Court No. - 4

Case :- WRIT - A No. - 18674 of 2023

Petitioner :- Hari Niwas
Respondent :- M/S B4s Solutions Pvt Ltd And 4 Others
Counsel for Petitioner :- Pawan Kumar Shukla,Alok Mishra
Counsel for Respondent :- C.S.C.,Satyendra Kumar Singh

Hon'ble Prakash Padia,J.

1. Heard Shri Alok Mishra, along-with Shri Pawan Kumar Shukla, learned counsel for the petitioner and Shri Anoop Trivedi, learned Senior Counsel assisted by Shri Satyendra Kumar Singh, learned counsel for the private-respondents.

2. The present writ petition has been filed inter-alia with the prayer to quash the order dated 26.10.2023 passed by respondent no.3 namely Rent Authority/Additional District Collector, Ghaziabad in Execution Case No. 2137 of 2023 (Computerized No.D-202311280002137) (M/s. B4S Solutions Pvt. Ltd. its director, Ramakant Sharma vs. Hari Niwas) under Section 36(1) of U.P. Regulation of Urban Premises Tenancy Act, 2021.

3. One of the argument taken by the counsel for the petitioner while arguing the matter that though Statutory Appeal filed by the petitioner under Section 35 of the Act, 2021 is pending before the Upper Forum and the same has been admitted but the Rent Authority/respondent no.3 completely overlooking the aforesaid passed the impugned execution order dated 26.10.2023. Hence, the aforesaid order is liable to be set aside.

4. This fact is also admitted by Shri Anoop Trivedi, learned Senior Counsel appearing on behalf of contesting-respondents.

5. In this view of the matter and with the consent of the counsel for the parties, the order dated 26.10.2023 passed by respondent no.3 namely Rent Authority/Additional District Collector, Ghaziabad in Execution Case No. 2137 of 2023 (Computerized No.D-202311280002137) (M/s. B4S Solutions Pvt. Ltd. its director, Ramakant Sharma vs. Hari Niwas) is set aside.

6. In the facts and circumstances of the case as stated above and also in the interest of justice, the present writ petition is **allowed**.

7. No order as to costs.

8. It is made clear that appellate authority will decide the aforesaid appeal in accordance with law within a period of two months from the date of presentation of certified copy of this order.

Order Date :- 9.11.2023
Swati

Digitally signed by :-
SWATI PATHAK
High Court of Judicature at Allahabad