

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11257 OF 2024

Mrs. Sylvia Satinder Mehra

...Petitioner

V/s.

Competent Authority, Rent Control Act
Law Court Konkan Division, Bandra,
Mumbai and Ors.

...Respondents

Mr. P.P. Dubey *for the Petitioner.*

Ms M.S. Bane, *AGP for Respondent Nos.1, 2 and 4 for Respondent -State.*

Mr. S.R. Bajoria *i/b. Mr. Saeed Kadu for Respondent No.3.*

CORAM : SANDEEP V. MARNE, J.

Dated : 9 August 2024.

P.C. :

1) This Petition is filed challenging orders dated 1 April 2024 passed by the Competent Authority directing the eviction of Petitioner from application premises alongwith direction to pay damages @ Rs.54,000/- per month from 11 December 2021. The Revisional Authority has dismissed the Revision Application by order dated 6 August 2024 by passing unreasoned order possibly on account of a statement made by the Advocate for the Petitioner that she will clear the dues and vacate the premises after the rainy season on humanitarian ground.

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2) After having heard the submissions canvassed by the learned counsel for the parties, there is no dispute that license fees in respect of the premises have been paid by Petitioner till September 2023. In that view of the matter, the order passed by the Competent Authority directing payment of damages from 11 December 2021 is obviously erroneous. To this limited extent the order passed by the Competent Authority on 1 April 2024 needs correction.

3) So far as the eviction of the Petitioner is concerned, since Petitioner's license has expired on 10 December 2021 and even the alleged oral arrangement of acceptance of license fees has come to an end on 30 September 2023, I do not see any reason why the Petitioner can be permitted to occupy the license premises any further. The learned counsel for the Petitioner makes a sympathetic appeal that Petitioner be permitted to retain the application premises till the end of monsoon. Petitioner appears to have made similar appeal during monsoon of 2023 as well. In my view such prayer cannot be entertained. However, considering the facts and circumstances of the present case, time to vacate the premises is granted till 30 August 2024.

4) Writ Petition is accordingly disposed of by correcting the order dated 1 April 2024 passed by the Competent Authority to the extent that damages payable by the Petitioner @ Rs.54,000/- per month would be from 1 October 2023 till the date of vacation of premises. The Applicant shall vacate the premises on or before 31 August 2024.

[SANDEEP V. MARNE, J.]