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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 479/2018 & CM APPL No.41403/2018**
BATA INDIA LIMITED

..... Petitioner

Through : Mr.Sanjeev Sindhvani, Sr Advocate
with Mr.T.K.Ganjoo and Mr.Vivek
Sood, Advocates.

versus

TASLEEM

..... Respondent

Through : Mr.P.D.Gupta, Sr Advocate with
Mr.Amit Gupta, and Mr.S.Bharti,
Advocates.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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17.01.2019

This revision petition challenges the impugned order dated 21.07.2018 passed by learned CCJ cum ARC (Pilot Court) Central Delhi in Eviction Petition No.777/17 whereby the leave to defend application of the petitioner was dismissed and an eviction order was passed.

After some arguments, the learned senior counsel for the petitioner submitted the petitioner is not inclined to challenge the impugned order on merits, if the petitioner is granted time till 31.12.2020 to vacate the premises in question.

The learned senior counsel for the respondent, under instructions, agree for the same provided some user/occupation charges are being paid on market rent, which he says is Rs.2.37 Lac

per month, viz the rental of an adjoining shop. This amount is objected to by the learned senior counsel for the petitioner. Hence, in the facts of the case, let the petitioner pay an amount of Rs.1,50,000/- per month w.e.f 01.01.2019 to 31.12.2019 and thereafter Rs.1.70,000/- per month from 01.01.2020 till 31.12.2020. The petitioner shall hand over the vacant and peaceful possession of the premises to respondent on or before 31.12.2020. The water and electricity charges be paid as per actuals. The payment of user/occupation charges shall be made by petitioner on or before 10th of each month till the vacation of premises.

It is also agreed that all arrears of outstanding rental till the passing of the eviction order shall be cleared by the petitioner within four weeks from today. Any documentation required for TDS/GST concerning the rental of premises shall be furnished by the landlord/respondent to the tenant / petitioner within four weeks from today or as and when it is due. The amount towards payment of any GST shall be the liability of the petitioner/ tenant.

The user/occupation charges for the period of January 2019 shall be paid along with the charges for the period of February 2019 on 10.02.2019 and thereafter the charges shall be paid in the manner agreed above. Any default in payment or otherwise on the part of the petitioner would entail eviction of the premises forthwith.

The usual undertaking to the above effect shall be filed by the petitioner within four weeks from today with an advance copy thereof to the learned counsel for respondent.

In view of above, the petition along with pending application stands dispose of. No order as to costs. Order *dasti*.

YOGESH KHANNA, J.

JANUARY 17, 2019

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