

Mr. U. B. Nighot for Petitioner.
Mr. S. S. Sable for Respondent.

P.C. :

Heard Mr. Nighot, learned Counsel for petitioner and Mr. Sable, learned Counsel for respondent at length. Rule. Mr. Sable waives service for respondent. At the request and by consent of the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged orders dated 06.06.2016 as also 13.06.2016 passed by the Additional Commissioner, Pune Division, Pune (for short 'Commissioner'). By order dated 06.06.2016, the Commissioner granted stay to the execution and operation of order dated 20.01.2016 passed by the Court of Competent Authority, Maharashtra Rent Control Act, Pune Division, Pune (for short 'Competent Authority') in Case No.47 of 2014. By subsequent order dated 13.06.2016, the Commissioner extended the stay upto 11.07.2016.

3. In support of this Petition, Mr. Nighot submitted that petitioner had lodged caveat before the Commissioner on 02.06.2016. Order dated 06.06.2016 was passed without hearing the petitioner. By subsequent order dated 13.06.2016, stay was extended till 11.07.2016

without imposing any condition on the respondent.

4. Mr. Nighot submitted that by order dated 20.01.2016, Competent Authority allowed the application filed by the petitioner under Section 24 of the Maharashtra Rent Control Act, 1999 (for short 'Act') and directed the respondent to handover possession of flat No.3 on the 2nd floor of Hariom Apartment, Taradutt Colony, Mundhawa, Pune 411 036 as also directed the respondent to pay Rs.17,000/- per month from May 2014 till handing over possession to the petitioner. He further submitted that against the order dated 20.01.2016, respondent filed application under Section 44(2) of the Act on 03.06.2016, which is clearly barred by limitation. Commissioner has no power to condone the delay. For all these reasons, he submitted that the impugned orders deserve to be set aside.

5. On the other hand, Mr. Sable submitted that basically, the petitioner has not served proceedings of Case No.47 of 2014. The order is obtained by playing fraud on the Competent Authority. He has taken me through the memo of Revision Application.

6. On the earlier occasion, after hearing the Counsel appearing for the parties, matter was adjourned till today so as to enable Mr. Sable to take instructions as to whether respondent is willing to deposit amount as ordered by the Competent Authority. Upon taking instructions, Mr. Sable states that without prejudice to the rights and contentions of the respondent in the pending proceedings, respondent will deposit the arrears of compensation from May 2014 till 31.08.2016 @ Rs.8,500/- per month, within four weeks from today in the office of the Commissioner under due intimation in writing to the petitioner's Advocate. Respondent will also go on depositing compensation @ Rs.8,500/- from 01.09.2016 till the hearing and final disposal of the

Revision Application. Statements made by Mr. Sable, on instructions, are recorded.

7. In view thereof, impugned orders are set aside and in that place, following order is passed:

(a) There shall be stay to the execution and operation of the order dated 20.01.2016 in Case No.47 of 2014 passed by the Competent Authority subject to-

(i) respondent depositing the arrears of compensation from May 2014 till 31.08.2016 @ Rs.8,500/- per month, within four weeks from today in the office of the Commissioner, Pune under due intimation in writing to the petitioner's Advocate; and

(ii) during the pendency of the Revision Application, respondent will also go on depositing compensation @ Rs.8,500/- from 01.09.2016 on or before 10th day of next succeeding month/s.

(b) It is made clear that the said deposit is without prejudice to the rights and contentions of the parties and upon deposit, the Commissioner shall invest that amount in a Nationalized Bank for a suitable period.

(c) The Commissioner is requested to dispose of the Revision Application as expeditiously as possible, and preferably within 6 months from today.

(d) All contentions of the parties are expressly kept open.

8. Rule is made absolute in the aforesaid terms with no order as to costs.

(R. G. KETKAR, J.)