



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 8452 OF 2025

Bazargaon Paper and Pulp Mill Private Limited, A Company incorporated under the provisions of Companies Act, 1956, having its Office in Municipal Corporation House No.378, Ward No.1, Jawaharlal Nehru Marg, Sitabuldi, Nagpur, Through its Managing Director Jaiprakash Narsingdas Agrawal, Aged 76 years, R/o Lotus Court, Opposite V.C.A. Ground, Civil Lines, Nagpur.

PETITIONER

VERSUS

1. Umadevi Shivnarayan Trivedi, Aged 75 years, Occ: Household.
2. Sandeep Shivnarayan Trivedi, Aged 52 years, Occ: Business.
- 3.1 Ramnarayan Mahabirprasad Trivedi, (Dead) Thr.LR's.
- 3.2 Sumitra Ramnarayan Trivedi, Aged 70 years, Occ: Household, R/o Tekdi Line, Sitabuldi, Nagpur.
- 3.3 Sheetal Ajay Pande, Aged 45 years, Occ: Service, R/o 111, Bank Colony, Bhagwan Nagar, Nagpur.
- 3.4 Aarti Pande, Aged 42 years, Occ: Service, R/o 41, Anandgreen M Block Goldenpalm Society, Niranjapur, Indore.
- 3.5 Ekta Mishra, Aged 48 years, Occ: Household, R/o Flat No.205, Wing 21, Casa Vista, Lodha Amara, Kolsheth Road, Thane West, Mumbai.
- 3.6 Shilpa Rahul Shandilkar, Aged 40 years, Occ: Household, R/o 573, Tekadi Road, Near Hanuman Mandir, Opp. Swagat Lodge, Sitabuldi, Nagpur.
4. Premnarayan Mahabir Prasad Trivedi, Aged 65 years, Occ: Business, R/o 588, Trivedi Bhavan, Tekdi Road, Sitabuldi, Nagpur.

RESPONDENTS

Shri S.C. Mehadia with Shri S.B. Mohta, counsel for the petitioner.
Shri S.S. Shahane, counsel for the respondents.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE ON WHICH ARGUMENTS WERE HEARD : JANUARY 08, 2026

DATE ON WHICH JUDGMENT IS PRONOUNCED : JANUARY 21, 2026

JUDGMENT

RULE. Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioner has challenged the common order passed by the trial Court rejecting the application at Exhibit 117 filed by the petitioner seeking direction to remove the padlock on the iron rolling shutter of the suit premises and the application at Exhibit 118 for grant of time to comply with the earlier order passed by the trial Court. The petitioner-tenant is the original defendant and the respondent-landlords are the original plaintiffs. For the sake of convenience, the parties are referred to as the 'tenant' and the 'landlords'.

3. The landlords had filed Regular Civil Suit no.396 of 2015 against the tenant claiming a decree of ejectment, possession and recovery of arrears of rent with respect to the property situated on the first and second floor of the building to the extent of 2600 square feet on each floor. The tenant-defendant in the suit filed written statement and the suit is pending at the stage of evidence. Pertinently, the landlords have also initiated separate proceedings under Section 8 of the Maharashtra Rent Control Act, 1999 seeking fixation of standard rent which is registered as M.J.C. No.7 of 2021 and the said proceedings also pending.

4. During pendency of the proceedings of Regular Civil Suit no.396 of 2015, on 15.12.2025 the tenant noticed that an additional lock was put on the shutter of the tenanted premises by carrying out welding work which prevented the tenant from approaching the suit premises through the staircase. On enquiry, it was revealed that the landlords had put the additional lock to prevent the access of the tenant to the suit premises.

Therefore, the tenant approached the police station, however the locks put by the landlords were not removed and resultantly the tenant filed an application at Exhibit 117 in the pending suit seeking direction against the landlords to remove the padlock. Apart from this, the tenant also filed a separate application at Exhibit 118 seeking extension of time to comply with the order dated 21.11.2025 on Exhibit 102 by which the tenant was directed to pay the occupation charges from March-2020 to April-2022 at the rate of Rs.4788/- per month. Both these applications were resisted by the landlords and they came to be rejected by the trial Court on 22.12.2025. This common order is subjected to challenge by way of instant petition.

5. Shri S.C. Mehadia, learned counsel for the petitioner-tenant vehemently submitted that since the suit for eviction is already pending, the conduct on the part of the landlords in locking entry to the suit premises is grossly illegal as it deprives the tenant from using the tenanted premises. He submitted that the suit premises are being used by the tenant for running an Office for carrying out business of Paper and Pulp Mill in which various important documents including cheque-books, bank statements and other items of office use are kept and as a result of locking the premises, the tenant is restrained from carrying on its business. He submitted that the tenancy of the petitioner is not terminated and the conduct of the landlords is thus grossly illegal. He submitted that the blocking of the approach to the staircase amounts to withholding of

essential service as covered under Section 29 of the Maharashtra Rent Control Act, 1999 and therefore the application filed by the tenant under Section 151 read with Section 94 of the Code ought to have been allowed. He also submitted that since the tenancy continues and the tenant had expressed readiness to pay the occupation charges, the application at Exhibit 118 for extension of time was also required to be allowed in the interest of justice. In support of his submissions, the learned counsel for the petitioner-tenant has relied upon the unreported judgment of this Court in ***Suneel K. Zende Versus Rajab K. Sayani*** [Writ Petition No.1306 of 2010] and submitted that despite pendency of the suit for eviction, the conduct of the landlords in blocking the entry to the premises is an act of taking the law in their own hands by abusing the process of the Court and the Court was duty bound to exercise its inherent powers under Section 151 of the Code.

