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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****C.R. No.3952 of 2018****Date of Decision: 07.09.2018**

M/s Punjab Coal Company and another

.....Petitioners

Versus

M/s Partap Mills and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPALPresent:- Mr. Kamal Kumar Gaind, Advocate
for the petitioners.**ANIL KSHETARPAL J.(ORAL)**

This Court is of the considered opinion that no notice is required to be issued in view of nature of order being passed.

Tenant-petitioner is aggrieved of order dated 28.02.2017 and order dated 16.11.2017. Vide order dated 28.02.2017, provisional rent w.e.f. 1.04.1982 was assessed. It is not in dispute that the provisional rent as assessed has been deposited and withdrawn by the landlord. Learned counsel for the petitioner points out that there is apparent error in the impugned order as tenant had produced receipt proving payment of the rent till the year 1994, which has not been considered by the Rent Controller.

Keeping in view that the provisional rent has already been tendered which according to the tenant was tendered in excess on account of wrong assessment of provisional rent, the Rent Controller while finally adjudicating

the dispute can always order of refund of the excess amount. It is the duty of the Rent Controller, after final adjudication, to pass an order in accordance with law.

Keeping in view the aforesaid facts, the revision petition is disposed of with a direction to the Rent Controller to order the refund of the amount if ultimately it is concluded by the Rent Controller that the amount tendered by the tenant pursuant to the provisional assessment was in excess of the amount due.

Revision petition is disposed of.

All the pending miscellaneous application(s), if any, is/are disposed of in terms thereof.

(ANIL KSHETARPAL)
JUDGE

September 07, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No