

(2024) 12 UK CK 0008

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 3165 Of 2024

Nitin Agarwal

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 04-12-2024

Acts Referred:

Citation : (2024) 12 UK CK 0008

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : C.K. Sharma, Anil Dabral, Suyash Pant, Sandeep Kothari

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. By means of the present writ petition, the Petitioner has challenged the office order dated 12.05.2023, Annexure no. 2, to the writ petition, and subsequent notice issued by the respondent, whereby the rent of the shop in question, which is situated at "Saras Market, Haldwani", was enhanced from Rs.3,000/ - to Rs.4,320/ - with effect from January, 2023, and consequent recovery notice dated 05.10.2024, issued by the respondent - KMVN.

2. It is contended by the learned counsel for the petitioner that the petitioner was allotted a shop in "Saras Market, Haldwani" in the year 2015 on a monthly rent of Rs. 3,000/ - but on the request made by the shopkeepers of the "Saras Market, Haldwani", the said rent of the shop was reduced from Rs.3,000/ - to Rs.800/ - and undisputedly the petitioner keep on paying the rent of Rs. 800/ - per month regularly. By the impugned order dated 12.05.2023, Annexure no.2, to the writ petition, the respondent - KMVN, has enhanced the rent of the shop from Rs. 800/ - to Rs. 4, 320/ - on the premise that earlier the rent was reduced to Rs. 800/ - by the Managing Director of the KMVN, without placing the matter before the Board. Feeling aggrieved by the aforesaid enhancement of the rent, the petitioner is before this Court.

3. It is submitted by the learned counsel for the respondent - KMVN, which is reflected from the notice itself that earlier the rent was Rs.3,000/- in the year 2014, which was reduced to Rs.800/- by the Managing Director, KMVN, without any decision of the Board, and therefore, the Board has taken a decision to treat the rent Rs.3,000/- and making that the base rent, the rent was re-fixed after a period of more than ten years from Rs.3,000 to Rs.4,320/-, as according to the terms and conditions of the lease deed, the rent was to be increased 20% after three years. The recovery thereon also inflicted upon the petitioner by the order dated 05.10.2024, amounting to Rs.1,26,947/-. It is also made clear by the learned counsel appearing for the respondent KMVN that the recovery of the earlier rent, which was reduced by the Managing Director of the KMVN, without authority has not been claimed, keeping in view the interest of the shopkeepers.

4. Having considered the rival submissions of the learned counsels for the parties, this Court is of the opinion that the action on the part of the KMVN, appears to be quite legal and suffers from no illegality, and therefore, no interference is required. However, liberty can be given to the petitioner, so far as the arrears of the rent, which was increased with effect from January, 2023, is concerned, to pay the arrears in installment. In this regard a representation is to be made by the petitioner to the Managing Director, KMVN, which shall be decided within a period of two weeks' from the date of receipt of representation.

5. Accordingly, the writ petition is disposed of.