

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6163 OF 2024

S.H.R. Trading Private Limited

..... Petitioner

VERSUS

Shailen Harsukhlal Mewar & Anr.

..... Respondents

Mr.Rammani G. Upadhyay a/w. Mr. Swatesh Tripathi for the
Petitioner.

Mr.O.P.Dubey for the Respondent No.1.

Ms.D.S.Deshmukh, A.G.P for the State – Respondent No.2.

CORAM: RAJESH S. PATIL, J.

DATE : 8 MAY, 2024

P.C. :-

This petition has been filed by the licensor challenging an order passed by the Additional Konkan Commissioner dated 5 March, 2024, thereby staying the order passed by the Competent Authority, of eviction without imposing any condition.

2. After the matter was argued for some time before me, the advocate appearing for the licensor/petitioner submitted that the outstanding amount as of April 2024 is Rs.26,08,065/-. He

submits that the Appellate Authority being the Additional Commissioner, Konkan Division had no authority to stay the order passed by the Competent Authority without imposing any kind of condition on the licensee.

3. Mr.Dubey, learned counsel appearing for the respondent no.1 submits that his client requires atleast a period of three months to vacate the suit premises and since the calculation is made at double rate, the amount of Rs.26,08,065/- has been arrived at. He submits that as per the agreement, the outstanding amount as of today would be only Rs.12,18,000/-. He submits that in two days, his client will deposit only the rent amount of 3 to 4 months with the Additional Commissioner, Konkan Division.

4. I have heard both the sides. Taking into consideration the impugned order passed by the Additional Commissioner, Konkan Division, I am not in agreement with the order passed by the

Additional Commissioner, Konkan Division staying the eviction decree passed by the Competent Authority without imposing any kind of condition on the licensee. Admittedly, licensee has not paid the huge amount of Rs.26,08,065/- and has not vacated the suit flat inspite of an eviction order passed against him.

5. Hence, I hereby quash and set aside the order dated 5 March, 2024 passed by the Additional Divisional Commissioner, Konkan Division, Mumbai in Revision Application No. 676 of 2023.

6. The petitioner/licensor is free to execute the judgment and order dated 2 November, 2023 passed by the Competent Authority, Rent Control Act, Konkan Division, Mumbai.

7. Writ petition is disposed of with above directions.

8. All parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]