable property, must be registered under Section 49 of the said Act, which imposes a bar on the admissibility of an unregistered document which is required to be registered under Section 17 of the said Act. Therefore, the alleged Lease Agreement is not recognized in the eyes of law and the Respondent is in unlawful possession, occupying the assets of the Corporate Debtor. It is stated that the Respondent has consumed electricity and is liable to pay the charges / penalty for the said electricity, till the date of handing over of the possession to the Applicant.

6. It is stated that the assets are in the hands of the third party under the guise of an unregistered rental agreement, which will diminish the value of the Liquidation assets.
7. The Respondent could not be served by ordinary mode of service. She was served through publication in the newspapers 'The New Indian Express' (English) and 'Dinamani' (Tamil) on 03.03.2023, but despite publication, she did not appear nor filed any reply.
8. This Tribunal thereafter sought clarification over the ownership of the schedule property and directed the Applicant to file an affidavit in this regard.

9. Pursuant to the observations and directions vide dated 18.06.2024, the Applicant / Liquidator filed a memo vide SR.No.3210 dated 27.06.2024 attaching the affidavit that after going through the description of the schedule property, he found that the said property does not form part of the liquidation estate of the Corporate Debtor. The Industrial Sheds E12 and E14 at Hosur belong to the suspended directors. This fact came to the notice during the hearings in MA/1293/IB/2019. This Tribunal vide an order dated 26.11.2019 in the above IA had directed the Liquidator to shift the registered office of the Corporate Debtor from Shed E14 along with the records making clear that the premises does not belong to the Corporate Debtor. The office could not be shifted because of the Covid-19 pandemic. It is stated that given the said background, the MA/1113/2019 ought to have been withdrawn as the Industrial Shed E14 does not form part of the Corporate Debtor's liquidation estate.
10. We have heard Ld. Counsel Ms. Deepa Mariyappan for the Applicant and perused the record.
11. The instant application was filed by the Applicant seeking directions to the Respondent to handover the possession of the schedule property as described above and to render the accounts in

regard to the payments made and payable to the Corporate Debtor. Subsequently an affidavit has been filed wherein it is stated that the schedule property belongs to the suspended directors not to the Corporate Debtor and it does not form part of the liquidation estate of the Corporate Debtor. Rather there was a direction from the Tribunal to shift the office of the Corporate Debtor from the above premises since not belonging to the Corporate Debtor.

12. Considering the affidavit and the documents placed on record and the fact that the schedule property belongs to the suspended directors not to the Corporate Debtor, the reliefs prayed for in the application cannot be allowed.

13. The application is accordingly **dismissed** with no orders as to costs.

-Sd-

VENKATARAMAN SUBRAMANIAM
MEMBER (TECHNICAL)

-Sd-

SANJIV JAIN
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI**

MA/1114/2019

In

CP/549/(IB)/CB/2017

*(filed under Section 35(1)(b), 35(1)(d) & 60(5) of the Insolvency &
Bankruptcy Code, 2016)*

In the matter of M/s. Sri Vari Metal Works Private Limited

Mr. S. Rajagopal,

Liquidator of

M/s. Sri Vari Metal Works Private Limited

11/108, 4th Street, Karpagam Avenue,

Raja Annamalaipuram,

Chennai-600 028.

: Applicant

Vs

Mr. M.Arul Jothi,

S/o.Late. C.Markandan,

153/6, Ottangadu,

Kolathur,

Mettur Taluk,

Salem District – 636 303.

Also at

E- 14, No.166,

Zuzuvadi Village,

Hosur,

Krishnagiri District- 635 109.

: Respondent

Order pronounced on 28th June, 2024

CORAM :

SANJIV JAIN, MEMBER (JUDICIAL)

VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

For Liquidator

: Mr.B.Dhanaraj, Counsel.

Respondent

: Ex-parte.

ORDER

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a) Direct the Respondent to handover the possession of the scheduled properties to the Liquidator/Applicant.

b) Direct the Respondent to render accounts in regard to the payments made and payable to the Corporate Debtor for the Schedule mentioned property.

