

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 220 of 2019**

1. Roshanlal Agrawal S/o Shri K.K. Agrawal Aged About 37 Years R/o C/002, S.S. Enclave, Near S.S. Plaza, Power House Road, Tahsil And District Korba Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Collector, Korba, District Korba, Chhattisgarh.
2. Rent Control Authority Cum Sub Divisional Officer Korba, District Korba, Chhattisgarh.
3. Anita Agrawal W/o Ashok Agrawal Aged About 47 Years R/o P-34/B, Jain Mandir Road, Kranti Nagar, Bilaspur Tahsil And District Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner	Shri Rajeev Shrivastava, Advocate
For Respondent/State	Shri Rajendra Tripathi, Panel Lawyer
For Respondent No.3	Shri Mateen Siddiqui, Advocate

Order On Board**By****Hon'ble Shri Justice Goutam Bharduri****28/01/2019**

1. Heard.
2. It is contended by the learned counsel appearing for the petitioner that the application preferred before the Rent Control Authority by the respondent No.3 is without jurisdiction, as the requisite Court fees has not been paid

according to the provisions contained under the Chhattisgarh Rent Control Adaptation Rules, 2016 (for short 'the Rules, 2016').

3. Per contra, learned counsel appearing for the respondent No.3 would submit that the instant petition is not maintainable in view of Section 13 of the Chhattisgarh Rent Control Act, 2011 (for short 'the Act, 2011'), as appeal would lie.
4. Rules 2 & 5 of the Rules, 2016 are quoted below :

2. Application to the Rent Controller.-- Application shall be submitted as a plaint before the Rent Control for eviction and recovery, duly signed and verified by the applicant and supported with affidavit. The application shall be submitted in two copies and the reason of such application shall be clearly stated.

XXX

XXX

XXX

5. Court fees.--Court fees payable on appeal memo is as under :--

S.No.	Particular	Court fees
(1)	(2)	(3)
(i)	for eviction submitted before the Rent Controller	as per clause (xi) of Section 7 of the Court Fees Act, 1870 (No.7 of 1870)

5. Perusal of the record would show that this Court by order dated 4-12-2018 passed in WPC No.3296 of 2018 (**Anita Agrawal v State of Chhattisgarh & Others**) has granted 10 weeks time to consider and decide the application of Anita Agrawal (respondent No.3 herein), which also finds place in the order impugned dated 5-1-2019.

6. Under the aforesaid facts and circumstances of the case and taking into consideration of the provisions contained under Section 13 of the Act, 2011, the petitioner is given further 30 days time to file appeal before the concerned Rent Control Tribunal. Accordingly, in the order dated 4-12-2018 passed in WPC No.3296 of 2018 whereby 10 weeks time is granted, further 4 weeks time would be added.
7. With the aforesaid observations and directions the writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)
Judge

Gowri