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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 584/2018 and CM 20492/2018

Dr. A.K GUPTA

..... Petitioner

Through: Mr. J.P. Sengh, Sr. Advocate with
Mr. Sanjay Verma, Ms. Manisha Mehta, Ms.
Vaishali Tanwar, Ms. Mrigna Shekhar and Ms.
Riya Gandmi, Advocates

versus

S. IQBAL SINGH & ORS

..... Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **16.05.2018**

The appellant is concededly a tenant in the premises in which regard the respondents, concededly the landlords, had taken out proceedings in a case (ARC 26220/2016) for eviction on the ground of non-payment of rent under Section 14(1)(a) of Delhi Rent control Act, 1958. One of the issues that came up for consideration by the Additional Rent Controller in such proceedings was as to whether the petitioner is liable to pay the rent at the rate increased by 10% every year pursuant to an affidavit-cum-undertaking which had been earlier given. The Additional Rent Controller has decided the said case by judgment dated 19.04.2018 whereby the interim order earlier passed under Section 15(1) of Delhi Rent Control Act, 1958 was modified so

as to give effect to the increased rate of rent as demanded by the respondents. The matter to the extent of consideration whether the petitioner is entitled to benefit under Section 14(2) of Delhi Rent Control Act, 1958 is statedly still pending. Be that as it may, the petitioner has challenged the judgment dated 19.04.2018 before the Rent Control Tribunal for West District. The said office being vacant on account of the earlier incumbent having retired on attaining the age of superannuation, it came up before the Officiating District Judge who, by virtue of the said office, is also the Rent Control Tribunal, on 11.05.2018 . Though notices on the petition and the applications filed therewith which include application for stay have been issued for 17.07.2018, the grievance of the petitioner is that his prayer for *expate ad interim* protection was not even considered. The copy of the order dated 11.05.2018 seems to support this submission. The Officiating District Judge presiding over the Rent Control Tribunal for West District is directed to re-hear the petitioner on the application for *ad interim* relief by taking up the matter on 17.05.2018 and pass an appropriate order in accordance with law.

With these directions, the petition and the application filed therewith are disposed of.

Dasti under the signatures of the Court Master.

R.K.GAUBA, J.

MAY 16, 2018

Yg

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