

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.5323 of 2019 (O&M)

Date of decision: 14th December, 2021

Rishi Karan Kakkar

... Petitioner

Versus

Haryana State Coop. Supply & Marketing Federation & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Aman P. Jain, Advocate for the petitioner.

Mr. Rishab Gupta, Advocate for the respondents.

FATEH DEEP SINGH, J.

Earlier the present petitioner Rishi Karan Kakkar claiming to be landlord of Plot No.374, Phase I, Industrial Area, Panchkula total measuring 2000 square meters filed an eviction application against the present respondents, Haryana State Cooperative Supply & Marketing Federation (in short, 'HAFED'). It is claimed that 3547 sq. ft. covered area was under HAFED since 27.07.1994 and sought eviction from the premises in question. The Rent Controller allowed the eviction application and the appeal by HAFED against the said order under Haryana Urban (Control of Rent & Eviction) Act, 1973 too was dismissed. An application on behalf of the landlord was moved before the appellate authority for paying mesne profit for the use and occupation of the premises @ ₹ 1,42,000/- per month. The Court of learned Appellate

Authority, Panchkula vide impugned order dated 10.08.2018 (Annexure P4) awarded mesne profit @ ₹ 30,000/- per month and which is subject matter of agitation by the landlord in the instant revision petition.

Appreciating the arguments of the two sides, the averments by the petitioner counsel that in a similarly situated premises in the area the rent fetched by the landlord was not less than ₹ 1,42,000/- per month which is calculated @ ₹ 40/- per sq. ft. per month. The same is controverted by Mr. Rishab Gupta, Advocate representing the respondents HAFED claiming that the same was highly exorbitant and uncalled for and the HAFED was in occupation of the premises @ ₹12,465/- per month since 27.07.1994.

The petitioner, then applicant, has not led any independent reliable and substantial evidence to bring forth his claim as to rent such like premises command in the area. The lone document purported to be a letter bearing memo No.2267 dated 02.08.2018 issued by an Executive Engineer, Provincial Division, Haryana PWD B&R Branch, Panchkula pertains to the year 2018 and the norms adopted therein pertain to the year 2010 when admittedly the premises in question was under the occupation of HAFED since 27.07.1994, much more earlier than this period, and therefore at the then prevalent market rates, the one being claimed by the petitioner does not subsist and is highly untenable. Learned counsel for the respondents has cited '**Jammu and Kashmir Bank Limited vs. Amrit Pal Singh**' 2015(2) RCR (Rent) 517; '**Onkar**

**Singh & another vs. Manpreet Kaur’ 2016(4) RCR (Civil) 82; and
‘Angoori Devi & others vs. Smt. Satya Bhama’ 2016(5) RCR (Civil)
1043.**

As is there, no statement of the applicant present petitioner nor any evidence of tangible nature is available to equate the premises in question to show the rent at which the mesne profit are being claimed and it is a well settled law that mesne profits are to be considered on the basis of evidence led before the Court. Reliance placed on **‘Indian Oil Corporation Limited vs. Saroj Baweja and another’ (Civil Appeal No.7381 of 2001, decided on 16.02.2005 by Hon’ble the Supreme Court).**

As has been detailed in the impugned order, the subsequent documents showing the rent in the area do not apply to the case in question in view of the time difference, there being no evidence led by the petitioner onus of which lay upon the petitioner. This Court does not find any illegality or perversity in the impugned order which needs to be upheld. The revision petition being without any merit stands dismissed.

**(FATEH DEEP SINGH)
JUDGE**

December 14, 2021

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No