IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 6809 of 2023(O&M)
Date of Decision: 14.11.2023

Ramesh Chand Bansal

...**Petitioner**

Versus

Santosh Verma

...**Respondent**

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- **Mr. Vivek Suri, Advocate**
For the petitioner.

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KARAMJIT SINGH, J.

1. The present revision petition has been filed by the petitioner/ tenant for setting aside the order dated 26.10.2023 (Annexure P-8) passed by the Court of Rent Controller, Patiala whereby the application filed by the petitioner seeking direction to respondent to disclose the particulars and total dues of house tax in regard to demised premises, has been dismissed.

2. The brief facts of the case are that respondent being landlady has filed eviction petition under Section 13 of the East Punjab Urban Rent Restriction Act against the petitioner in respect of shop in question on the ground of non-payment of rent along with house tax/ property tax and that demised premises is required by son of respondent for his own use and occupation. The eviction petition has been contested by the petitioner, who filed written reply. During the pendency of the rent petition, the petitioner filed an application directing the respondent to disclose the particulars and

dues of house tax relating to demised premises. The said application was contested by the respondent landlady and finally the said application was dismissed by the learned Rent Controller vide impugned order (Annexure P-8).

3. The counsel for the petitioner, *inter alia,* contends that the impugned order is not sustainable in the eye of law. It is further contended that the respondent-landlady is also claiming arrears of house tax/ property tax along with that of rent, without disclosing the particulars and dues with regard to house tax/ property tax of the demised premises. In the given circumstances, there was no other option with the petitioner except for filing the application in question so as to get particulars of the house tax/ property tax and its arrears from the respondent-landlady. That, however, the said application was dismissed by the learned Rent Controller vide order (Annexure P-8), which is erroneous and is liable to be set aside. The counsel for the petitioner further submits that respondent-landlady has not specifically pleaded the rate at which house tax is being paid and the total dues of the same. It is further contended that the dues of house tax were not taken into consideration by the Rent Controller when the provisional rent was assessed by the said Court vide order dated 03.11.2017 (Annexure P-3). So, prayer is made that the impugned order be set aside with direction to respondent-landlady to provide the necessary particulars of house tax relating to demised premises to the petitioner so that he be able to deposit the concerned dues of house tax in order to avoid his eviction.

4. I have considered the submissions made by counsel for the petitioner.

5. In the instant case the landlady has claimed arrears of house tax/ property tax as well as arrears of rent with regard to demised premises. There is no doubt that the obligation to pay house tax on the petitioner is there being over and above the obligation to pay the rent of the demised premises. From the perusal of rent petition it appears that the particulars of house tax and its dues are not specifically pleaded by the respondent-landlady. The claim raised by the landlady with regard to unpaid house tax is ambiguous. From the pleadings made in the rent petition it is not clear as to how much is the arrears of house tax and since how long the same is due. It being so, it is difficult for the petitioner to assess and make payment of arrears of house tax/ property tax to the landlady. Even there is no mention of arrears of house tax in order (Annexure P-3) of the Rent Controller whereby provisional rent was assessed by the said Court. The application filed by the petitioner seeking necessary particulars with regard to dues of house tax has been dismissed by the Rent Controller, vide impugned order and thus prejudiced the rights of the petitioner.

6. In the given circumstances, it will be appropriate to give one more opportunity to the landlady to provide relevant details with regard to dues of house tax to the petitioner within next 30 days, failing which the learned trial Court is to proceed further in the rent petition and if the Court of Rent Controller at the time of final hearing of rent petition comes to the conclusion that petitioner-tenant was in arrears of house tax, in that eventuality one opportunity is to be provided to the petitioner-tenant by the said Court to tender the said arrears of house tax and only thereafter the final order is to be passed by the Court concerned and in case of default by the petitioner-tenant the necessary consequences would follow.

7. The revision petition is decided in aforesaid terms, without commenting on the merits of the case.

8. Keeping in view the nature of order being passed, no notice is required to be issued to the respondent. However, if she feels dis-satisfied with this order, she may move an application to recall the same.

(KARAMJIT SINGH)
JUDGE

14.11.2023
Jiten

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