

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**1. Civil Revision No.5049 of 2014(O&M)
Date of decision: 14.1.2015**

Guru Gobind Singh Education and Charitable Trust (Regd). **...Petitioner**

Versus

Punjab Regional Chapter, Institute of Town Planner (India)

...Respondent

2. Civil Revision No.5246 of 2014

Punjab Regional Chapter, Institute of Town Planner (India) **...Petitioner**

Versus

Guru Gobind Singh Education and Charitable Trust (Regd).

...

Respondent

CORAM: MR.JUSTICE G.S.SANDHAWALIA

Present: Ms. Payel Mehta, Advocate for the petitioner
in Civil Revision No.5049 of 2014 and
for the respondent in CR No.5246 of 2014.

Mr. Munish Jolly, Advocate for the respondent
in CR No.5049 of 2014 and for the petitioner
in CR No.5246 of 2014.

Mr. Atul Gaur, Advocate for Haryana Regional Chapter,
Institute of Town Planner, India.

G.S.SANDHAWALIA, J, (Oral)

This order shall dispose of Civil Revision No.5049 of 2014 and
5246 of 2014 as both the revision petitions are between the same parties
and same order has been challenged.

In the present revision petitions both the landlord and the
tenant are aggrieved against the order dated 21.7.2014 whereby the Rent
Controller, Chandigarh has assessed the provisional rent from 1.7.2000 to
July, 2014. The tenant was directed to pay a sum of ₹ 12,16,000/- by

5.8.2014. The tenant approached this Court on 4.8.2014 before the said date aggrieved by the said provisional assessment of rent on various grounds including the one that since the landlord has been divided into two chapters, rent was payable only to the extent of ₹ 11,000/-.

The landlord followed subsequently on account of the fact that there was a calculation error in the order and instead of ₹ 12,16,000/- according to them a sum of ₹ 37,78,160/- was payable upto July, 2014 after giving benefit of the amount already paid by the tenant. Thus, both are aggrieved against the same order on different accounts.

Counsel for the landlord has submitted that inspite of the direction issued on 21.7.2014, huge amount of ₹ 12,16,000/- has not been paid.

However, keeping in view the fact that the tenant had approached this Court immediately against the said order before the last date for payment the said objection cannot be sustained.

Counsel for the tenant on instructions from Dr. Gurcharan Singh, Chairman, Guru Gobind Singh Education and Charitable Trust (Regd), PRC Building, Adjacent Prachin Kala Kendra, Sector 35-B, Chandigarh, submits that the said amount will be paid through demand draft or cash by 16.2.2015 before the Rent Controller, Chandigarh subject to fresh adjudication.

Accordingly, both the revision petitions are disposed of by setting aside order dated 21.7.2014 and a direction is issued to the Rent Controller, Chandigarh to make a fresh provisional assessment after hearing both the parties. The said exercise will be carried out after the payment is made by the tenant by 16.2.2015. The Rent Controller, Chandigarh thereafter shall comply with the aforesaid direction by provisionally assessing rent afresh interse the parties within a period of one

month thereafter.

The parties are directed to appear before the Rent Controller,
Chandigarh on 22.1.2015, the date already fixed.

A photocopy of this order be placed on the record of connected
case file.

January 14, 2015
Pka

(G.S.SANDHAWALIA)
Judge