
(2002) 01 AHC CK 0102
In the Allahabad High Court
Case No : C.M.W.P. No. 33653 of 1996

Smt. Champa Devi and Another

APPELLANT

Vs

Rent Control and Eviction Officer (1st), Allahabad and
Another

RESPONDENT

Date of Decision : 11-01-2002

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 2

Citation : (2002) 1 AWC 673

Hon'ble Judges : Lakshmi Bihari, J;D.S. Sinha, J

Bench : Division Bench

Advocate : R.N. Singh, Anand Kumar Gupta and K.L. Grover, for the Appellant;
S.C. S.N. Verma and V.N. Agrawal, for the Respondent

Final Decision : Disposed Of

Judgement

D.S. Sinha and Lakshmi Bihari, JJ.—Heard Sri R. N. Singh, learned senior advocate, appearing for the petitioners, Sri S. N. Verma, learned-senior advocate, representing the respondent No. 2, and Sri V. N. Agrawal, learned senior counsel of the State of U. P., appearing for the respondent No. 1. Sri K. L. Grover, learned senior advocate, appearing for the petitioner in connected W.P. No. 27958 of 1998, Punjab National Bank v. VI Addl. District Judge. Gorakhpur and Ors., has also been heard.

2. Following question of law, on reference by a learned single Judge, is up for consideration before this Bench :

"Whether Clause (g) to Section 2 of the U. P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (hereinafter referred to as U. P. Act No. 13 of 1972) which has been inserted in the Principal Act by Section 2 of U. P. Act No. 5 of 1995 will affect the proceedings pending on the date of enforcement of U. P. Act No. 5 of 1995?"

3. The learned counsels appearing for the parties agree and submit that the question referred by the learned single Judge has been conclusively answered by the decision of the Hon''ble Supreme Court of India rendered in M/s. Ambalal Sarabhai Enterprises Ltd. Vs. M/s. Amrit Lal and Co. and Another, and in the light of this decision, the answer to the question has to be in negative.

4. Accordingly, the answer to the question referred would be that Clause (g) to Section 2 of the U. P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972, inserted in the Act by Section 2 of U. P. Act No. 5 of 1995, will not affect the proceedings pending on the date of enforcement of U. P. Act No. 5 of 1995.

5. Let the record of this case and other cases clubbed with this case be transmitted to the appropriate Bench for decision in the light of the answer recorded above.