

04.01.2024
rpan/09-10

WPLRT 123 of 2023
Kamal Singh Jain & Another
– *Versus* –
Anil Kumar Poddar
with
WPLRT 125 of 2023
Anil Kumar Poddar
– *Versus* –
Kamal Singh Jain & Others

Ms. Manju Agarwal,
Mr. Rohit Banerjee,
Mr. Arindam Paul
... for the Petitioners in WPLRT 123 of 2023
&
Respondents in WPLRT 125 of 2023.

Mr. Ashim Kumar Roy,
Mr. Anirban Roy
... for the Petitioner in WPLRT 125 of 2023
&
Respondent in WPLRT 123 of 2023.

Mr. Somnath Ganguli,
Mr. Sukalpa Seal
... for the Respondent no.3
in WPLRT 125 of 2023.

In the writ petition, being WPLRT 125 of 2023 the subject matter of challenge is an order dated 6th October, 2023 passed in an original application, being O.A. 3474 of 2022 preferred by the landlord for enhancement of rent already assessed by the Rent Controller.

The other writ petition, being WPLRT 123 of 2023 has been preferred challenging an order dated 6th October, 2023 passed in the original application, being O.A. 3297 of 2022 preferred by the tenants praying for reduction of the assessment of the rent.

In course of hearing Ms. Agarwal, learned advocate appearing for the tenants submits that the tenants are

regularly depositing the agreed rent amount of Rs.3,366/- per month before the Rent Controller and that they are agreeable to pay a further amount of Rs.10,00,000/- (rupees ten lakh only) to the landlord in three instalments. She has placed before us three cheques issued in the name of ANIL KUMAR PODDAR (HUF) dated 4th January, 2024, 16th February, 2024 and 16th March, 2024 bearing cheque nos.006944, 006945 and 006947 respectively. Let xerox copies of the said cheques be kept on record.

Mr. Roy, learned advocate appearing for the landlord submits that the landlord has agreed to accept such payment of Rs.10,00,000/- (rupees ten lakh only) in three instalments.

The said cheques have been handed over to Mr. Anil Kumar Poddar, who is present in Court today.

Records reveal that in the earlier writ petition preferred by the landlord, being WPLRT 107 of 2023 a co-ordinate Bench of this Court requested the learned Tribunal to hear and dispose of the original applications as expeditiously as possible and preferably within a period of three months from date. It appears that the next date of hearing has been fixed by the learned Tribunal on 18th July, 2024.

In view thereof, we direct the learned Tribunal to dispose of the original applications on 18th July, 2024 itself or within two months thereafter without granting any adjournment to either of the parties and without being influenced by the observations made in the present order.

As the tenants have handed over cheques totaling an amount of Rs.10,00,000/- (rupees ten lakh only) to the landlord today, we direct that the landlord shall not claim any further amount till the disposal of the original applications on 18th July, 2024 or within two months thereafter.

It is made clear that in the event the original applications are not disposed of within the aforesaid period, both the parties would be at liberty to pray for appropriate orders.

It is also made clear that the payment of Rs.10,00,000/- (rupees ten lakh only) is without prejudice to the rights and contentions of the parties in the original applications as well as in the pending title suit.

With the above observations and directions, the writ petitions, being WPLRT No.123 of 2023 and WPLRT No.125 of 2023 are disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(V. M. Velumani, J.)

(Tapabrata Chakraborty, J.)