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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 154/2020**

M/S MINISO LIFE STYLE PRIVATE LIMITEDAppellant
Through: Mr Pawan R. Upadhyay and Mr
Rajesh Chhettri, Advocates.
versus

SMT. UMA SHARMA & ANR. Respondents
Through: Mr Gaganmeet Singh Sachdeva,
Advocate.

+ **FAO 155/2020**

M/S MINISO LIFE STYLE PRIVATE LIMITEDAppellant
Through: Mr Pawan R. Upadhyay and Mr
Rajesh Chhettri, Advocates.
versus

PUNEET PRAKASH Respondent
Through: Mr H.L. Tikku, Senior Advocate with
Mr Sumit Thakuar, Advocate.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **14.08.2020**

The hearing was conducted through video conferencing.

CM APPL. 18296/2020 (Court fee) in FAO 154/2020

CM APPL. 18298/2020 (Court fee) in FAO 155/2020

1. Exemption allowed, subject to the condition that the applicant/petitioner will file the duly sworn/attested affidavit and the requisite Court fee within 72 hours from the date of resumption of the regular functioning of this Court.
2. The applications stand disposed-off.

FAO 154/2020 & CM APPL. 18295/2020 (stay)

FAO 155/2020 & CM APPL. 18297/2020 (stay)

3. Issue notice.
4. The learned counsels for the respondents named above accept notice.
5. At the joint request of learned counsels for the parties, the appeals are taken up for disposal.
6. The *lis* in these appeals primarily centres around the inability of the appellant to pay the rent, for use of the rented premises on the ground that due to the nationwide COVID-19 pandemic lockdown, there should be waiver of rent for the 45 days when the lockdown was absolute, i.e. it was prevented by law/government directions from opening the shop/rented premises.
7. The learned counsel for the respondents (the landlady and her sons) submits that barring the payment of rent for the aforesaid 45 day period, if the appellant is ready and willing to pay the rent for the remaining period, upto the current month, the respondents would have no objection for settlement of *lis*. Mr Tikku, learned Senior Counsel, however, submits that all taxes i.e. GST etc. for the said 45-day period shall be paid by the appellant. Mr Pawan R. Upadhyay, learned counsel for the appellant states, upon instructions, that the said proposal/settlement is agreeable to the appellant.
8. In the circumstances, the appellant is directed to pay all monies and rents for the entire period till today, barring 45 days, i.e., the period of nationwide lockdown that came into effect from 25.03.2020. The said monies are to be paid directly into the bank accounts of the respondents, wherein the appellant-tenant has been depositing the

rents all along. Taxes i.e. GST etc as due, shall be paid as was being paid earlier. The entire monies shall be paid on or before 25.08.2020. A cost of Rs.25,000/- shall be payable by the appellant in the event of any default either regarding the quantum or schedule of payments.

9. The learned counsel for the parties submits that since the *lis* has already been settled, there shall be no recourse to arbitration proceedings.
10. The appeals, along with pending applications, are disposed-off in above terms.
11. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 14, 2020/rd