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d) Pass such further or other orders as may be deemed fit and proper in the facts and circumstances of the case and thus render justice.

Schedule

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2. The facts relevant for the disposal of the application are that this Tribunal vide an order dated 09.01.2018, initiated CIRP against the Corporate Debtor M/s. Sri Vari Metal Works Private Limited. The Applicant was appointed as the IRP. Subsequently, the Corporate Debtor was ordered to be liquidated. The Applicant became the Liquidator of the Corporate Debtor vide an order dated 05.12.2018 in MA/627/2018 passed by this Tribunal.

3. It is stated that the Financial Creditors did not exercise their option under Section 52 of the Insolvency and Bankruptcy Code, 2016 and therefore the Applicant proceeded with the Liquidation process. It is stated that the Applicant came across with an unregistered rental and lease agreement dated 27.09.2017 entered into between the Corporate Debtor and the Respondent in respect of Complete Ground Floor of Shed #E-14, located in Survey No.166 in Zuzuvadi Village, facing South measuring 548.4 sqm and machinery.
4. It is stated that the Applicant is required to take into custody all the assets and properties of the Corporate Debtor as provided under Section 35(1)(b) of IBC, 2016. The Applicant is also bound to take measures to protect and preserve the assets of the Corporate Debtor. It is stated that the Applicant has taken possession of the assets of the Corporate Debtor, except the assets which are leased under the unregistered Lease Agreement. It is stated that the unregistered lease agreement at best can be termed as the License Arrangement, wherein the Respondent is liable to pay the license fee for usage of such property.
5. It is stated that as per Section 17(1)(b) of the Registration Act, 1908, any document, which has the effect of creating and taking away the

rights in respect of immovable property, must be registered under Section 49 of the said Act, which imposes a bar on the admissibility of an unregistered document which is required to be registered under Section 17 of the said Act. Therefore, the alleged Lease Agreement is not recognized in the eyes of law and the Respondent is in unlawful possession, occupying the assets of the Corporate Debtor. It is stated that the Respondent has consumed electricity and is liable to pay the charges / penalty for the said electricity, till the date of handing over of the possession to the Applicant.

6. It is stated that the assets are in the hands of the third party under the guise of an unregistered rental agreement, which will diminish the value of the Liquidation assets.
7. The Respondent could not be served by ordinary mode of service. He was served through publication in the newspapers 'The New Indian Express' (English) and 'Dinamani' (Tamil) on 03.03.2023, but despite publication, he did not appear nor filed any reply.
8. This Tribunal thereafter sought clarification over the ownership of the schedule property and directed the Applicant to file an affidavit in this regard.

9. Pursuant to the observations and directions vide dated 18.06.2024, the Applicant / Liquidator filed a memo vide SR.No.3211 dated 27.06.2024 attaching the affidavit that after going through the description of the schedule property, he found that the said property does not form part of the liquidation estate of the Corporate Debtor. The Industrial Sheds E12 and E14 at Hosur belong to the suspended directors. This fact came to the notice during the hearings in MA/1293/IB/2019. This Tribunal vide an order dated 26.11.2019 in the above IA had directed the Liquidator to shift the registered office of the Corporate Debtor from Shed E14 along with the records making clear that the premises does not belong to the Corporate Debtor. The office could not be shifted because of the Covid-19 pandemic. It is stated that given the said background, the MA/1114/2019 ought to have been withdrawn as the Industrial Shed E14 does not form part of the Corporate Debtor's liquidation estate.
10. We have heard Ld. Counsel Ms. Deepa Mariyappan for the Applicant and perused the record.
11. The instant application was filed by the Applicant seeking directions to the Respondent to handover the possession of the schedule property as described above and to render the accounts in

regard to the payments made and payable to the Corporate Debtor. Subsequently an affidavit has been filed wherein it is stated that the schedule property belongs to the suspended directors not to the Corporate Debtor and it does not form part of the liquidation estate of the Corporate Debtor. Rather there was a direction from the Tribunal to shift the office of the Corporate Debtor from the above premises since not belonging to the Corporate Debtor.

