



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CR-3545-2026(O&M)
Date of decision: 27.04.2026

National Insurance Co. Ltd.

...Petitioner(s)

Vs.

Sudhir Sharma & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Punit Jain, Advocate
Mr. G.C. Shahpuri, Advocate
for the petitioner.

NIDHI GUPTA, J.

CM-8644-CII-2026

This is an application under Section 5 of Limitation Act for condonation of delay of 37 days in filing the present revision petition.

After going through the contents of the application, which is supported by affidavit of the appellant, the same is allowed subject to all just exceptions and delay of 37 days in filing the present petition is condoned.

MAIN CASE

Present Revision Petition has been filed by tenant laying challenge to the order dated 09.03.2023 passed by the learned Rent Controller and the order dated 30.10.2025 passed by learned Appellate Authority whereby petition filed by the respondents/landlords under Section 13 of the East



Punjab Urban Rent Restriction Act, 1949 (hereinafter 'the Act'), for ejectment of the petitioner from the demised premises, has been allowed as the petitioner failed to deposit the provisional rent as assessed by the learned Rent Controller; and the Appeal filed by the petitioner against the said order dated 09.03.2023 was dismissed by the learned Appellate Authority vide order dated 30.10.2025. Hence, present Revision Petition.

2. Brief facts of the case in chronological order are as follows:-

28.09.2022: The respondents/landlords had filed Ejectment Petition dated 20.09.2022 under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, seeking ejectment of the petitioner from the demised premises on the ground of arrears of rent.

02.02.2023: Vide order dated 02.02.2023, the Rent Controller had assessed provisional rent to the tune of Rs.10,92,090/-; with necessary directions to the petitioner to tender the provisionally assessed rent on 09.03.2023.

09.03.2023: On 09.03.2023 itself, the petitioner had moved instant application before the Rent Controller for extension of time to deposit the arrears of rent; as ostensibly, the provisional rent amount could not be procured in the short span of time.

09.03.2023: Vide impugned order dated 09.03.2023, the said application of the petitioner was dismissed; while also allowing the Rent Petition filed by the respondents/landlords by directing the petitioner to hand over vacant



possession of the premises in dispute to the landlords within two months from the date of order.

30.10.2025: The petitioner had preferred Rent Appeal before the Appellate Authority, which has been dismissed vide impugned order dated 30.10.2025.

3. It is inter alia submitted by learned counsel for the petitioner that the learned Rent Controller and the Appellate Authority failed to appreciate that judgment of Hon'ble Supreme Court in case of "**Rakesh Wadhawan & Others Vs. M/s Jagdamaba Industrial Corop. & Others**" would not be applicable in the peculiar facts and circumstances of the present case. In the said case, no application for extension of time had been filed by the tenant therein; whereas in the present case, it is admitted fact on record that prior to the expiry of the period of 15 days, the petitioner had moved an application for extension of time to deposit the provisional rent.

4. Ld. Counsel argues that though the learned Rent Controller assessed the rent vide order dated 02.02.2023 and directed the petitioner-Company to deposit the arrears of rent on 09.03.2023. However, inadvertently, the counsel for the petitioner noted the date as 09.03.2023 for an order on the application of assessment of rent. As such, when the counsel for the petitioner-tenant on 09.03.2023 checked the proceedings, the petitioner came to know that the rent has been assessed, and the date has been fixed for deposit the arrears of rent. On account of the aforesaid circumstances, the petitioner-Company could not procure of the sum of Rs.10,92,090/- as the process of



procuring amount for deposit is that the Local Office had to sanction the amount and sent requisition amount to the Regional Office, Ludhiana which was to be disbursed by the said office. On account of the said process, the amount could not be deposited on 09.03.2023.

5. Accordingly, the petitioner on the same date moved an application before the learned Rent Controller for extension of time to deposit the arrears of rent as the amount could not be procured in the short span of time. But the learned Rent Controller dismissed the application and passed the impugned ejectment order on 09.03.2023 itself whereby the petitioner has been ordered to vacate the premises within two months. It is submitted that both the learned Rent Controller and the Appellate Authority have totally failed to appreciate the fact that though the rent was assessed by the learned Rent Controller on 02.02.2023 and the same was to be deposited on 09.03.2023. However, on account of the inadvertent mistake on the part of their counsel, the petitioner-Company came to know about the passing of the order of assessment only on 09.03.2023 and immediately thereafter moved an application for extension of time to deposit the arrears of rent as the amount being the heavy amount could not be procured and due sanction was required for procuring the said amount from the regional office. Thus, learned Rent Controller dismissed the said application and ordered for ejectment of the petitioner-Company without assigning any good reason.



