

SUPREME COURT OF INDIA

Hindustan Petroleum Corporation Limited

Vs.

J. Dheva Lakshmi

C.A.No.5184 of 2017

(Kurian Joseph and R.Banumathi,JJ.,)

11.04.2017

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.16585 of 2015

1. Leave granted.

2. The only surviving dispute is with regard to the use and occupation charges for the period between 12.02.2010 till October 2015 by the appellant to the respondent, after the order of eviction till the property was handed over. The contracted rate of rent was Rs. 5,000/- per month. However, the respondent-landlord had, in fact, requested for fixation of fair rent during the pendency of the proceedings. The High Court took note of the report of the Rent Controller and fixed the rent at Rs.1,35,800/- per month.

3. Having heard the learned counsel on both sides extensively, we find it difficult to appreciate the stand taken by the High Court. However, since we are inclined to invoke our jurisdiction under Article 142 of the Constitution of India and give a quietus to the whole dispute, we do not intend to deal with the matter on merits.

4. It is directed that in full and final settlement of the entire claims of the respondent towards use and occupation charges for the period mentioned above, the appellant shall pay an amount of Rs. 30 Lakhs to the respondent.

5. Needless to say, the appellant is free to deduct the Tax at Source. The payment, as above, shall be made within a period of one month from today.

6. With the above observations and directions, the impugned order is set aside and the appeal is allowed.

7. No costs.

