

2022 LiveLaw (SC) 713

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
HEMANT GUPTA; J., J.B. PARDIWALA; J.
AUGUST 22, 2022

CIVIL APPEAL NO. 5539-5540 OF 2022 [@ SPECIAL LEAVE PETITION (C) NOS. 21200-21201 OF 2021]
SURINDER SINGH DHILLON & ORS. *versus* VIMAL JINDAL

East Punjab Rent Restriction Act, 1949; Section 13 - Demand of increase of rent is wholly irrelevant to determine the *bonafide* requirement of the premises of a landlord.

East Punjab Rent Restriction Act, 1949; Section 6 - The demand of rent beyond the agreed rent is not permissible.

(Arising out of impugned final judgment and order dated 10-12-2021 in CR No. 2095/2016 10-12-2021 in CR No. 2096/2016 passed by the High Court of Punjab & Haryana at Chandigarh)

For Petitioner(s) Ms. Kaveeta Wadia, AOR Ms. Sruti Venugopal, Adv.

For Respondent(s) Mr. Neeraj Kumar Jain, Sr. Adv. Mr. Deepak Bansal, Adv. Mr. Roopak Bansal, Adv. Mr. Arup Ratan Dutta Chaudhury, Adv. Mr. Ravi Kumar Tomar, AOR

ORDER

Leave granted.

The order dated 10.12.2021 is under challenge in the present appeals, whereby in a revision petition filed by the tenant under Section 15(5) of the East Punjab Rent Restriction Act, 1949, the matter was remitted to the appellate authority to consider the effect of notice served by one of the landlords calling upon the tenant to increase the rent.

The learned counsel appearing for the appellants argued that the Rent Controller and the Appellate Authority have passed an order of eviction finding bonafide requirement of the landlord. The demand of increase of rent is wholly irrelevant to determine the bonafide requirement of the premises by the appellant.

We find that even if a notice is served upon by a landlord to increase the rent, that notice has nothing to do with the bonafide requirement as the landlord is statutorily prohibited from increasing the rent in respect of the tenanted premises in terms of Section 6 of the Act. The demand of rent beyond the agreed rent is not permissible in terms of Section 6 of the Act.

Therefore, remitting the matter to the Appellate Authority by the High Court was unjustified in law. Consequently, the order passed by the High Court is set aside. The Revision Petition is restored to its original number. The same shall be decided by the High Court in accordance with law.

In view of above, the appeals are disposed of.

Pending interlocutory application(s), if any, is/are disposed of.