

LPA-927-2021 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

LPA-927-2021 (O&M)

Date of decision : 02.12.2021

Krishan Kumar

.....Appellant

VERSUS

The Commissioner, Municipal Corporation, Gurugram and others

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR JUSTICE SANDEEP MOUDGIL**

Present: Mr. Rahul Sharma, Advocate for
Mr. Arpandee Narula, Advocate, for the appellant.

Mr. B.R. Mahajan, Senior Advocate with
Mr. Arvind Seth, Advocate, for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

While issuing notice of motion in this case on 01.10.2021, this
Court had recorded the contention of the learned counsel for the appellant,
which reads as follows:-

“Learned counsel for the appellant submits that the
present appeal is by and large a mercy appeal as because
of communication gap, an offer which was made before
the learned Single Judge and as recorded on 07.04.2021,
the appellant is ready to accept the same and rather he
states that whatever be the arrears from the date of his
eviction till date, the same would be paid forthwith from
the day the possession of the shop is handed over and he
is ready to take the same on market rent to be fixed by
the Municipal Corporation, Gurgaon.

Notice of motion for 18.11.2021.”

Mr. B.R. Mahajan, learned senior counsel appearing for the
respondents informs the Court that the offer made by the counsel for the

LPA-927-2021 (O&M)

appellant is acceptable to the Municipal Corporation, Gurgaon. He informs the Court that the auction which is being carried out for the other shops will be for a period of five years and therefore, the appellant will also be offered the possession of the shop, which was initially allotted to him, for a period of five years at the highest rate which is to be fixed in the auction. He further states that the Municipal Corporation, Gurgaon, has agreed to take the arrears for the period of non-occupation of the shop at the rate which were prevalent and fixed in the case of the shop of the appellant.

This offer which has been made by the learned senior counsel for the respondents is accepted by the learned counsel for the appellant and he states that the amount of arrears will be deposited by the appellant within a period of two weeks from today i.e. on or before 16.12.2021.

The present appeal is, therefore, disposed of by binding the parties to the statements which have been given by their respective counsel in Court today as recorded above. It is clarified here that in case the appellant fails to deposit the arrears on or before 16.12.2021, he would not be entitled to the benefit of the statement/concession given by the respondents. Respondents would be entitled to hold auction of the shop in question.

CM-2212-LPA-2021 &
CM-2213-LPA-2021

In the light of the disposal of the main appeal, no orders are

LPA-927-2021 (O&M)

required to be passed in these applications for additional evidence and stay as the same have been rendered infructuous.

Disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

02.12.2021
Harish

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No