

E. No.131/19

New No.697/19

27.08.2020

Ramesh Kumar Suneja Vs. Dev Raj

The present matter has been taken up for hearing today by way of video conferencing in compliance of order bearing no. 323-355/RG/DHC/2020 dated 15.08.2020 passed by the Hon'ble High Court of Delhi.

Present: None for petitioner.

Mr. Abhay Dixit, Ld. Counsel for the respondent.

An e-mail has been sent to the Court on 26.08.2020 on behalf of the petitioner.

The Ahlmad is directed to take the printout of the e-mail and the attachments and place it in the judicial file. The petitioner is also directed to file the original hardcopy of the vakalatnama which has been sent as an attachment with the e-mail, within eight weeks from today.

A prayer has been made in the e-mail for permission to withdraw the present case.

Record is perused.

Request is allowed.

Eviction petition is dismissed as withdrawn.

File be consigned to record room after compliance of the aforesaid direction for completion of the judicial record.

Copy of this order be sent to the Ld. Counsels for the parties.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
27.08.2020

E. No.134/18

New No.648/18

27.08.2020

M/s Prabhdit Associates Pvt. Ltd. Vs. Punjab National Bank

The present matter has been taken up for hearing today by way of video conferencing in compliance of order bearing no. 323-355/RG/DHC/2020 dated 15.08.2020 passed by the Hon'ble High Court of Delhi.

Present: Mr. Saket Gakhar, Ld. Counsel for the petitioner.

None for the respondent.

1. An application under Section 151 of Code of Civil Procedure has been e-mailed to the Court on behalf of the petitioner. The Ahlmad who is present in Court today is directed to take a printout of the application and place it in the judicial file. The petitioner is also directed to file the original hardcopy of the application, accompanying affidavit and documents within eight weeks from today.
2. The said application is taken up for consideration. It is stated in the application that the tenanted premises has become dangerous and may fall at any time. It is stated that the premises in such a condition that it has become risk to life. It is submitted that despite repeated requests of the petitioner, the respondent is not vacating the premises.
3. It is prayed that eviction order be passed in favour of the petitioner and against the respondent. It is further prayed that the case be taken up on day to day hearing and it be decided at the earliest.
4. Record is perused.
5. The present case is an eviction petition filed under Section 14(1)(j) of the

Delhi Rent Control Act. It is at the stage of cross-examination of petitioner's witness. The Court cannot at this stage close opportunity of the respondent to cross-examine petitioner's witness and straightway pass eviction orders on the filing of an application under Section 151 of Code of Civil Procedure.

6. The present Court which is that of an Additional Rent Controller can exercise powers which are vested upon it under the Delhi Rent Control Act. There is no provision under this legislation which empowers this Court to pass eviction orders under Section 151 of Code of Civil Procedure at the stage when evidence is being recorded.
7. In the case of Iqbal Singh Narang Vs. Veeran Narang 2012 (2) SCC 60, the Hon'ble Supreme Court held that in several cases before it, a consistent view has been taken that the Rent Controller, being a creature of statute, has to act within the four corners of the statute and could exercise only such powers as has been vested in him by the statute. In the case of Prakash H. Jain Vs. Marie Fernandes (2003) 8 SCC 431, it was contended before the Hon'ble Supreme Court that the Competent Authority, being one which has all trappings of a Court, is a 'Court' in the eye of law and consequently possess inherent power to condone the delay as is available to any other Court under the Civil Procedure Code, all the more so when Sections 42 and 43 of the Act is indicative of the applicability of the provisions of the CPC. However, the Hon'ble Supreme Court held that the Competent Authority under the Maharashtra Rent Control Act has been created for a definite purpose and its powers are strictly circumscribed by the very statutory provisions which conferred upon it powers. The Hon'ble Supreme Court held that the Rent Controller discharges quasi-judicial functions and is not a Court understood in a conventional sense. The following was observed by the Hon'ble Supreme Court:-

“In Gurditta Mal Vs. Bal Swarup (AIR 1980 Delhi 216) a learned Single Judge of the said High Court chose to infer conferment of power under Rule 23 of the Delhi Rent Control Rules, 1959, though such power was not conferred under the statute, by relying upon Section 151 CPC which in our view could not have been, having regard to the very nature and content of power under Section 151 and its inapplicability to Authorities other than ordinary courts.”

8. In the case of Nand Kishore & Anr. Vs. Vijay Kumar Gupta CM (M) No. 405/2007 decided by the Hon'ble High Court on 16.02.2009, the following was held:-

Even otherwise, it is settled law that Additional Rent Controller is not a Civil Court and cannot exercise inherent power or powers which are not conferred on it by the statute. Power of review is not an inherent power and can be exercised by an Additional Rent Controller or Additional Rent Control Tribunal only if it is provided in the Rent Control Act.

