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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RC.REV. 93/2022**

RAM PRAKASH SACHDEVA

..... Petitioner

Through: Mr Parinav Gupta, Mr Pardeep Gupta
(Adv.) and Adv. M.Gupta.

versus

KRISHNA CHAWLA

..... Respondent

Through: Mr Anil Sharma, Mr Aman Bhardwaj
and Mr Arpit Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER (ORAL)

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29.02.2024

[Physical Hearing/Hybrid Hearing (as per request)]

RC.REV. 93/2022 & CM APPL. 50287/2022 (stay)

1. The matter was listed today for final arguments. I have heard both sides.
2. Briefly stated, in this petition brought under the proviso to Section 25B(8) of the Delhi Rent Control Act, the petitioner/tenant assailed order dated 25.02.2022 of the learned Additional Rent Controller whereby the eviction petition of the present respondent under Section 14(1)(e) of the Delhi Rent Control Act was allowed after full dress trial. On the very first date of hearing before the learned predecessor bench, it was claimed on behalf of the petitioner/tenant that the subject premises fall beyond the purview of areas enlisted in the relevant notification, passed under proviso to Section 1 (2) of the Delhi Rent Control Act and consequently, the eviction proceedings were not maintainable before the Additional Rent Controller. Thereafter, on one or the other aspect the matter kept getting adjourned.



3. Along with the present petition, the relevant notification was filed (pdf page 87). Learned counsel for respondent today in all fairness admits that the area of Geeta Colony, where the subject premises are situated is not covered by the said notification. That being so, contention of the present petitioner has to be upheld that the learned Additional Rent Controller did not have jurisdiction over the subject premises and the eviction dispute.

4. Consequently, the present petition is allowed and the impugned eviction order is set aside. However, it is clarified that this court has not ventured into examination of merits of the impugned eviction order.

5. It is further made clear that the respondent/landlord shall be at liberty to initiate fresh proceedings on same cause of action before the court of competent jurisdiction.

6. Further, it is directed that in view of specific observations in the order dated 25.05.2023, the amount of use and occupation charges paid to the respondent/landlord till date shall be refunded to the petitioner/tenant within four weeks by the respondent/landlord through counsel by way of demand draft. In this regard, it is clarified by learned counsel for petitioner/tenant that the petitioner has so far paid to the respondent/landlord towards use and occupation charges as payable from September 2022 till March, 2024.

7. Accordingly, the petition as well as pending applications stand disposed of.

GIRISH KATHPALIA
JUDGE

FEBRUARY 29, 2024/ry

[Click here to check corrigendum, if any](#)