

Court No. - 4

Case :- WRIT - A No. - 18737 of 2023

Petitioner :- Mahesh Chand @ Mahesh Kumar

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.

Order On Civil Misc. Substitution Application No. Nil of 2023:-

1. Substitution Application has been filed today in the Court, the same is taken on record.
2. This application has been filed with a prayer for substituting the heirs and legal representatives of the sole petitioner Mahesh Chand @ Mahesh Kumar, who is said to have died on 06.11.2023 living behind his legal heirs/representatives, name contained in paragraph-4 of the affidavit.
3. Learned counsel for the respondents has no objection.
4. For the reasons given in the accompanying affidavit, the substitution application is allowed.
5. Let the heirs and legal representatives of deceased-petitioner, Mahesh Chand @ Mahesh Kumar mentioned in paragraph no. 4 of the affidavit accompanying the substitution application namely Pankaj Kumar Garg be substituted as petitioner no. 1/1 in the writ petition during the course of the day.
6. Office is directed to insert the word deceased against the name of sole-petitioner and substitute the same by Pankaj Kumar Garg

as petitioner no.1/1.

7. The aforesaid exercise be completed within two weeks.

Order on Writ Petition:-

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. 2141 of 2023 (Computerized No.D-202311280002141) (M/s. B4S Solutions Pvt. Ltd. its director, Ramakant Sharma vs. Mahesh Chand @ Mahesh Kumar) 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. 2141 of 2023 (Computerized No.D-202311280002140) (M/s. B4S Solutions Pvt. Ltd. its director, Ramakant Sharma vs. Mahesh Chand @ Mahesh Kumar) 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