9. In view of the aforementioned decisions, Section 151 of Code of Civil Procedure is not available with this Court for passing eviction orders against the respondent.
10. In these circumstances, the prayer of the petitioner for passing eviction orders as made in the application cannot be allowed.
11. By the aforementioned order of the Hon'ble High Court bearing no. 323-355/RG/DHC/2020 dated 15.08.2020 r/w order no. 26/DHC/2020 dated 30.07.2020 also of the Hon'ble High Court, it has been directed that evidence in contested cases is not to be recorded till normal functioning of the Courts is resumed. In view of this direction of the Hon'ble High Court, evidence of the petitioner cannot be recorded today and the prayer as made in the application of taking up the case on day to day

hearing can also not be allowed.

12. In these circumstances, application of the petitioner under Section 151 of Code of Civil Procedure is dismissed.
13. In these circumstances, matter is adjourned for petitioner's evidence to 24.11.2020.
14. Copy of this order be sent to the Ld. Counsels for the parties.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
27.08.2020

E. No.22/19

New No.178/19

27.08.2020

Ram Kumar Gupta Vs. Om Prakash

The present matter has been taken up for hearing today by way of video conferencing in compliance of order bearing no. 323-355/RG/DHC/2020 dated 15.08.2020 passed by the Hon'ble High Court of Delhi.

Present: None.

Record is perused.

As no one is present on behalf of the petitioner, matter is adjourned, to 19.12.2020.

Copy of this order be sent to the Ld. Counsels for the parties.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
27.08.2020

E. No.23/19

New No.179/19

27.08.2020

Ram Kumar Gupta Vs. Anil Kumar Ahuja

The present matter has been taken up for hearing today by way of video conferencing in compliance of order bearing no. 323-355/RG/DHC/2020 dated 15.08.2020 passed by the Hon'ble High Court of Delhi.

Present: None for petitioner.

Mr. Arjun Dewan, Ld. Counsel for the respondent.

Record is perused.

As no one is present on behalf of the petitioner, matter is adjourned, to 19.12.2020.

Copy of this order be sent to the Ld. Counsels for the parties.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
27.08.2020

E. No.157/19 & New No.770/19

27.08.2020

Feroz Ahmed Vs. Chandan Lal @ Chandu

The present matter has been taken up for hearing today by way of video conferencing in compliance of order bearing no. 323-355/RG/DHC/2020 dated 15.08.2020 passed by the Hon'ble High Court of Delhi.

Present: Ld. Counsel for the petitioner.
Respondent in person.

An e-mail has been sent to the Court by the petitioner on 20.08.2020. By this e-mail, the petitioner has filed an application for taking on record a document.

An e-mail has been sent to the Court by Mr. Praveen Pandey, Ld. Counsel for the respondent on 26.08.2020. This e-mail contains written submissions submitted by Mr. S.M. Anis, Mr. H.S. Sodhi and Mr. Praveen Pandey, Ld. Counsels for the respondent.

An e-mail has been sent to the Court by one Ms. Vandana Dhingra today at 11:54 AM. In this e-mail, the sender is stated to be Mr. Chandan Lal, the respondent herein. It is stated in this e-mail that the written submissions sent to the Court were sent without any authority and that the vakalatnama executed in favour of Mr. S.M. Anis and Mr. Praveen Pandey is being revoked.

The Ahlmad is directed to take printouts of these e-mails and attachments sent alongwith the e-mails and place it in the judicial file.

The parties are also directed to file the original hardcopy of the e-mails within eight weeks from today.

It is jointly submitted that talks of settlement are going on. At joint request, matter is adjourned for arguments on application for leave to defend, to 10.09.2020.

Copy of this order be sent to the Ld. Counsels for the parties.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
27.08.2020

DR.No.89/20
New No.813/20
27.08.2020

File is received by way of assignment. It be checked and registered.

The present matter has been taken up for hearing today by way of video conferencing in compliance of order bearing no. 323-355/RG/DHC/2020 dated 15.08.2020 passed by the Hon'ble High Court of Delhi.

Present: None.

DR petition perused. Let the rent be deposited within four weeks from today. On filing of treasury challan/deposit voucher, process fees and WhatsApp number, fax number and e-mail address of the respondents, issue notice of the petition for service upon the respondent with the endorsement that the respondent may file objections, if any, within 30 days from receiving notice.

Depending on whether the petitioner files the WhatsApp number, fax number or e-mail address, process be sent through WhatsApp, fax and e-mail.

To come up on 10.12.2020.

Copy of this order be sent to the Ld. Counsel for the petitioner.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
27.08.2020