

SUPREME COURT OF INDIA

Balraj Sharma

Vs.

Ram Gopal Bhatia

S.L.P. (C) No. 22895 of 2003

(R. C. Lahoti and Ashok Bhan JJ.)

19.04.2004

ORDER

I.A. No. 2 in SLP(C) No. 22895/2003 Allowed.

1. Order dated 12.12.2003 is recalled and the special leave petition is restored to number. SLP(C) No. 22895/2003

2. The petitioners filed an application under Section 9 of the Delhi Rent Control Act for fixation of standard rent. During the pendency of the petition, the provisions of Section 9 were struck down as ultra vires by the High Court of Delhi in *Raghunandan Saran Ashok Saran Vs. U.O.I.*¹. An appeal against the judgment of the High Court is pending in this Court. Vide order dated 5.6.2002, the learned Additional Rent Controller directed the petition filed by the petitioners herein to be consigned to the record room because in view of the judgment of the Delhi High Court the petition had ceased to be maintainable. However, the learned Addl. Rent Controller directed that in the event of the judgment of the High Court being set aside by this Court, the petition filed by the petitioners shall be available to be revived.

3. We are not inclined to interfere with the impugned order of the learned Addl. Rent Controller and clarify that in the event of the decision of the High Court in *Raghunandan Saran Ashok Saran's* case (supra) being set aside or any new provision for fixation of standard rent being available for enforcement from a back date the petitioners' application will be available for revival and adjudication on merits.

4. The special leave petition stands disposed of.

¹(2002) 95 DLT 508