



A.No.5364 of 2023
in
A. No.2598 of 2021

D.KRISHNAKUMAR, J.

The admitted fact is as follows: The applicant has been carrying on hotel business under the name and style of Hotel Kalyana Bhavan Biriyani at various places in Chennai. On 11.07.2008, it entered into a lease agreement with the respondent in respect of shop portion of the ground floor of the building, bearing Door No.47, Moore Street, Chennai-600 001, comprised in S.No.11698/1, 11698/2 on a monthly rent of Rs.76,000/-. As per the lease agreement, the lease will be renewed for a further period of three years at the mutual option of both the parties. At present, the monthly rent is fixed at Rs.75,000/-. During covid pandemic, the business was largely disruptive and hence it could not pay the monthly rent in time. Hence, it filed an application in Appl No.2598 of 2021 for renewal of the lease. The applicant management was directed to pay entire arrears and the same was also paid. Further, due to shortage of manpower and considering the nature of building, the applicant management had handed over the premises to the respondent during the month of June, 2023.



2. The present application has been filed by the applicant seeking to grant renewal of lease of the property in question with the enhanced monthly rent to be fixed by the respondent. The applicant has agreed to pay monthly rent of Rs.85,000/- and Rs.15,300/- towards GST totalling Rs.1,00,300/-.

3. Learned AG & OT reiterated the fact that possession has already been handed over by the applicant.

4. In such circumstances, this Court is of the view that the said prayer sought by the applicant cannot be considered for granting Rs.85,000/- as monthly rent, as per the statement made in the application. In the interests of the Official Trustee, this Court is of the view that the Official Trustee is directed to proceed with auction notification by inviting bidders for granting lease for the aforesaid property in question. The applicant can also participate in the auction. The highest bidder in the auction is entitled for the lease.

The application is dismissed with the above directions.

08.11.202



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