

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.3476 of 2015

Date of Decision.20.05.2015

Indresh Goel and another

.....Petitioners

Versus

Jagdev Singh Panesar

.....Respondent

Present: Mr. Rakesh Gupta, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The issue which is canvassed before this Court is whether a person born outside India but who has Indian roots through his parents can claim to be a NRI and apply the provisions under Section 13B of the East Punjab Urban Rent Restriction Act. This point has been considered by this Court in M/s Blue Sky Worldwide Travels and another Vs. Harvinder Singh in C.R. No.2217 of 2015 dated 01.04.2015. I have held and given reasons as to how acquisition of citizenship of a foreign country will not make any difference if he is a person of Indian origin, for, the definition of NRI does not spell out any bar for a non-citizen of India to claim such a status. Even the Reserve Bank of India guidelines and FEMA do not prohibit any non-citizen from owning or claiming any property in India other than agricultural land but subject only to previous sanction from government. The property is urban property and there is no bar for NRI to apply under Section 13B. Although the

application was filed under Section 13B, after allowing the tenant to enter a defence under Section 13B the Court has examined the requirement of the landlord from the point of view of claim made under Section 13B where it did not even think it necessary to apply provisions of Section 13 of the Rent Act. If the requirement is established, then the only question that will have to be raised is whether a non-citizen can claim eviction. There is no legal bar under any provision of law and I will not find any justification for making an intervention.

2. The order impugned is maintained and the civil revision is dismissed.

(K. KANNAN)
JUDGE

May 20, 2015
Pankaj*