

RA-RS-105-C-2018 in
RSA-2896-2015 (O & M)

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

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RA-RS-105-C-2018 in
RSA-2896-2015 (O & M)
Date of Decision:26.10.2018

Food Corporation of India and others

...Appellants

Versus

Sanjay Gupta and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.K. Gupta, Advocate
for the applicant.

ANIL KSHETARPAL, J.(Oral)

CM-14865-C-2018 in
RA-RS-105-C-2018

For the reasons stated in the application, which is duly supported by an affidavit, delay of 4 days in re-filing the review application is condoned.

Application is allowed.

CM-14866-C-2018 in
RA-RS-105-C-2018

Deficiency in Court fee has been made good. Delay, if any, is condoned.

Application is allowed.

RA-RS-105-C-2018

Learned counsel for the applicant has pointed out that he could not at the time of arguments bring to the notice of this Court the judgment passed in a previous regular second appeal between the parties had been

discussed by the learned First Appellate Court. No doubt, on careful reading

of the judgment passed by the learned First Appellate Court, has referred to the aforesaid judgment, although not part of the evidence.

This Court re-heard the matter. It is not in dispute that in the aforesaid regular second appeal, this Court had determined the use and occupation charges for the period from 01.04.1997 to 06.04.1999 whereas in the present suit the period is from 07.04.1999 to 06.04.2002. This Court as well as Courts below have been relied upon a contract entered into by the Punjab Warehousing Corporation, a Public Sector Undertaking while determining use and occupation charges of a godown @ Rs.2.35. Since the applicant-Corporation did not vacate the premises even after the contractual period of tenancy was over, this Court as well as both the Courts below have concluded that for the period when applicant-Corporation has remained in possession the use and occupation charges are payable. For determining the rate at which the use of occupation charges, reliance has rightly been placed upon a contract entered into by another Public Sector Undertaking.

Hence, with the aforesaid observations, the review application is dismissed.

26.10.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No