

**CR-4750-2024 (O&M)**  
**CR-6080-2024 (O&M)**

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2025/PHHC/07/003



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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**Date of Decision 02.07.2025**

**CR-4750-2024 (O&M)**

Shiromani Gurudwara Prabandhak Committee, Teja Singh Samundari Hall  
and another ....Petitioners

Versus

Maghar Singh Plywood Pvt. Ltd. and others ....Respondents

**CR-6080-2024 (O&M)**

Maghar Singh Plywood Pvt. Ltd., ....Petitioner

Versus

Sharomani Gurudwara Prabandhak Committe, Teja Singh Samundari Hall,  
Amritsar and others ....Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Kanwaljit Singh, Sr. Advocate with  
Mr. Veer Imaan Singh Gill, Advocate  
for the petitioners in CR-4750-2024.

Mr. Ashish Aggarwal, Sr. Advocate with  
Mr. Anmol Rattan S. Dhillon, Advocate,  
Mr. Saket Bhandari, Advocate and  
Mr. Vaibhav Sehgal, Advocate  
for the petitioner in CR-6080-2024  
for respondent No.1 in CR-4750-2024.

**PANKAJ JAIN, J. (ORAL)**

**CR No.6080 of 2024**

Notice of motion.



Mr. Veer Imaan Singh Gill, Advocate accepts notice on behalf of respondents No.1 and 2.

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Ld. Counsels representing the parties bring to the notice of the Court that in fact both the landlord as well as the tenant are aggrieved of the same order, passed by the Appellate Authority, dated 01.07.2024, whereby the Appellate Authority exercising power under Section 15 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the 1949 Act') has remanded the matter back to the Rent Controller to decide the same afresh after setting aside the order passed by Rent Controller.

2. Mr. Kanwaljit Singh, Ld. Senior Counsel relies upon law laid down by Division Bench of this Court in the case of '**Raghu Nath Jalota vs. Romesh Duggal and another**', 1979(2) RCR(Rent) 501 to submit that no power vests under Section 15 of the 1949 Act with the Appellate Authority to remand the matter back.

3. Mr. Aggarwal submits that the Appellate Authority instead of dealing with the averments raised by the appellant/tenant, has remanded the matter back, even though being convinced that the order passed by the Rent Controller was not sustainable.

4. I have heard counsel for the parties and have carefully gone through records of the case.

5. Both the parties are aggrieved of the same order and the power of the Appellate Authority to remand the matter is seriously under dispute as



held by Division Bench in *Raghu Nath Jalota's case* (supra), wherein Division Bench observed as under:

“19. To conclude therefore the history of the legislation, its object and purpose, the specific language of Section 15(3) of the Act and both principle and precedent, all tend to render an answer in the negative to the mention formulated at the outset. It is, therefore, held that there is no jurisdiction in the Appellate Authority to remand the whole case to the Controller for entirely a fresh decision and the view in *Moti Ram s/o Daulat Ram v. Ram Sahai s/o Chamba Ram, C.R. No. 641 of 1975 decided on April 29, 1958* and *Shri Krishan Lal Seth v. Shrimati Pritam Kumari, 1961 Punjab Law Reporter 865*, is reaffirmed.”

6. In view of above, without commenting on the merits of the case, the instant revision petitions are **allowed**. The order passed by the Appellate Authority, dated 01.07.2024 is hereby set aside. The matter is remanded back to the Appellate Authority to decide the appeal preferred by the tenant afresh in accordance with law within a period of **three months** from the date of receipt of certified copy of this order.

7. Needless to say all pleas available to both the parties shall remain open.

July 02, 2025  
Dpr

(Pankaj Jain)  
Judge

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