

5. Both the authorities below have recorded a finding that when the rent was paid up-to-date as per the rent note, there is no need for provisional assessment of the rent and the Appellate Authority has categorically recorded a finding that it is not a petition under Section 4 of the Haryana Urban (Control of Rent and Eviction) Act, 1973. A perusal of the impugned order shows that there is no illegality or perversity in the findings recorded by the Appellate Authority. The findings recorded by the Appellate Authority are well reasoned. No jurisdictional error has been committed as provisional assessment of rent is only for the purposes of tendering the rent on first date of hearing in order to avoid ejection. When rent upto 31.12.2024 has already been paid as per rent note executed between the parties, the validity of the tender made would be adjudged at the time of final disposal of the ejection petition and if it is found that tender of rent is short, then as per the law laid down by the Hon'ble Apex Court in *Rakesh Wadhawan and others Vs M/s Jagdamba Industrial Corporation and others*, 2002 (5) SCC 440, the respondent-tenant would be asked to make good deficiency in tender. In this case, there is no question of assessing fair rent. Only provisional rent was required to be assessed by the learned Rent Controller on the first date of hearing as per *Rakesh Wadhawan's* case (supra) and both the Courts below have rightly concluded that when the rent has been paid up-to-date, there is no need for provisional assessment of the rent.

6. As such, finding no perversity in the order so passed, the revision petition is dismissed.

(VIRINDER AGGARWAL)
JUDGE

12.08.2025

Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No