

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
COMPANY APPLICATION NO. 535 OF 2015  
IN  
COMPANY PETITION NO. 28 OF 2012

|                                            |                |
|--------------------------------------------|----------------|
| M/s. Shiv Enterprises                      | ... Applicant  |
| in the matter between:                     |                |
| The Bank of New York Mellon, London Branch | ... Petitioner |
| Vs.                                        |                |
| M/s. Zenith Infotech Ltd.                  | ... Respondent |

...

Mr. V.S. Kokitkar for the applicant.  
Mr. Divij Kishore i/b. AZB & Partners for the petitioner.  
Ms. Yogini Chouhan, Asst. O.L. present.

....

**CORAM : S.C. GUPTE, J.**  
**DATE : 15<sup>th</sup> OCTOBER, 2015.**

P.C.:

1. The Company Application seeks possession of the premises described in prayer clause (a). The premises are claimed to be in possession of the company in liquidation under leave and license agreement dated 23/12/2013. The Official Liquidator was in possession of the premises and required the premises for beneficial winding up since the movables of the company in liquidation, over which the applicant licensor has no claim, were lying within the premises. The Assistant Official Liquidator submits that the office of the Official Liquidator shall remove the movables of the company in liquidation

lying within the premises to a suitable alternative location and deliver possession of the premises to the applicant. The official liquidator shall accordingly hand over the possession of the premises to the applicant on or before 22/11/2015. The applicant shall adjust the security deposit lying with him, towards the license fees payable between the dates of taking over of the premises by the Official Liquidator and handing over possession thereof to the applicant.

2. The application is disposed of accordingly.

**(S.C. GUPTE, J.)**