

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2016 OF 2006

BHARAT SEWA SANSTHAN

Appellant (s)

VERSUS

U.P. ELECTRONICS CORPN. LTD. & ANR.

Respondent(s)

(With prayer for interim relief and office report)

Date: 12/07/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mr. Prashant Bhushan,Adv.

Mr. Sumeet Sharma, Adv.

Mr. Vishal Gupta, Adv.

Mr. Sanjai K. Pathak, Adv.

Ms. Mini Kaushik, Adv.

For Respondent(s)

Mr. Manoj Swarup, Adv.

Ms. Lalita Kohli, Adv.

Mr. Anubhav Kr., Adv.

for M/S Manoj Swarup & Co.,Adv.

UPON hearing counsel the Court made the following

O R D E R

After hearing both the parties, we passed the following order on 11th

July, 2006:

Mr. Shanti Bhushan,

"The case was argued at length by M

learned Senior Counsel for the appellant. We also heard reply on

counsel

certain preliminary issues from Mr. Manoj Swarup, learned

to file

for the respondent. We also permit Mr. Manoj Swrup

additional documents in this appeal.

Electronics

In the meanwhile, the respondent U.P.

Corporation Ltd. shall handover peaceful vacant possession of the area

which was under the occupation of M/s. UPTRON Ltd., sub-lessee of

respondent no.1 herein, within one week from today. This Court will

decide the arrears of rent payable by the UPTRON Ltd

. at the next

hearing. In the meantime, U.P. Electronics Corporation Ltd. shall pay

pation at the

entire arrears of rent for the portion in their occu

admitted rate.

Since some details are required, we direct both the parties

to file a memo of calculation before this Court so that this Court will

be in a position to pass a detailed order. Treat this m
atter as part-

heard.

Post this matter at 2.00 PM on 12th July, 2006."

As directed Mr. Manoj Swarup, learned counsel for the resp
ondent-

Corporation placed before us a Fax Message from U.P. Electronics Corpor
ation

Ltd. in regard to the total rent payable to the appellant upto 30.6.2006. The Fax

Message reads thus:

"UP ELECTRONICS CORPORATION LTD.

Total rent payable to BSS upto 30.6.2006

Financial TDS paid Year	Rent	UIL	UPLC
1 5	2	3	4
Upto 218145.00	3556068.75	2367966.75	1188104.00
31.3.2001			
2001-2002 85700.00	948285.00	558742.50	389542.50
2002-2003 85700.00	948285.00	558742.50	389542.50
2003-2004 85700.00	948285.00	558742.50	389542.50
2004-2005 85700.00	948285.00	558742.50	389542.50
2005-2006 85700.00	948285.00	558742.50	389542.50
1.4.06-30.6.06 0	133335.00	0	133335.00
TOTAL 646650.00	8430830.75	5161682.25	3269155.50

From 1.4.2006 to 30.6.2006 @ Rs.44445/- per month (50% proposed to be retained)

UPLC Liability = Rs.2622505.50 (payable as per area occupied and approved by the Management)

		UPLC	UIL
Rent of Front Portion			
2.50	64923.75 x 12=	779085/2 =	389542.50
Area 14925 @ Rs.4.35 per sq. ft.			38954
Rent of Rear portion 14100 x 0.00		169200	--
12=			16920
Area 3000 @ Rs.4.72 per sq. ft.			

(exclusively in the use of

UPTRON)

Total rent per annum	948285.00	389542.50	55874
2.50			

According to the learned counsel for the appellant, there is some

discrepancy in regard to the calculation of rent payable as per the agreement. We,

therefore, as an interim measure, without going into the correctness of the

statement now placed before us, direct the U.P. Electronics Corporation Ltd. to pay

a sum of Rs.32,69,155.50 to the appellant herein within four weeks from today.

The U.P. Electronics Corporation Ltd. has also deducted the tax in a sum of

Rs.646650/-. Thus, as per the fax message, the rent is calculated upto 30.6.2006.

We, therefore, direct U.P. Electronics Corporation Ltd. to pay rent from 1st July,

2006 to the appellant herein for the actual area in their occupation as per the terms

of the agreement. The rent shall be paid on or before 10th of every succeeding

month without any default. The respondent shall hand over peaceful vacant

possession to the appellant herein within one week from today the portion in the

occupation of UPTRON India Ltd., a sub-lessee of respondent no.1 herein, which

according to respondent no.1 is 60% of the total area namely 17, 925 sq. ft. This

Court will decide the arrears of rent payable by the UPTRON India Ltd. at the

time of final hearing.

It is also stated by the learned counsel for the appellant that U.P.

Electronics Corporation Ltd. has not paid the electricity charges and wat

er &

sewerage taxes to the authorities concerned in full. The U.P. Electronics Corporation Ltd. is directed to pay the entire arrears to the authorities concerned within four weeks from today.

This order is passed as an interim measure without prejudice to the rights and contentions of both the parties. It is open to both the parties to file additional documents.

Treat this matter as part-heard. Post after six weeks for reporting compliance of the aforesaid directions. Pendency of this appeal before this Court will not prevent the parties from settling the matter amicably.

(A.D. Sharma)

Court Master

(Phoolan Wati Arora)

Court Master