

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8980 OF 2021**

Mahendra Prabhul Doshi

.....Petitioner

Vs.

Rohit Ramniklal Saraiya & Ors.

.....Respondents.

Mr. Pankaj Purway for the Petitioner.

Mr. Vishal V. Kanade a/w Mr. Ramchandran Narayanan & Mr. Aditya Gupta
i/by Narayanan & Narayanan for the Respondent Nos.1 and 2.**CORAM : A. S. GADKARI, J.****DATE : 21st DECEMBER, 2021.****P.C.:-**

By the present Petition, the Petitioner licensee has impugning Order dated 28th October, 2021 passed in Revision Application No.223 of 2021 thereby rejecting his Application to grant stay to the Judgment and Order dated 26th March, 2021, passed by the Competent Authority Rent Control Act, Konkan Division at Mumbai in Eviction Application No.134 of 2017. Clause Nos.(iii) and (iv) of the operative part of the said Order dated 26th March, 2021 reads as under-

- “(iii) The respondent is further directed to make a payment of arrears of license fee a sum of Rs.3,85,000/- within 30 days to the applicants.*
- (iv) The respondent is further directed to make a payment of license fee at the double rate i.e. 35,000 x 2 = 70,000/-*

per month from 01.02.2018 to till handover the possession of application premises to the applicants.”

2 The present Petition was heard on 15th December, 2021 at length. In view of deliberation which took place on that day, a subsequent Order dated 16th December, 2021 was passed by this Court.

On 16th December, 2021, the learned counsel for the Petitioner had produced a chart giving details of 50% of amount as per Clause No.(iv) above and the entire amount of Clause No.(iii) of the said Order dated 26th March, 2021.

3 Accordingly today, Mr. Purway learned Advocate for the Petitioner has brought a Demand Draft of Rs.20,12,500/- drawn on Indian Bank, Dadar Branch bearing No.492612 in favour of the Competent Authority Rent Control Act, Konkan Division at Mumbai. A photocopy of the said Demand Draft is taken on record. Petitioner is directed to deposit the said Demand Draft with the Competent Authority on or before 28th December, 2021.

4 As the Petitioner has shown his bonafide in depositing entire amount of Clause No.(iii) and 50% of the amount as per Clause No.(iv) of the operative part of the Order dated 26th March, 2021, it will be appropriate in the interest of justice, to set aside the Order dated 28th October, 2021 passed by the Revisional Authority and grant a stay to the impugned Judgment and Order dated 26th March, 2021 passed by the

Competent Authority, which is accordingly done.

5 In view of the above, the impugned Order dated 28th October, 2021 is set aside.

 During the pendency of the said Revision Application No.223 of 2021, the implementation and operation of the Order dated 26th March, 2021 passed by the Competent Authority Rent Control Act, Konkan Division at Mumbai is stayed.

6 The Revisional Authority is requested to expedite the hearing of the said Revision and to make an endeavour to conclude the same within a period of six months from the date of receipt of this Order.

7 During the pendency of the Revision Application No.223 of 2021, Petitioner is further directed to continue to deposit Rs.70,000/- per month as compensation towards suit premises in the Registry of the Competent Authority Rent Control Act, Konkan Division at Mumbai on or before 10th day of every month.

8 Respondent Nos.1 and 2 i.e. the landlords are at liberty to file an Application for withdrawal of the said amount before the Revisional Authority. The Revisional Authority will consider the said Application on its own merits.

9 Mr. Kanade, learned counsel for the Respondent Nos.1 and 2 submitted that, there is an outstanding of approximately Rs.97,000/- towards electricity charges of the suit premises. Mr. Purway, learned

Advocate for the Petitioner submitted that, till date the Petitioner has paid Rs.30,000/- to the electricity provider Company and whatever is the balance amount, will be cleared by the Petitioner on or before 31st December, 2021. The said statement is accepted.

10 It is made clear that, during the pendency of Revision Application if the Petitioner makes two consecutive defaults in making payment towards future compensation @ Rs.70,000/- per month, in that event it will be open for the Revisional Authority to dismiss the said Revision Application on that count alone.

11 Writ Petition is disposed off in the aforesaid terms.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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SANJIV
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