

In the Court of the Deputy Commissioner -cum- District Magistrate, Bokaro

JBCA. Appeal No—84/2024-25

1. Made Over Murgs Pvt. Ltd.
2. Smt. Saswati Banerjee

Vs

1. Anekant Steel Pvt. Ltd.
2. Dolphine Apartment Pvt. Ltd.
3. Salasar Realty Pvt. Ltd.
4. Boakro Mall Management Pvt. Ltd.

- ORDER -

10.01.2025 This instant appeal is filed against the order dt.-10.09.2024 passed by the learned SDM, cum Rent Controller, Chas in JBCA Case No-16/2024 (Anekant Steel Pvt. Ltd 224 AJC Bose Road Krishna Building Suit No.-804, 8th Floor, Kolkata -700017 & others V/s Made Over Murgs Pvt. Ltd. J.F.C Pvt. Ltd Regd, Office 301, S.N. Chatterjee Chuna Bhattha, Kokar, Ranchi – 834001 through its Director Smt. Saswati Banerjee D/o Late Samir Kumar Kanjilal.

Heard, respondents have been given notices and accordingly they have submitted their written argument before this court.

1. In this instant appeal it submitted that appellant is a licensee of the respondent/s of buildup area of 443.10 sq feet corresponding to Super Build Up area of 633 sq feet, more or less., at the 3rd floor of Bokaro Mall.
2. That, the respondents in this case had filed a petition on 21.02.2024 for initiation of proceeding under Section 19 (a), (b), (d) & (e) of JBCA Act 2011 against the petitioners before Ld. Court of SDM cum House Rent Controller, Chas. Notices has been issued to the parties to appear on 29.07.2024 and accordingly the appellant has appeared on the same date and have given a written statement on 05.08.2024.
3. That, grounds has been explained by the appellant in this appeal and have pointed out the way the lower court has passed the order dated 10.09.2024.
4. That, appellant had appeared on dt.-29.07.2024 before the SDM Court in JBCA Case No.-16/2024 and have submitted his written statement on 05.08.2024. It has also been submitted by the appellant that the Court of Ld. SDM, Chas had not been conducted the court on dt.-10.09.2024, next date was fixed on 04.10.2024 and further on dt.-04.11.2024 for hearing.
5. That, the appellant has also submitted that he have learnt about the order of execution vide memo no 1807/Ny, dt 08.10.2024

sq
feet
licensee of
issued by the Ld. SDM cum House Rent Controller, Chas in compliance of the order dated-10.09.2024 passed in JBCA Case no - 16/2024, whereas the next date was fixed on dt.- 04.11.2024.

6. The written statement filed by the second party is totally based upon the nonpayment of house rent as per the terms and agreement executed between both the parties on 01.01.2022, which is expired on 30th November 2022. Second party has also submitted that appellant in this case has not paid fee on time and also violating the terms and agreement by wasting the condition of premises and by using smoky burner which deteriorated the life of the premises, apart from the behavior of licensee is so bad.

7. That, after hearing the parties and perusal of the documents available in the record it transpires that this court cannot overlook the due process of law has been followed by the lower court or not. In this case the claim of the appellant is that the said order of eviction was passed by the lower court much before the time fixed for next hearing.

In the other hand the second party claiming that appellant is not following the terms and agreement executed between the parties as far as timely payment of house rent is concerned. The point raised by the respondent about the use of smoky burner in

the premises is a matter of concern and only can be cleared by proper investigation.

8. On the basis above facts and circumstances this court feels that the lower Court must have to follow the due process of law. Without entering into the merit of this case the order of lower court order dt.10.09.2024 is hereby set aside. The case is remanded back to SDM, Chas with a direction to rehear and inquire the points of concern and proper opportunity be given to both the parties to represent their side by following Natural Principles of Justice.

(Dictated and Corrected)


Deputy Commissioner
-cum-

District Magistrate, Bokaro.


Deputy Commissioner
-cum-
District Magistrate, Bokaro.

Date- 10/01/2025

Seal

Place - Bokaro