6. Per contra, Shri S.S. Shahane, learned counsel for the respondents-landlords vehemently opposed the petition and submitted that the applications deserved to be rejected as the tenant has failed to invoke the relevant provisions of law for seeking restoration of its possession. He submitted that in view of Section 7 of the Code, the application filed by the tenant under Section 94(e) of the Code deserved to be rejected. He also submitted that in view of the conduct of the tenant in failing to pay the occupation charges and misuse of the suit property by putting the building in dangerous state necessitated the landlords to restrain the tenant from using the premises. He also raised objection to the

maintainability of the petition and submitted that the tenant failed to file revision application under Section 34 of the Maharashtra Rent Control Act, 1999 and thus prayed for dismissal of the petition. In support of his submissions, he placed reliance on the judgment of the Hon'ble Supreme Court in *My Palace Mutually Aided Co-operative Society Versus B. Mahesh & Others* [(2022) 19 SCC 806] and submitted that the inherent powers under Section 151 of the Code could not be invoked in view of the remedy of filing the revision application under Section 34 of the Maharashtra Rent Control Act, 1999.

7. Rival contentions, thus, fall for my consideration.

8. The issue which falls for consideration is as to whether the action of the landlords in blocking the entrance of the tenanted premises is justified and legal. Undisputedly, the tenancy of the tenant is not terminated till today and the landlords have filed suit for ejectment, possession and recovery of arrears of rent which is pending at the stage of evidence. As regards the allegation of the tenant that the landlords have blocked the entrance of the tenanted premises in view of letter dated 18.12.2025 issued by the landlords to the Deputy Commissioner of Police, Nagpur, it is clear that the landlords have admitted that they have blocked the access to the tenanted premises. Apart from this, the landlords have tried to justify the act of blocking and have taken a stand that on account of failure of the tenant to clear off the outstanding arrears and for misuse of the premises, the blocking was required. Under these circumstances, it has to be seen as to whether the landlords are justified and can be permitted to block the

tenanted premises on this pretext. It has to be noted that there is no order from any Court or Authorities allowing the landlords to block the access of the tenant to the tenanted premises. There can be no dispute that the access through the staircase is essential for use of the tenanted premises by the tenant when the premises are situated at the first and second floor.

9. In this regard, it is relevant to take note of the provisions of Section 29 of the Maharashtra Rent Control Act, which prohibits the landlord from withholding any essential supply or service enjoyed by the tenant in respect of the tenanted premises without just or sufficient cause. For proper appreciation of the controversy, it is necessary to reproduce Section 29 of the Maharashtra Rent Control Act, 1999, which reads as under:-

“29. Landlord not to cut-off or withhold essential supply or service.—(1) No landlord, either himself or through any person acting or purporting to act on his behalf, shall, without just or sufficient cause, cut-off or withhold any essential supply or service enjoyed by the tenant in respect of the premises let to him.

(2) A tenant in occupation of the premises may, if the landlord has contravened the provisions of sub-section (1), make an application to the court for a direction to restore such supply or service.

(3) Having regard to the circumstances of a particular case the court may, if it is satisfied that it is necessary to make an interim order, make such order directing the landlord to restore the essential supply or service before the date specified in such order, before giving notice to the landlord of the enquiry to be made in the application under sub-section (3) or during the pendency of such enquiry. On the failure of the landlord to comply with such interim order of the court, the landlord shall be liable to the same penalty as is provided for in sub-section (4).

(4) If the court on inquiry finds that the tenant has been in enjoyment of the essential supply or service and that it was cut-off or withheld by the landlord without just or sufficient cause, the court shall make an order directing the landlord to restore such supply or service before a date to be specified in the order. Any landlord who fails to restore the supply or service before the date so specified, shall, for each day during which the default continues thereafter, be liable upon further directions by the court, to that effect, to fine which may extend to one hundred rupees.

(5) Any landlord, who contravenes, the provisions of sub-section (1), shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

(6) An application under this section may be made jointly by all or any of the tenants of the premises situated in the same building.

Explanation.— In this section,—

(a) essential supply or service includes supply of water, electricity, lights in passages and on stair-cases, lifts and conservancy or sanitary service;

(b) withholding any essential supply or service shall include acts or omissions attributable to the landlord on account of which the essential supply or service is cut-off by the municipal authority or any other competent authority.