6. It is further submitted that both the learned Rent Controller and the Appellate Authority have failed to appreciate that the petitioner-Company was always ready to pay the monthly rent of the premises to the respondents-landlords, but they refused to receive the same. Even during the pendency of the appeal; the respondents-landlords received the entire assessed rent. Therefore, once the assessed rent has been accepted by the respondents-landlords, thus, the ground for ejectment due to non-payment of rent was no more available with the respondents-landlords. However, both the learned Rent Controller and the Appellate Authority without considering the said fact wrongly and illegally ordered for ejectment of the petitioner-Company. Ld. Counsel contends that the learned Rent Controller has passed the order in a hasty manner and failed to look into the practical difficulty in procuring the amount and tendering the same in the Court, therefore, the learned Rent Controller ought to have extended the time for making the payment of provisionally assessed rent. However, the learned Rent Controller instead of extending time straightway ordered for ejectment of the petitioner-Company from the demised premises.

7. It is accordingly prayed that the present Revision Petition be allowed and impugned orders be set aside.

8. No other argument is made on behalf of the petitioner. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the petitioner.



9. It is admitted fact on record that the provisional rent was assessed by the Rent Controller vide order dated 02.02.2023. The Hon'ble Supreme Court in **Rakesh Wadhawan v. M/s. Jagdamba Industrial Corporation, (SC) : Law Finder Doc Id # 3207**, has clearly, categorically, unequivocally held that:

"A. East Punjab Urban Rent Restriction Act, 1949, Section 13(2)(i) proviso - Arrears of rent - First date of hearing - Petition for eviction on ground of arrears of rent - Tenant raising genuine dispute regarding rate of rent, quantum of rent etc. - In such a case it is obligatory on Rent Controller to make assessment of arrears of rent, interest and cost of ligation and fix provisional rent to be paid by tenant on first date of hearing - The first date of hearing, would mean the date falling after the provisional order of Rent Controller - On payment of provisional rent by tenant, Rent Controller will then finally adjudicate arrears of rent - If rent finally adjudicated is more than the provisional rent, then tenant will be given one more opportunity to make up deficiency to escape order of eviction."

10. The Hon'ble Supreme Court in **R. Wadhawan (supra)** has concluded that: -

"1. In Section 13(2)(i) poviso, the words "assessed by the Controller" qualify not merely the words "the cost of application" but the entire preceding part of the sentence i.e. "the arrears of rent and interest at six percent per annum on such arrears together with the costs of application".



2. The proviso to Section 13(2)(i) of the East Punjab Urban Rent Restriction Act, 1949 casts an obligation on the Controller to make an assessment of (i) arrears of rent, (ii) the interest on such arrears, and (iii) the cost of application and then quantify by way of an interim or provisional order the amount which the tenant must pay or tender on the "first date of hearing" after the passing of such order of "assessment" by the Controller so as to satisfy the requirement of the proviso.

3. Of necessity, "the date of first hearing of the application" would mean the date of filing after the date of such order by the Controller.

4. On the failure of the tenant to comply, nothing remains to be done and an order for eviction shall follow."

11. Thus, in terms of the above landmark judgment, the Hon'ble Supreme Court has unequivocally laid down that tenant/petitioner had to deposit the provisional rent positively on the '*next date of hearing*'; failing which petitioner was liable to be outrightly evicted from demised premises.

12. Contention of the petitioner that he had tendered the assessed rent and it was the respondent who had refused to accept the same; and therefore, eviction of the petitioner could not have been ordered, is also liable to be rejected in view of the clear stipulation contained in Rule 11: Deposit of Rent (Section 23) of the Haryana Urban (Control of Rent & Eviction) Rules, 1976, as per which it is stipulated that rent, interest and costs assessed by the



Controller, which are tendered by the tenant under Section 13 of the Act, but refused by the landlord, shall be deposited by the tenant in the Court of the Controller. Such sums deposited shall be treated as Civil Court Deposits and accounted for and dealt with according to the Rules of the Civil Deposits in force in Civil Courts. In the present case, the tenant did not comply with the said Rule.

13. In view of the above noted factual and legal position, the present Revision Petition is **dismissed**.

14. Pending application(s) if any also stand(s) disposed of.

27.04.2026
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No