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

+ **CONT.CAS(C) 79/2022**

SHRI BRIJ MOHAN BATTA

.....Petitioner

Through: Ms. Charu Ambwani, Advocate.

versus

**SHRI MOTI LAL AGGARWAL AND SONS PROP. LATE SHRI
MOTI LAL AGGARWAL (DECEASED) THROUGH LRS**

.....Respondent

Through: Mr. Anubhav Gupta, Panel Counsel
for GNCTD.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

22.07.2025

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1. The present contempt petition has been filed alleging wilful disobedience of the final judgment and order passed by this Court on 22nd September, 2021 in RC. REV.157/2020.

2. By way of the said order, the respondent/tenant was directed to handover peaceful, vacant and physical possession of the tenanted premises to the petitioner/landlord within two (2) weeks. The operative parts of the said judgment are set out below:

“4. The LR's of the petitioner/tenant are directed to remove the goods from the tenanted premises/shop forthwith, and handover peaceful, vacant and physical possession of the same to the landlord within two weeks from today.

5. The learned counsel for the landlord states, upon instructions, that for the moment he is not pressing for payment of use and occupation charges.”

3. It is the case of the petitioner that the possession was handed over to the



petitioner only on 26th August, 2022, during the pendency of the contempt proceedings.

4. Counsel for the petitioner submits that contempt proceedings be initiated against the respondent for not having paid the user and occupation charges for the period during the unauthorized occupation of the premises by the respondent/tenant.

5. In my considered view, there was no direction given by the Court to the respondent/tenant to pay any amount towards user and occupation charges. In fact, counsel for the petitioner on instructions from the petitioner had submitted that, for the moment, he is not pressing for payment of user and occupation charges.

6. Therefore, in these circumstances, no case for initiating contempt proceedings is made out.

7. In view of the above, the present contempt proceedings are closed.

8. Needless to state, the petitioner shall be free to take appropriate legal proceedings that may be available in law, to recover the aforesaid amounts.

AMIT BANSAL, J

JULY 22, 2025

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