

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CR No.2324 of 2012

Date of decision: 22.03.2017

Rajesh Nagi

...Petitioner

Versus

Prahlad Bhagat & another

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Jaideep Verma, Advocate, for the petitioner.

Mr.Vikram Bali, Advocate, for
Mr.V.M.Gupta, Advocate, for the respondents.

G.S. SANDHAWALIA, J. (Oral)

Present revision petition, filed by the petitioner-tenant, is directed against the order dated 06.04.2012 (Annexure P6), passed by the Rent Controller, Ropar, whereby provisional rent was assessed @ Rs.1500/- per month plus House Tax amounting to Rs.6804/-, in a petition filed on 04.05.2010.

The objection, as such, of the petitioner-tenant was that on an earlier occasion, in a petition filed on 14.09.1993 (Annexure P2), the landlord himself had averred that rent was Rs.600/- per month and therefore, the claim of Rs.1500/- was not justified. The said objection was rejected and was not taken into consideration by the Rent Controller, on the ground that the receipts, as such, which were relied upon by the landlord that the rent was being paid @ Rs.1500/-, which were alleged to be bogus by the tenant, were to be considered at the time of final hearing.

While issuing notice of motion, protection had been granted to the tenant to deposit the rent @ Rs.600/- per month along with interest, which was to be assessed by the Rent Controller and thereafter, pass appropriate orders. It is not disputed that on 16.09.2014, the amount had been assessed at Rs.17,976/- and now, the case is stated to be at the final stage.

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It has been held by the Apex Court in **Rakesh Wadhawan & others Vs. Jagdamba Industrial Corporation & others, 2002 (1) RCR (Rent) 514**, that provisional assessment is only an interim measure and at the time of final decision, the tenant can be given opportunity, as such, to tender the additional amount, if found less than what was assessed by way of provisional assessment.

In such circumstances, the present revision petition is disposed of, by setting aside the order dated 06.04.2012 (Annexure P6), since the tenant had been able to *prima facie* show material that the rent had been claimed @ Rs.600/- per month on an earlier occasion. Needless to say that the said observations are only for the purpose of provisional assessment and shall not prejudice the merits of the case. It will be open to the Rent Controller to adjudicate upon the issue finally, regarding the rate of rent on the basis of the evidence led before it.

22.03.2017
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*