

\$~22

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 962/2015
RAM PRAKASH

..... Petitioner

Through Petitioner in person.
versus

SHEIKH NASIM AHMED

..... Respondent

Through Mr. S.H. Nizami, Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **03.03.2016**

After some arguments, it has been agreed that the impugned order dated 26.02.2014 be modified. The impugned order passed by the RCT endorsing the finding of the ACT had held that the contempt petition which had been filed by the tenant will be treated as an application under Section 20 (3) of the DRCA. This part of the order will stand as it has been passed by the RCT.

However by the impugned order, the RCT had also remanded the matter back to the ARC. This was on the limited point of fixing of adequate rent in view of the market value of the property as the contention of the tenant was that the market rent was Rs.40,000/- per month (at that time) and although the tenant has been re-inducted into the premises but this question had not been decided. Accordingly on this issue, the matter had been remanded back by the RCT to the ARC.

The contention before this Court of the petitioner (appearing in

person) is that the Controller under Section 20 (3) of the DRCA may order the landlord to place the tenant in occupation of the premises or part thereof, he also has a right to pay to the tenant such compensation as the Controller thinks fit. The submission before this Court is that the question of compensation should also be considered by the ARC. This aspect shall also be gone into by the ARC.

This Court has been informed that the tenant has been re-inducted in the premises since September, 2013. Status quo of the property will be maintained till this matter is decided by the ARC. Since the petitioner who is appearing in person is a senior citizen aged 80 years, the ARC is directed to expedite the hearing. Needless to state that the tenant will continue to pay the admitted rent.

With these directions, petition disposed of.

INDERMEET KAUR, J

MARCH 03, 2016

A