12. Considering the affidavit and the documents placed on record and the fact that the schedule property belongs to the suspended directors not to the Corporate Debtor, the reliefs prayed for in the application cannot be allowed.

13. The application is accordingly **dismissed** with no orders as to costs.

-Sd-

VENKATARAMAN SUBRAMANIAM
MEMBER (TECHNICAL)

-Sd-

SANJIV JAIN
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI**

MA/1115/2019

In

CP/549/(IB)/CB/2017

*(filed under Section 35(1)(b), 35(1)(d) & 60(5) of the Insolvency &
Bankruptcy Code, 2016)*

In the matter of M/s. Sri Vari Metal Works Private Limited

Mr. S. Rajagopal,

Liquidator of

M/s. Sri Vari Metal Works Private Limited,

11/108, 4th Street, Karpagam Avenue,

Raja Annamalaipuram,

Chennai-600 028.

: Applicant

Vs

Mr. G.Kesavan,

Proprietor of M/s. S.K.Enterprises,

37, S/o. Mr. M.Gopalappa,

3/434B, Byramangalam Village,

Achattipally Post,

Denkanikottai Taluk – 635 113.

Also at

No. 48/2A,

Byramangalam Village Panchayat & Post,

Denkanikottai Taluk,

Krishnagiri District – 635 113.

: Respondent

Order pronounced on 28th June, 2024

CORAM :

SANJIV JAIN, MEMBER (JUDICIAL)

VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

For Liquidator

: Mr.B.Dhanaraj, Counsel.

Respondent

: Ex-parte.

ORDER

1. This Application has been filed by the Liquidator seeking the following reliefs:

a) Direct the Respondent to handover the possession of the scheduled properties to the Liquidator/Applicant.

b) Direct the Respondent to render accounts in regard to the payments made and payable to the Corporate Debtor for the Schedule mentioned property.

c) Direct the Respondent to discharge all dues of the electricity board / penalty and essential services availed by the Respondent at the Schedule mentioned Property.

d) Pass such further or other orders as may be deemed fit and proper in the facts and circumstances of the case and thus render justice.

Schedule

Shed located on Byramangalam, Survey No. 48/2A, Byramangalam Village Panchayat & Post, Denkanikottai Taluk, Krishnagiri District – 635 113, Tamil Nadu.
Property facing North West measuring 4654 sq.ft.

2. The facts relevant for the disposal of the application are that this Tribunal vide an order dated 09.01.2018, initiated CIRP against the Corporate Debtor M/s. Sri Vari Metal Works Private Limited. The Applicant was appointed as the IRP. Subsequently, the Corporate Debtor was ordered to be liquidated. The Applicant became the Liquidator of the Corporate Debtor vide an order dated 05.12.2018 in MA/627/2018 passed by this Tribunal.

3. It is stated that the Financial Creditors did not exercise their option under Section 52 of the Insolvency and Bankruptcy Code, 2016 and therefore the Applicant proceeded with the Liquidation process. It is stated that the Applicant came across with an unregistered rental and lease agreement dated 19.12.2017 entered into between the Corporate Debtor and the Respondent in respect of Shed located on Byramangalam, Survey No. 48/2A, Byramangalam Village Panchayat & Post, Denkanikottai Taluk, Krishnagiri District – 635 113, Tamil Nadu. (Property facing North West measuring 4654 sq.ft).

4. It is stated that the Applicant is required to take into custody all the assets and properties of the Corporate Debtor as provided under Section 35(1)(b) of IBC, 2016. The Applicant is also bound to take measures to protect and preserve the assets of the Corporate Debtor. It is stated that the Applicant has taken possession of the assets of the Corporate Debtor, except the assets which are leased under the unregistered Lease Agreement. It is stated that the unregistered lease agreement at best can be termed as the License Arrangement, wherein the Respondent is liable to pay the license fee for usage of such property.

