

\$~4

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

%

Judgment delivered on: 22.09.2020

+ CONT.CAS(C) 273/2020

PRABHAT KUMAR & ANR

..... Petitioners

versus

ANIL MODI

..... Respondent

Advocates who appeared in this case:

For the Petitioners: Mr. H.S. Arora, Advocate.

For the Respondent: Mr. Vinam Gupta, Advocate

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CONT.CAS(C) 273/2020 & Review Pet.114/2020 (seeking review of order dated 08.07.2020)

1. The hearing was conducted through video conferencing.
2. Petitioners filed the subject petition seeking initiation of proceedings against the respondent for failing to vacate the premises by 31.03.2020.
3. During the pendency of these proceedings, respondent has handed over the peaceful vacant possession of the subject premises on 30.08.2020.

4. Learned counsel for the petitioners submits that in terms of order dated 29.08.2019, the question with regard to the rate at which use and occupation charges were to be payable was to be adjudicated by the Trial Court.

5. It is directed that the Trial Court shall also consider the rate of use and occupation charges to be paid by the respondent till 30.08.2020 i.e. the date of vacation.

6. It is submitted by learned counsel for the petitioners that there is an outstanding electricity bill of Rs.33,000/- and no payment of use and occupation charges have been made for the month of August 2020 even @ Rs.50,000/-, as directed by order dated 29.08.2020.

7. Learned counsel for the respondent undertakes to clear the electricity bill up to the date of vacation of the premises and also the tentative use and occupation charges @ Rs.50,000/-, as fixed by order dated 29.08.2019 for the month of August, 2020, if not already deposited/paid.

8. The undertaking is accepted.

9. Learned counsel for the petitioners further submits that at the time of the vacation of the property certain damages were caused to the property for which the petitioners have a claim.

10. Petitioners are permitted to file the claim, if any, with the Trial Court and the Trial Court while assessing the quantum of use and occupation charges shall also adjudicate upon the said aspect.

11. Copy of the video recording made by the representative of the petitioners at the time of the vacation of the premises shall be provided to learned counsel for the respondent within one week from today.

12. Respondent has deposited a sum of Rs. 3,00,000/- with the Registrar General of this Court. On respondent producing proof of payment of electricity charges and also use and occupation charges @ 50,000/- for the month of August 2020, Registry shall refund the said amount, alongwith interest, if any, accrued thereon to the respondent.

13. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

14. In view of the above, no further orders are called for in the present petition.

15. Petition is, accordingly, disposed of.

SEPTEMBER 22, 2020
st

SANJEEV SACHDEVA, J