(7) Without prejudice to the provisions of sub-sections (1) to (6) or any other law for the time being in force, where the tenant,—

(a) who has been in enjoyment of any essential supply or service and the landlord has withheld the same, or

(b) who desires to have, at his own cost, any other essential supply or service for the premises in his occupation,

the tenant may apply to the Municipal or any other authority authorised in this behalf, for the permission or for supply of the essential service and it shall be lawful for that authority to grant permission for, supply of such essential supply or service applied for without insisting on production of a 'No Objection Certificate' from the landlord by such tenant."

10. The explanation provided in this Section about the term 'essential supply or service' is inclusive and it refers to supply of water, electricity, lights in passages and on stair-cases, lifts and conservancy or sanitary service. Considering the fact that the tenanted premises are situated on the first and second floor of the building, where there is no lift, the stair-case leading to the tenanted premises has to be considered to be in the nature of an 'essential service'. Blocking the entry through the stair-case by putting a padlock on the iron rolling shutter and getting it welded is an act to block the entry of the tenant to the tenanted premises and is definitely an act which has to be tested with the yardstick of justness and sufficiency of cause. In the instant case, the justification provided by the landlords about the tenant being in arrears of rent and the carelessness of the tenant in using the premises making it dangerous for use are not at all demonstrated by sufficient evidence, except a few photographs (at Annexure R1 to R6) which cannot be the basis to conclusively infer that the tenant has created the situation necessitating the landlords to block the entry to the tenanted premises. There is no dispute that the tenant is using the premises for his office purpose since many years and on account of blocking entry to the tenanted premises, the entire business of the tenant has been halted. The entire action on the part of the landlords deprives the tenant from using the premises even though the tenancy is not at all terminated by the process of law. Despite pendency of the civil suit, the landlords have taken the law in their own hands and blocked the entry to the tenanted premises. The issue as to whether the tenant is in

arrears of rent and whether the property is being misused to the extent of making it dangerous to live would be the subject matter of adjudication in the civil suit.

11. Considering the fact that the tenant is using the tenanted premises for its office use, which has come to a standstill, it was imperative for the trial Court to allow the application filed by the tenant at Exhibit 117 for direction to remove and open the padlock. The landlords are not entitled to act in highhanded manner by taking law in their own hands on the basis of unilateral conclusions that the situation warranted blockage of entry to the tenanted premises.

12. Although the learned counsel for the respondents-landlords submitted that in view of provisions of Section 7 of the Code, the tenant has wrongly invoked the provisions of Section 94(e) of the Code, it has to be seen that the application filed by the tenant was under Section 151 read with Section 94(e) of the Code seeking directions to remove the padlock so that the tenant can have access to the tenanted premises. In the peculiar facts of this case, I am of the firm opinion that this is a fit case in which the Courts are empowered to exercise inherent powers under Section 151 of the Code. The reliance placed by the learned counsel for the tenant on the judgment in *Suneel K. Zende* (supra) is thus appropriate.

13. Having regard to the abovementioned factual and legal aspects, the impugned order passed by the trial Court rejecting the application at

Exhibit 117 deserves to be quashed and set aside. As regards the application filed by the tenant seeking extension of time to comply with the earlier orders passed by the trial Court directing payment of occupation charges, the extension of short time can be granted to the tenant to clear all the arrears. It has to be noted that the failure of the tenant to clear off the arrears can very well be used as a ground in the suit for eviction if situation demands. The reasons recorded by the trial Court for rejecting the application at Exhibit 118 are not at all perverse, however in view of the willingness of the tenant to clear off the arrears, the extension of short time need to be granted in the interest of justice. Hence, the following order is passed:-

- I. The writ petition is allowed.
- II. The impugned order dated 22.12.2025 to the extent of rejecting the applications at Exhibits 117 and 118 is quashed and set aside.
- III. The application filed by the petitioner-Tenant at Exhibit 117 in Regular Civil Suit No.396 of 2015 is allowed and the landlords (plaintiffs in the suit) are directed to remove and open the padlock put on the iron rolling shutter on the entrance of the stair-case to approach the tenanted premises at the earliest and within a period of three days from the date of uploading of this judgment.
- IV. The application filed by the petitioner-Tenant at Exhibit 118 in Regular Civil Suit No.396 of 2015 is allowed and the tenant is granted time of one week to deposit the entire arrears of occupation charges in compliance with the order dated 21.11.2025 passed by the trial Court below Exhibit 102.

- V. It is clarified that the observations in this judgment are with respect to the applications filed by the tenant for getting access to the tenanted premises. The contentions canvassed by the landlords and tenant in the suit about their respective rights would be the subject matter of adjudication in Regular Civil Suit No.396 of 2015, which would be decided independently by the trial Court on the basis of evidence on record.
- VI. In view of the controversy involved, the trial Court is directed to expeditiously decide Regular Civil Suit No.396 of 2015, preferably within a period of six months.
14. Rule is made absolute in aforesaid terms. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)