



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12284 OF 2022

Sunny Maganlal Jaiswal.

...Petitioner.

Versus

Usha Ramakant Pandey
and Another.

...Respondents.

Mr. Abhinesh Yadav for the petitioner.

Mr. Rohit Kumar Pandey for the respondents.

Coram : Sharmila U. Deshmukh, J.

Date : December 7, 2023.

P. C. :

1. Challenge in the petition is to the order dated 9th March 2021 passed by the revisional authority against the order of competent authority only to the direction issued to the respondents, who are the licensees, to hand over vacant and peaceful possession of the suit premises to the petitioner on realisation of security deposit of Rs.5 lakh from the petitioner.

2. Learned counsel for the petitioner submits that such a direction could not have been given in view of the provisions of section 24(1) of the Maharashtra Rent Control Act, 1999. He would further submit that said amount of Rs.5 lakh was not deposited with

him and was not intended to be refunded.

3. *Per contra* learned counsel for the respondent has pointed out the relevant clause from the leave and license agreement that the licensee has paid Rs. 5 lakh to the licensor which is refundable on or before the expiry of agreement.

4. The provisions of section 24 of the Rent Act are for the purpose of providing a summary procedure so that the recovery of licensed premises is obtained by the landlord expeditiously. However, the same cannot be interpreted to mean that even if the leave and licence agreement provide for refund the security deposit, such an order cannot be passed by the competent authority / revisional authority. No binding precedent to that effect has been cited before this court to support the said submission.

5. In view thereof, there is no merit in the petition. Petition is dismissed.

[Sharmila U. Deshmukh, J.]