



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CR-2634-2025

Date of Decision.:02.05.2025

JBK Hospitality Pvt. Ltd.

.....Petitioner

Vs.

Rajdarbar Rajeshwari Developments Pvt. Ltd.

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ajiteshwar Singh, Advocate
for the petitioner.

Mr. Chanderhas Yadav, Advocate
for the respondent- caveator.

DEEPAK GUPTA, J. (ORAL)

Petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 was filed by the landlord M/s Rajdarbar Rajeshwari Developments Pvt. Ltd. (*respondent herein*) against tenant M/s JBK Hospitality Pvt. Ltd. (*petitioner herein*) from the demised premises on the ground of non-payment of rent. Learned Rent Controller, Gurugram vide order dated 13.03.2025 assessed the provisional rent and adjourned the matter to 27.03.2025 for tendering of the said provisionally assessed rent by the tenant. Appeal filed by the tenant against the said order dated 13.03.2025 was dismissed by the Appellate Authority by way of impugned order dated 28.03.2025.

2. Both the aforesaid orders i.e. 28.03.2025 of the Appellate Authority and the order dated 13.03.2025 of the Rent Controller have been assailed by the tenant before this Court by way of present revision.

**CR-2634-2025****-2-**

3. Along with this petition, caveat was received. At the outset, learned counsel for the respondent- caveator has drawn attention of this Court towards the order dated 28.03.2025 (*Annexure P-18*) passed by learned Rent Controller, whereby the eviction petition itself has been allowed by learned Rent Controller on ground of non-payment of rent by relying upon the legal position explained by Hon'ble Supreme Court in "*Rakesh Wadhavan v. M/s Jagdamba Industrial Corporation*" reported in *2002(1) RCR (Rent) 514 SC*, wherein it was held by Hon'ble Apex Court that in case provisionally assessed rent is not tendered in the Court within the period of 15 days, tenant becomes liable to be evicted straightaway.

4. Assailing the aforesaid orders, learned counsel contends that while passing the impugned order, the Courts below did not take into account the fact that landlord had already got disconnected the electricity supply in the demised premises and complaints in this regard had been made to the appropriate authority and the matter was still pending.

5. The contention is devoid of any merit. Since the ejection order in the main eviction petition has already been passed by learned Rent Controller, therefore, the petition against the orders, whereby the provisional rent was assessed and the appeal against that order was dismissed, have become infructuous.

Petition is accordingly dismissed having been rendered as infructuous.

(DEEPAK GUPTA)
JUDGE

May 02, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No