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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO (OS) 386/2013, CAV 736/2013, CM APPL. 13021/2013**

JANPATH GUEST HOUSE & ORS. Appellants

Through: Mr. Harish Malhotra, Sr. Adv.
with Mr. Rajender Agarwal &
Mr. Arun Birbal, Advs.

versus

SHANKUNTLA GUPTA Respondent

Through: Mr. Sandeep Sethi and
Mr. Ravi Gupta, Sr. Advs.
with Mr. Lalit Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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29.08.2013

CAV 736/2013

Discharged.

FAO(OS) 386/2013 & CM APPL. 13021/2013(stay)

1. This appeal has been filed challenging the order dated 23rd July, 2013 passed by the learned Single Judge whereby the appellant was directed to deposit Rs.5 lakhs per month as towards tentative charges for use and occupation of the suit property and also in addition furnish security for a sum of Rs. 5 crores. The appellant is engaged in the business of running a guest house from the suit premises which were the subject matter of previous proceedings before the Rent Controller who by adjudication order dated 28th January, 2010 held that the

appellant had misused the property. He consequently directed for further investigation and proceedings under Section 14 (11) of the Delhi Rent Control Act, 1958. Those proceedings are yet to conclude.

2. In the course of these proceedings spread over two dates, the appellant submitted today that the impugned order to the extent it directed furnishing of security would be complied with. It was argued, however, that the appellant cannot deposit the sum directed by the learned Single Judge, i.e., Rs.5 lakhs per month. After some hearing learned Senior counsel for the appellants, upon being duly instructed, submitted that 400 sq.yds. residential-cum-commercial plot of land, i.e. A-1/1, New Rohtak Road, Paschim Vihar would be secured to comply with the direction of impugned order. It was submitted that the commercial valuation of this property is in excess of Rs.5 crores and is closer to Rs.15 croes. In view of this statement, the Court hereby permits that (subject to the property being unencumbered and free from all defects of title, etc., and also subject to proof of valuation), the said property that is being furnished as security in compliance with the impugned order be accepted.

3. So far as the direction to pay the sum of Rs.5 lacs every month in terms of the impugned order passed, the parties have agreed that instead of that amount a sum of Rs.2 lakhs each month may be deposited with the Rent Controller, in the terms indicated (by the impugned order). The respondent is agreeable to the substitution so proposed.

4. In the light of the above statements and observations, the impugned order dated 23rd July, 2013 is accordingly modified in the terms indicated above; the appellant shall deposit Rs.2 lakhs instead of Rs.5 lakhs each month with the Rent Controller.

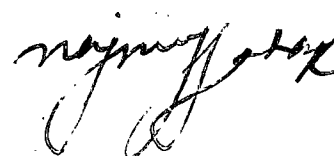
5. It is clarified that nothing in this order precludes the rights and contentions of any party in the proceedings before the Rent Controller. The Rent Controller is hereby directed to ensure that the proceedings are completed at his earliest convenience and in any case within 6 months from today.

6. Parties are directed to be present before the Registrar on 9th September, 2013. On that date the petitioner shall produce all the necessary papers and title documents in respect of the property A-1/1, New Rohtak Road, Paschim Vihar. The Registrar will ascertain the solvency of the aforesaid security offered by the appellant.

7. The appeal and the application for stay are disposed off accordingly.



S. RAVINDRA BHAT, J



NAJMI WAZIRI, J

AUGUST 29, 2013

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