



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(108)**RSA-2998-2019 (O&M)****Date of Decision:-20.11.2024**

THE HARYANA STATE COOPERATIVE SUPPLY AND MARKETING FEDERATION
LTD.

... Appellant

Versus

KULWANT SINGH AND ORS.

... Respondents

-.-

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present:- Mr. Vishal Garg, Advocate
for the appellant.

ALOK JAIN, J. (Oral)

1. Present appeal raises challenge to the judgment and decree dated 31.08.2015, wherein the suit of the plaintiff was decreed with cost for recovery of EMD and security deposit of ₹4,60,000/- with interest @ 6% per annum w.e.f. 15.05.2012 and recovery of arrears of rent amounting to ₹1,83,108.75/- w.e.f. 01.05.2012 to 15.05.2012 and ₹3,79,500/- per month, thereafter upto April, 2013 with interest @ 6% per annum after deduction of rent already paid by defendants to plaintiffs for the said period.
2. The first appeal also came to be dismissed upholding the finding recorded by the learned Trial Court.
3. Learned counsel for the appellant has submitted that both the Courts have heavily relied upon the fact that the plaintiff/respondent had informed the appellant for inspection of the property on 15.05.2012 but the



said inspection was carried out on 02.02.2013 but could not deny the fact that the appellant is using the said property from 01.05.2012. It is also not forthcoming that in the inspection on 02.02.2013 any such objections were raised and therefore could not demonstrate on what basis a cut of ₹3.1% of the rent was imposed upon the plaintiff.

4. Heard learned counsel for the appellant at length and gone through the record; and both the learned Courts have rightly considered the entire evidence on record and the fact that the appellant has been using the said property and it is not the case where the appellant (tenant) could not utilize the property to its appropriate utility, the Court rightly held that they are not entitled to forfeit the EMD and security deposited and deduct the rent or not pay the rent.

5. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

6. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

20.11.2024
Gaurav Sorot

(ALOK JAIN)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No