

ITEM NO.28

Court 6 (Video Conferencing)

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 3210-3211/2020

(Arising out of impugned final judgment and order dated 20-01-2020 in MFA No.7414/2015 and WP No.22495/2015 passed by the High Court of Karnataka at Bengaluru)

K. T. RAJASHEKAR

Petitioner(s)

VERSUS

M/S NARAYANA SWAMY AND SONS

Respondent(s)

(FOR ADMISSION and I.R. and

IA No. 66497/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No.	66496/2020	-	PERMISSION	TO	FILE	ADDITIONAL
						DOCUMENTS/FACTS/ANNEXURES

IA No.	20119/2020	-	PERMISSION	TO	FILE	ADDITIONAL
						DOCUMENTS/FACTS/ANNEXURES)

Date : 11-09-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Abhinav Agrawal, AOR
Mr. Y. P. Gokul, Adv.
Mr. G. Shiva Prakash, Adv.

For Respondent(s) Mr. Balaji Srinivasan, AOR
Mr. Ashok B. Patil, Adv.
Ms. Garima Jain, Adv.
Ms. Pallavi Sengupta, Adv.
Ms. Lakshmi Rao, Adv.
Mr. Aishwarya Choudhary, Adv.

UPON hearing the counsel the Court made the following
O R D E R

I.A. Nos.66496/2020, 66497/2020 and 20119/2020 are allowed.

We have once again heard learned counsel for parties and also perused the additional documents filed by the respondent.

Learned counsel for the petitioner did sought to persuade us that the time period for vacation of premises should be increased but we are not inclined to do so. Insofar as use and occupation charges for the additional three acres of the land are concerned, we had already stated the proposed rate of Rs.6/- per square feet, keeping in mind the order dated 28.02.2020. Learned counsel for the petitioner once again stated that actually he is at site using only about half of that and not the remaining half. This plea is not acceptable. He further submits that the amount determined by this Court would be payable from 01.11.2014 for which learned counsel for the respondent raised some issue but then learned counsel for the respondent has drawn our attention to Annexure A-2 of the additional documents aforesaid taken on record, wherein the own calculation of the respondent is based on the petitioner occupying the additional area from 01.11.2014. Thus, insofar as the payment for additional three acres of land are concerned, the commencement date would be 01.11.2014.

We, in conclusion, direct as under:

- 1) The petitioner will hand over vacant and peaceful possession of the tenanted premises and the additional three acres of land on or before 31.03.2021.

2) The petitioner will clear all the use and occupation charges of the tenanted premises up to date on or before 30.09.2020.

3) The petitioner will pay for the additional three acres of land at the rate of Rs.6/- per square feet from 01.11.2014 till possession is handed over. The arrears in this behalf may be paid within a period of three months from today.

4) In so far as the current use and occupation charges for the tenanted premises and the additional three acres are concerned, they will be paid month to month in advance by the 7th of each month starting from the month of October, 2020.

5) The service charges, the service having been rendered, would have to be also borne by the licensee/the petitioner.

6) The petitioner will furnish an undertaking in terms aforesaid within a period of four weeks from today.

7) The amount of Rs.98 lakhs deposited by the petitioner with the Registry of the High Court of Karnataka be released to the respondent and naturally this amount will be adjusted out of the amounts payable by the petitioner.

In view of the aforesaid, despite the unacceptable conduct of the petitioner, we are inclined to waive the sentence imposed on the petitioner for disobedience of the orders of the Court but making it clear that in case of any default, the petitioner will be visited with the consequences of the sentence and if the amounts

are not deposited, the respondent would be within its right to immediately take over the possession of the tenanted premises and the additional three acres of the land apart from the right to recover the aforesaid amount.

The Special Leave Petitions are disposed of in terms aforesaid leaving parties to bear their own costs.

Pending applications shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR