

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
128**

**LPA-292-2022 &
CM-744-LPA-2022 &
CM-745-LPA-2022**

Date of Decision: April 21st, 2022

KAVITA

...APPELLANT

Versus

**PT B.D. SHARMA UNIVERSITY OF HEALTH
SCIENCES ROHTAK AND ORS**

...RESPONDENTS

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

Present: Mr. Chetan Mittal, Sr. Advocate,
with Mr. Kunal Mulwani, Advocate,
and Mr. Chanderhas Yadav, Advocate,
and Ms. Shifali Goyal, Advocate,
for the appellant.

Mr. Sanjiv Kumar Aggarwal, Advocate,
for respondent No. 1.

Ms. Rajni Gupta, Addl. A.G. Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On the last date of hearing, following order was passed:-

“ Learned counsel for the appellant has informed the Court that in pursuance to the order dated 08.04.2022 passed by this Court, appellant had offered handing over of the possession of the shop in question on 11.04.2022 but the respondent-University needed certain clarifications from the counsel conveyed on 15.04.2022 insisting upon the pre-deposit of the arrears of rent/penalty. Thereafter, on 19.04.2022, probably on

the advise of the counsel for respondent No. 1-University, possession has been taken. As of now, the appellant is not in possession of the said premises.

Request for adjournment has been made on behalf of Mr. Aggarwal, counsel for respondent No. 1, on the ground that he is unwell.

In the interest of justice, adjourned to **21.04.2022.**”

Counsel for the parties are *ad idem* that after vacation of the premises, what is required to be done is a fresh decision on the part of the respondents, as per the provisions as contained in Section 7 of the Haryana Public Premises & Land (Eviction and Rent Recovery) Act, 1973 and for re-assessment, as provided for under the said provisions.

Keeping in view the above position, we dispose of the present appeal with liberty to the respondents to pass a fresh appropriate order, in accordance with law, under Section 7 of the Haryana Public Premises & Land (Eviction and Rent Recovery) Act, 1973 and the rules framed thereunder. The competent authority shall, thereafter, proceed and pass a final order from the date of appearance of the parties within a period of four months of such appearance.

Learned senior counsel for the appellant has pointed out that there were medicines which were in the shop which was rented with the appellant. The said medicines cannot be sold, as per the terms and conditions, outside the premises of the university/shop.

In case the appellant moves an appropriate application before the competent authority for requisite permission, the same shall be considered by the said authority in accordance with law.

In view of the disposal of the main appeal, all the pending applications stand disposed of.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(SANDEEP MOUDGIL)
JUDGE**

April 21st, 2022
pj

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No