5. It is stated that as per Section 17(1)(b) of the Registration Act, 1908, any document, which has the effect of creating and taking away the rights in respect of immovable property, must be registered under Section 49 of the said Act, which imposes a bar on the admissibility of an unregistered document which is required to be registered under Section 17 of the said Act. Therefore, the alleged Lease Agreement is not recognized in the eyes of law and the Respondent is in unlawful possession, occupying the assets of the Corporate Debtor. It is stated that the Respondent has consumed electricity and is liable to pay the charges / penalty for the said electricity, till the date of handing over of the possession to the Applicant.
6. It is stated that the assets are in the hands of the third party under the guise of an unregistered rental agreement, which will diminish the value of the Liquidation assets.
7. The Respondent could not be served by ordinary mode of service. He was served through publication in the newspapers 'The New Indian Express' (English) and 'Dinamani' (Tamil) on 03.03.2023, but despite publication, he did not appear nor filed any reply.

8. This Tribunal thereafter sought clarification over the ownership of the schedule property and directed the Applicant to file an affidavit in this regard.
9. Pursuant to the observations and directions vide dated 18.06.2024, the Applicant / Liquidator filed a memo vide SR.No.3212 dated 27.06.2024 attaching the affidavit stating that the schedule property forms part of the liquidation estate of the Corporate Debtor which can also be seen from the schedule to the claim forms submitted by the United Bank of India, now Punjab National Bank (Annexure-II Schedule A Item No.3(2) and by India SME Asset Reconstruction Company Ltd (ISARC) (Property details in Clause 7(4)), which records that the property stands in the name of the Corporate Debtor.
10. A bare perusal of documents, we find that an unregistered Lease Agreement dated 19.12.2017 was entered into between the Corporate Debtor and the Respondent in respect of Shed located on Byramangalam, Survey No. 48/2A, Byramangalam Village Panchayat & Post, Denkanikottai Taluk, Krishnagiri District – 635 113, Tamil Nadu. (Property facing North West measuring 4654 sq.ft). It was stated in the agreement that the agreement will be in force initially for a period of 1 year, subject to increase of rent by 5%

every year. Monthly rent of Rs.37,200/- is payable on or before 10th day of every month regularly for the said premises. An advance of Rs.1,50,000/- is payable to the Corporate Debtor by the Respondent, however, while renewing the agreement for the second year, an additional advance of Rs.2,50,000/- is payable by the Respondent. Only then the rental agreement can be considered for the second year for the renewal purposes. In addition, the second party (Respondent) shall agree to pay regularly the charge on electricity consumed by him and any penalty / other charges, if any, arising out of the usage and applicable under Tamilnadu Electricity Board.

11. Since the Lease Agreement is not recognized by law, so the possession of the Respondent in the aforesaid premises would be unlawful. Although it has been alleged that the Respondent has not paid the electricity bill but no details have been furnished by the Applicant in this regard. It is also not mentioned how much rental / dues are payable by the Respondent. In the absence of any document to show the outstanding dues towards rental and electricity, no relief can be granted as to directing the Respondent to render the accounts in respect of the payments made or payable to the Corporate Debtor for the leased premises.

12. Since the Respondent is stated to be in possession of the premises which he has unlawfully occupied, we are of the view that the Applicant is entitled to take vacant and peaceful possession of the schedule property / premises.

13. In the light of what has been stated above, we partially allow the application and direct the Respondent to handover the Shed located on Byramangalam, Survey No. 48/2A, Byramangalam Village Panchayat & Post, Denkanikottai Taluk, Krishnagiri District – 635 113, Tamil Nadu. (Property facing North West measuring 4654 sq.ft) to the Applicant/Liquidator within a period of 14 days from the date of the order. The Respondent is also directed to discharge all the dues incurred on account of usage of electricity, during the period the Respondent was in possession of the premises to the TANGEDCO.

14. Accordingly, the application stands **disposed of**.

-Sd-

VENKATARAMAN SUBRAMANIAM
MEMBER (TECHNICAL)

-Sd-

SANJIV JAIN
MEMBER (JUDICIAL)