

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

**CWP No. 825/2019
Decided on: 23.07.2026**

H.P. State Cooperative Marketing & Consumer Federation Ltd.
...Petitioner

Versus

Municipal Corporation Shimla & Anr. Respondents

.....
Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the petitioners: Mr. Vijay Singh Thakur, Advocate.

For the respondents: Mr. Mukul Sood, Advocate.

Jyotsna Rewal Dua, J.

This writ petition was instituted on 13.02.2019 seeking
following substantive reliefs: -

- "1. That the appropriate writ, order, direction may kindly be issued for quashing and setting aside the Annexure P-4, P-6 and P-9, bills pertaining to the arrears of rent and recovery notice etc. issued in favour of the petitioner on use and occupation charges.*
- 2. That the appropriate writ, order, direction may kindly be issued to respondents No.1 to raise the bill on agreed rent @ Rs.140 before the respondent No.2.*
- 3. That the appropriate writ, order, direction may kindly be issued, directing the respondent No.2 to deposit the entire amount of rent before the respondent No.1, which has already been disbursed by the petitioner @ 140 per month.*

¹ Whether reporters of the local papers may be allowed to see the judgment? yes

4. *That the appropriate writ, order, direction may kindly be issued to respondent No.1 to decide the rent recovery case titled as municipal cooperation Shimla versus managing director HIMFED bearing case No. 64-XIII of 2002."*

2. In view of the commitment made by the petitioner for paying rent/electricity bill and water charges in respect of 12 shops, following order was passed in the matter on 23.04.2019: -

"CWP No. 825 of 2019 and CMP No. 3270 of 2019

Notice of motion. Mr. Naresh Gupta, Advocate, accepts notice on behalf of respondent No.1. Let notice be issued to respondent No.2 returnable for 4.7.2019, on taking steps within one week.

In view of the commitment made by the petitioner, in letter dated 18.6.1994, to pay rent/electricity bills and water charges etc., in respect of the 12 shops, it is directed that the petitioner shall pay the rent/revised rent in respect of the shops owned by respondent No.1 (Municipal Corporation, Shimla) to the Municipal corporation, Shimla, and not to respondent No.2. The petitioner is further directed to pay the arrears of rent in respect of shops owned by the Municipal Corporation, Shimla in six equal installments in next six months. It is made clear that the petitioner shall not be under any obligation to pay any rent to respondent No.2 qua those shops. Subject to such payments, the dispossession shall remain stayed. However, in the event of non-payment of the first installment, the Municipal Corporation, Shimla, shall be at liberty to proceed against the petitioner."

In view of the above order, the petitioner was required to pay the rent/revised rent in respect of the shops owned by respondent No.1 to respondent No.1-Municipal Corporation,

Shimla, and not to respondent No.2. The petitioner was further directed to pay the arrears of rent in respect of the shops owned by respondent No.1-Municipal Corporation, Shimla, in six equal installments within the next six months. Subject to such payments being made by the petitioner, the dispossession was stayed, with a clear rider that, in the event of non-payment of the first installment, respondent No.1-Municipal Corporation, Shimla, would be at liberty to proceed against the petitioner. Vide another order dated 29.11.2019, subject to the deposit of 25% of the rent due, the respondents were directed to restore the electricity connection.

3. The matter thereafter appeared on 23.06.2026, when following order was passed: -

“CWP No. 825/2019 & CMP No. 3270/2019

A detailed order was passed by the Hon'ble Division Bench on 23.04.2019 staying dispossession of the petitioner from the premises subject to compliances to be made by the petitioner as recorded in the order. Learned counsel for respondent No.1 submits that petitioner is not paying rent to respondent No.1 in terms of directions issued in the aforesaid order. That arrears of ₹27,00,000/-are payable to respondents ₹27,00,000/-are payable to respondents No.1 towards rent of the shops in question from the petitioner. The petitioner is directed to comply with the order dated 23.04.2019 within four week whereafter appropriate order in the matter shall be passed. List on 23.07.2026. With the above directions CMP No. 3270/2019 stands disposed of. In the meanwhile, reply by respondent No.2 if any, be also filed to the writ petition. Registry is directed to reflect the name of Mr. Mukul Sood, learned counsel for respondent No.1 in the cause list, henceforth.

4. The above order notices the submissions made by learned counsel for respondent No.1-Municipal Corporation, Shimla, that arrears amounting to Rs.27,00,000/- were payable by the petitioner to respondent No.1 towards the rent of the shops in question.

Today, learned counsel for the petitioner submitted that he is under instructions to withdraw the present petition. It appears that respondent No.1-Municipal Corporation has also not exercised the liberty granted to it under the order dated 23.04.2019 till date for seeking dispossession of the petitioner in case of non-compliance with the directions issued in the order dated 23.04.2019. Be that as it may. In view of the prayer made by learned counsel for the petitioner, this writ petition is dismissed as withdrawn. The interim orders shall stand vacated.

Respondent No.1-Municipal Corporation is at liberty to dispossess the petitioner and to realize the arrears of rent, etc. from the petitioner, in accordance with law. Pending miscellaneous applications, if any, also stand disposed of.

Jyotsna Rewal Dua
Judge

23rd July, 2026_(rohit)