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

+ RSA 171/2016

VINOD AGGARWAL

..... Appellant

Through: Mr. Sitab Ali Chaudhary, Advocate.

versus

GIRISH BHARDWAJ

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **13.07.2016**

C.M. Nos.24355-56/2016 (exemption)

1. Exemption allowed subject to just exceptions.

C.M. stands disposed of.

+ RSA No.171/2016 and C.M. No.24354/2016 (stay)

2. Learned counsel for the appellant/landlord/defendant argues that the appellant was entitled to adjust security deposit towards the bill raised by NDPL on account of theft of power by the respondent/plaintiff inasmuch as inspection was done and theft found on 7.7.2008 i.e after commencement of the tenancy of the respondent on 1.3.2008. It is argued that the courts below have arrived at a completely perverse finding that the

appellant was not entitled to withhold security till the issue with NDPL came to a quietus.

3. Notice be issued to the respondent, on filing of process fee, both in the ordinary method as well as by registered post AD, returnable on 19th September, 2016. Subject to appellant depositing 1/3rd of the decretal amount within a period of four weeks from today, operations of the impugned judgments of the courts below dated 2.6.2016 and 30.5.2014 are stayed till further orders unless varied by the court. Dasti.

VALMIKI J. MEHTA, J

JULY 13, 2016

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