

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH – 1  
VC AND PHYSICAL (HYBRID) MODE  
ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON  
07-06-2024 AT 10:30 AM**

**CP(IB) No. 25/7/HDB/2022  
AND  
IA (IBC) 1171 & 1172/2024 in CP(IB) No. 25/7/HDB/2022  
u/s. 7 of IBC, 2016**

**IN THE MATTER OF:**

Allied Hi-tech Industries Pvt Ltd

**...Financial Creditor**

**AND**

Karvy Data Management Services Limited

**...Corporate Debtor**

**CORAM:-**

**DR. VENKATA RAMAKRISHNA BADARINATH NANDULA, HON'BLE MEMBER (JUDICIAL)  
SH. CHARAN SINGH, HON'BLE MEMBER (TECHNICAL)**

**ORDER**

**IA 1171/2024**

1. This Application is filed by the Resolution Professional, seeking following reliefs:-
  - (a) To appoint a commissioner or Field Assistant/Bailiff to take custody of documents of Corporate Debtor illegally held up by Respondent No. 1 to 4, in the premises situated at 'Scheduled Property';
  - (b) Consequently, direct the Commissioner or Field Assistant/Bailiff to hand over the custody of the documents of the Corporate Debtor illegally held up by Respondent No.1 to 4, in the premises situated at 'Scheduled Property';
  - (c) Authorize the Commissioner or Field Assistant/Bailiff, to break open the lock of the premises situated at "Scheduled property".
  - (d) Direct Respondent No.5, i.e. Station House Officer, Bandlaguda Police Station, to provide necessary police aid including women police to the commissioner of field assistant/bailiff at the time of

taking custody of documents of Corporate Debtor illegally held up by Respondent No.1 to 4, in the premises situated at 'Scheduled Property'.

2. According to the Ld. Counsel for the Applicant, M/s Karvy Data Management Services Ltd, the Corporate Debtor, earlier took the premises described in the Schedule annexed to this Application, under a registered Lease deed no. 5180/2013, 5181/2013 & 5182/2013, from the Respondents 1-4 herein, for the period from 11.12.2013 to 10.12.2019 for the purpose of storing the records of M/s Karvy Data Management Services Ltd, which includes Government/public records. Ld. Counsel submits that the said records are still lying in the said premises, which is now under the lock and key of the Respondents 1-4.
3. The Ld. Counsel further submits that, post expiry of the lease i.e. on 15.09.2023, the Corporate Debtor was admitted into CIRP and the same is underway. Ld. Counsel further submits that the Respondents 1,3 & 4 on 05.10.2023 have filed claims for a sum of Rs. 2,35,93,131/-, towards lease rentals payable by the Corporate Debtor, and the same is being examined by the Resolution Profession/Applicant herein.
4. While it was so, according to the applicant, several oral and written requests made by the Applicant/Resolution Professional for allowing the Resolution Professional to take physical custody of the records lying in the subject property, were turned down by the Lessor. Ld. Counsel for the Applicant also submits that there was physical resistance from the side of the Lessor when the Resolution Professional tried to open the premises and take the records. According to the Ld. Counsel, the records lying in the leased premises are very much necessary for the ongoing CIRP of the Corporate Debtor, hence, the present Application.
5. Upon notice given to Respondents 1-4, Mr. Mohd. Imtiyaz, Ld. Counsel for Respondents 1-4 appeared and submitted that Lessor will not object removing of the items belonging to the Corporate Debtor lying in the leased premises situated at 18-13-140/G/Z and 18-13-140/G/B Godown, Sony Group, Opposite Noori Arabi College, Bandlaguda, Chandrayanutta, Hyderabad - 500005, if the Corporate Debtor/former Lessee pays the arrears of rent which has been defaulted, to the Lessor.
6. Having heard the Ld. Counsels for both sides and on perusal of the records, it is to be stated that the Ld. Counsel for the Respondents 1-4 has not disputed the plea that the records belonging to the Corporate Debtor are lying in the subject property. However, according to the Ld. Counsels,

as the Corporate Debtor failed to pay the rent between September, 2019 and December, 2023, the Resolution Professional is denied permission to take away the records and if the arrears of rent is deposited/paid to the Respondents 1-4, the Respondents 1-4 will have no objection for Resolution Professional taking the records.

7. We find the above submission of the Ld. Counsel for R-1 to 4 is untenable and unsustainable, especially as the Lessor/Respondents 1-4 have made a claim before the Resolution Professional for arrears of rent, which is under consideration by the Resolution Professional. That apart, there is no right of 'lien' in favour of the Respondents 1-4 to retain the records belonging to the Corporate Debtor. On the other hand, the Resolution Professional is certainly entitled to take into his/her possession of all the assets/records belonging to the Corporate Debtor, for the purpose of CIRP.
8. Therefore, in the light of our discussion above, this IA is allowed and the following order is passed: -
  - (i) Shri D.V.A.S Ravi Prasad, Advocate, Phone No. 9440234074, email id: [raviprasaddhulipalla@rediffmail.com](mailto:raviprasaddhulipalla@rediffmail.com) is hereby appointed as Advocate Commissioner for the purpose of overseeing the taking over of the records from the premises which is described in the scheduled annexed to this IA by the Resolution Professional/Applicant.
  - (ii) The Advocate Commissioner shall issue advance notice to Respondents 1-4 informing them to unlock the lease hold premises, enabling the Resolution Professional to takeaway whatever records/items belonging to the Corporate Debtor lying in the said premises, at the risk and costs of the Resolution Professional.
  - (iii) The Respondents 1-4 shall extend necessary co-operation and shall not cause any disruption to the process of removal of records/items belonging to the Corporate Debtor from the above premises.
  - (iv) In case of any physical resistance from the Respondents/their men/agents, the Advocate Commissioner is at liberty, to take necessary Police Aid from Bandlaguda Police Station, by producing the copy of this order.
  - (v) The SHO, Bandlaguda Police Station, Chandrayanagutta Division, is hereby directed to provide necessary police aid to the Advocate Commissioner, at the time of execution of warrant upon production of the copy of this order, without insisting for the original.

- (vi) The Advocate Commissioner's fee is fixed at Rs. 1,00,000/- (Rs. One Lakh only) to be payable by the Resolution Professional. He is also entitled for expenses at actuals.
- (vii) The warrant shall be executed on or before 12<sup>th</sup> June, 2024.
- (viii) The report shall be filed by the Advocate Commissioner by the next date of hearing.
- (ix) Accordingly, the IA is allowed and disposed of.

**For report of Advocate Commissioner, call on 21.06.2024.**

**IA 1172/2024**

Since order is passed in IA 1171/2024, this IA is disposed of as infructuous.

**SD/-**  
**MEMBER (T)**

**SD/-**  
**MEMBER (J)**

*Binnu*