

ITEM NO.101

COURT NO.6

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 11363/2011

NEW MARKET PMC STALL HOLDERS ASSN.

Appellant(s)

VERSUS

PATNA MUN.CORP. & ANR.

Respondent(s)

([FIXED DATE MATTER])

WITH

C.A. No. 11364/2011 (XVI)

Date : 09-11-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Appellant(s) Mr. Gaurav Agrawal, AOR

Mr. Yashraj Singh Deora, Adv.

Mr. Harshvardhan Jha, Adv.

Mrs. Yugandhara Pawar Jha, AOR

Mr. Aman Pathak, Adv.

Mr. Siddhant Singh, Adv.

For Respondent(s) Mr. Neeraj Shekhar, AOR

Dr. Sumit Kumar, Adv

Mr. Keshav Baheti, Adv.

Ms. Mrigna Shekhar, Adv.

Ms. Ayushi Singh, Adv.

Mr. Ishan Vidyarthi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Before we proceed with the matter, it is informed that the parties have approached to the Chief Municipal Officer who has been authorised to determine the rent of the subject demised property in terms of Section 247 of the Bihar Municipal Act, 2007 which came

into force w.e.f. 05.04.2007.

It is pointed out to this Court that the rent determined by the authority and payable by the present appellant w.e.f. 08.04.2002 is the subject matter of challenge in the instant proceedings.

Although, there may be a question as to whether the authority is empowered under the Act in terms of Section 247 to determine the rent prior to the Act came into force.

We find justification in what being submitted to this Court but in the peculiar facts and circumstances of the case, we consider appropriate to direct the authority to determine the proposed rent payable to the license holder/occupier w.e.f 08.04.2022 which is the period of litigation and submit the report to this Court within a short period.

List the matter on 11.01.2023.

(MONIKA DEY)
COURT MASTER (NSH)

(ASHWANI KUMAR)
ASTT. REGISTRAR-cum-PS