

CWP No.18574 of 2017 (O&M)

[1]

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

**CWP No.18574 of 2017 (O&M)
Date of decision:09.10.2017**

M/s BBN Beverages Pvt. Ltd.

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Lokesh Sinhal, Advocate,
for respondents no.2 and 3.

Mr. Aman Chaudhary, Advocate,
for respondent no.4.

Rakesh Kumar Jain, J. (Oral)

Respondent no.2 is the owner of a site called "Manesar Club" and "Manesar Golf Club", situated at Sector-5, IMT Manesar, District Gurugram and leased out its premises to respondent no.4, through respondent no.3, vide lease deed bearing vasika no.507 dated 28.05.2014, initially for a period of 10 years commencing from 10.09.2013. Respondent no.4 wanted to appoint an operator to assist it to operate, maintain and manage the bar by installing a temporary brewery plant to be run under the brand name "The Vermont Brew-Pub & Bar". The petitioner entered into an agreement with respondent no.4 on 15.07.2014 to run and manage the said brewery. Respondent no.2 initiated legal action against respondent

no.4 by filing an application in terms of Sections 4, 5 and 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972 before the Sub Divisional Officer (Civil)-cum-Collector, Gurugram, *inter alia*, on the ground of non-payment of lease money. The said petition was allowed on 30.03.2017 and respondent no.4 was directed to vacate the demised premises and hand over its vacant possession to respondent no.2. Respondent no.4 accordingly handed over vacant possession of the demised premises to respondent no.2 and, therefore, at present it is under their lock and key.

The petitioner, who had invested substantial amount for the purpose of running and managing the pub/brewery plant, has approached this Court against the order dated 30.03.2017 but at the time of preliminary hearing, only one prayer was made to direct respondent no.2 to allow it to remove its belongings from the demised premises, which has been sealed, after the statement was made by the Director of respondent no.4 that they would hand over the vacant possession of the demised premises to respondent no.2. It is submitted that they had entered into an agreement with respondent no.4 and are, in no way, liable to pay anything to respondent no.2.

Shri Lokesh Sinhal, learned counsel appearing on behalf of respondent no.2, has submitted that since respondent no.2 has to recover the arrears of lease money from respondent no.4 and no recovery is to be made by it from the petitioner, therefore, the petitioner may be directed to approach respondent no.2 on any date for the purpose of recovering their belongings, after submitting an inventory to respondent no.2.

Learned counsel for respondent no.4, however, has denied its liability of arrears of lease money to respondent no.2, rather he has alleged that they have to recover the money from the petitioner.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that if respondent no.2 has to recover the lease money from respondent no.4, then it is a dispute between them, for which the petitioner is not concerned and if respondent no.4 has to recover anything from the petitioner, then again it is a dispute between them, for which respondent no.2 is not concerned but insofar as the petitioner and respondent no.2 are concerned, there is no outstanding amount against the petitioner of respondent no.2, for which they can withhold the belongings of the petitioner under their lock and key.

In view thereof, the present petition is hereby disposed of with a direction to respondent no.2 to allow the petitioner to remove its belongings from the demised premises, after submitting an inventory of the same for their future reference.

The needful shall be done within a period of 15 days from the date of receipt of certified copy of this order.

October 09, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No