

Lin Kuei Tsan (deceased) through LRs Vs. Ashok Kumar Goel.

C.R. No.16 of 2015

01.10.2024 **Present:** Mr. Ajay Kumar Sharma, Advocate, for the petitioners/non-applicants.
Mr. Sumeet Sood, Advocate, for the respondent/applicants.

CMP No.15215 of 2024.

The application has been moved by the respondent Sh. Ashok Kumar Goel for releasing use and occupation charges to him in compliance to the order passed by the Hon'ble Apex Court on 06.08.2024 in Miscellaneous Application No.1988-1989/2022 in Contempt Petition No.382-383/2020 in C.A. No.9213-9214/2019 titled as "*Peter TA Tung Ling Vs. Ashok Kumar Goel*".

The order passed by the Hon'ble Apex Court reads as under:-

"Ms. Bina Madhavan, learned counsel for the petitioner shall calculate the amount of arrears from 10.09.2007 @ Rs.8,000/- per month for the premises as per the interim order dated 11.03.2015 of the Court concerned. The amount already paid as rent/occupancy charges shall be deducted from the arrears and it shall be paid to the respondent within a period of four weeks".

2. Vide order dated 11.03.2015 passed in this petition, operation of impugned order dated 20.12.2014 was stayed till further orders on depositing monthly use and occupation charges at Rs.8,000/- per month w.e.f. 10.09.2007. The arrears of rent were to be deposited within two months. The amount already deposited was to be adjusted. Further, monthly use and

occupation charges were to be deposited on or before 10th of every month.

The applicant seeks release of the amount of use and occupation charges deposited by the petitioner at Rs.8,000/- per month.

3. The applicant/respondent has also placed on record, an additional affidavit filed by the petitioner before the Hon'ble Apex Court in the aforementioned case. In the affidavit, the deponent therein has stated that he had complied with the order passed by the Hon'ble Apex Court dated 06.08.2024, on 27.08.2024 by depositing the use and occupation charges for 45 months covering the period from 01.01.2021 to 30.09.2024 at Rs.8,000/-per month by submitting a demand-draft No.425852 dated 27.08.2024 of Rs.3,60,000/- in the Registry of this Court. He also deposed therein about depositing the use and occupation charges for the previous period i.e. w.e.f. September, 2007 to December, 2020, as per the order dated 11.03.2015 passed in this petition.

The petitioner had also submitted in the affidavit that he had deposited the amount of Rs.3,60,000/- towards use and occupation charges at the rate of Rs.8,000/- per month for the period from 01.01.2021 to 30.09.2024, as the respondent-landlord had not accepted the cheque for the aforesaid amount sent by the petitioner/tenant; The cheque had

been returned as unclaimed, compelling the petitioner-tenant to deposit the amount in the Registry of this Court.

4. In view of the order passed by the Hon'ble Apex Court on 06.08.2024 that the amount of arrears from 10.09.2007 at Rs.8,000/- per month is to be paid to the respondent-applicant within a period of four weeks; and the admitted position of the parties that there is no amount which is already paid as rent/occupancy charges to the respondent-landlord, which is required to be deducted from the arrears; learned counsel appearing for the petitioner-tenant has fairly submitted that he has no objection for releasing the amount deposited by the petitioner in the Registry of this Court in favour of the respondent-landlord.

5. Taking into consideration, the above facts and the order passed by the Hon'ble Apex Court on 06.08.2024, this application is allowed. Amount of use and occupation charges deposited by the petitioner/non-applicant at Rs.8,000/- per month w.e.f. 10.09.2007 is ordered to be released in favour of the respondent-landlord. The same be remitted in his bank-account details whereof are given in the application.

The application stands disposed of.

1st October, 2024
(manish)

(Jyotsna Rewal Dua)
Judge