

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

RSA-3690-2016(O&M)

Date of decision : 28.09.2016

Bharat Sanchar Nigam Limited, Sanchar Bhavan, New Delhi-110 001

... Appellant

Versus

Deepak Chopra and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Naresh Kumar Joshi, Standing Counsel
for BSNL, Haryana Circle-appellant.

Mr. Sandeep Singal, Advocate
for respondent no.1.

Mr. Vishva Nath Sharma, Advocate
for respondent no.2.

AMOL RATTAN SINGH, J.(ORAL)

Pursuant to the order dated 05.09.2016, both parties are ad idem that mesne profits @ ₹3000/- per month have been paid to the respondent-decree holder upto September 2016, as has the settled lease amount @ ₹ 3000/- per month.

Learned counsel for the respondent however submits that out of the total costs of ₹11,977/- awarded by the courts below, only ₹5500/- have been paid and the remaining costs remains to be paid.

By this appeal, the appellant-corporation seeks extension of time for a period of 6 months, to comply with the decree of the courts below

in handing over vacant possession of the suit land to the respondent-decree holder, on the ground that since the appellant is providing a public service, alternative arrangement for shifting the cell tower has to be made, failing which it will amount to disruption in services to the subscribers of the mobile connections provided by the appellant.

Learned counsel for the respondents submits that he has taken instructions to the effect that provided the appellant Corporation continues to pay monthly rent @ ₹6000/- per month (₹3000/- by way of the agreed rent and ₹3000/- by way of mesne profits), on a regular basis, before the 10th day of each English calendar month, the appellant Corporation may continue to use the premises of the respondent, for a period of 6 months, i.e. upto 31.03.2017.

Mr. Joshi, learned counsel for the appellant, on instructions from Mr. Harbir Dahiya, Junior Telecom Officer of the appellant company, (present in Court), submits that the company would continue to pay an amount of ₹6000/- per month to the respondent as above.

He further undertakes, on instructions from the same officer, that the remaining costs of ₹6477/- shall also be paid to the respondent within one month.

The appellant Corporation is held bound to the aforesaid undertaking.

Consequently, the appeal is allowed to the extent that the decree against the appellant would not be enforced till 31.03.2017, subject to the appellant corporation continuing to pay ₹6000/- per month to the respondent before the 10th of each month, till 10.03.2017, in addition to paying ₹6477/- within one month from today. On default of payment, at any

stage, the respondents would be at liberty to get the decree immediately executed.

(AMOL RATTAN SINGH)

JUDGE

September 28, 2016.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No