CHAPTER VIII

DISPUTE SETTLEMENT MACHINERY UNDER THE ACT
Any legislation relating to rent is primarily a social welfare measure as it is intended to protect the relatively weaker section of the society; namely the tenants, against arbitrary eviction and rent hikes by the landlords. The Rent Acts operative in different states of the Indian Union, it is gainsaying, affect millions of people. The set up of courts envisaged under the various Acts to settle disputes between the tenant and the landlord has a crucial role to play.

As discussed earlier, the Rent Act in Punjab was first enacted in 1941,¹ when in the wake of the Second World War, there was a sharp increase of the rents in urban areas. Since that Act was envisaged as a short-term war measure for five years and enacted hurriedly, no serious thinking had been done with regard to the set up of courts under the Act. Consequently under Section 4 of the Act of 1941, it was provided that the existing civil courts should have the power to decide the landlord-tenant disputes under the Act.²

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¹ See Chapter I, supra.
² Section 4 of the Punjab Act No. X read: When under the provisions of this Act any question arises for determination of a court or any order is to be made by a court, such question shall be determined or such order made by the Court having cognizance of the suit or proceedings, if any, in relation to which such question arises or is to be made.
When the Rent Act of 1941 was to be replaced by the Punjab Rent Restrictions Act, 1947, the question regarding the dispute settlement machinery was however examined at length. The latter Act made provisions for the designated courts under the Act. The State Government was empowered to designate or appoint officers as Controllers and the Appellate Authority. All matters under the Act were to be decided by the Rent Controller. In some cases an appeal was made permissible before the Appellate Authority. It was categorically provided that the decision of the Rent Controller, or of the Appellate Authority but only in those cases where appeal could lie, was to be final. No further appeal or revision could lie against the order of the Rent Controller or the Appellate Authority. Thus, the clear thrust under the Act of 1947 was to keep the disputes arising under the Rent Act away from the usual run of the civil courts. This is also corroborated by the fact that the Civil Procedure Code was to be applicable only for summoning of the witnesses and execution of the orders under the Act. The landlord-tenant disputes were to be decided expeditiously. What was attempted to be ensured, by the 1947 Act and subsequently adopted in the 1949 Act (the

4. The term defined in Section 2(b) is 'Controller'. Since another officer in the department of printing and stationery is also designated as Controller by the State Government, the Courts have referred to the 'Controller' under the Act as 'Rent Controller' and the same has been followed in this work.
parent Act now), that cases under the Act shall be disposed
off quickly.

But what has ultimately emerged in reality is the
fact that the litigation under the Act is a very prolonged,
almost a never ending, affair. The first factor which has
considerably contributed in this direction is that, after
1950, the High Courts and the Supreme Court entertained
disputes under the Rent Act by virtue of the powers vested
in them under Articles 226 and 136 of the Constitution. Its
immediate fall out is that with the availability of two new
forums to the aggrieved party, the final settlement of
dispute has become a prolonged affair.

Our field survey has revealed that a small matter
like non-payment of rent takes one and a half year to two
years for its disposal by the Rent Controller. Serious
matters like eviction of the tenant on any one of the
grounds under Section 13 of the Act takes between 10 to 25
years. It has been noticed that in a large number of rent
cases, by the time the matter is finally decided by the
Supreme Court, either the landlord or the tenant, or even
both have died. This is clearly reflected by the reported
decisions from the High Court and the Apex Court wherein
the names of the parties in the title of the case are
accompanied by the expression "deceased through L.R.'s".
Thus the relief sought by an aggrieved party under the Act looses its significance for the person concerned by the time it finally comes.

A concerned effort was made, during the course of the field survey, to identify the causes of such unusual delay in the final disposal of the cases under the Act and the role of the courts therein. It is found that one of the litigant himself (mostly the tenant) is interested in as much delay as possible in the final decision of the case. To achieve this, he gets due encouragement from the law and legal processes, from the courts, and from the lawyers representing the parties. Contribution of law lies in its creation of a long hierarchy of courts under the Act: starting with the Rent Court Controller and, via the Appellate Authority and the High Court, culminating into the Supreme Court.

Although it is nowhere categorically stated under the Act that the designated courts will follow the procedure laid down in the Civil Procedure Code; but in practice, it is this procedure which is being applied to all the rent cases. The survey has clearly pointed to the fact that the Sub-Judges, who are well conversant with the provisions of Civil Procedure Code continue to follow it while acting as rent controllers. The judicial officers, interviewed in
the survey, also accepted openly that the follow C.P.C. in rent cases too. Consequently, undue delays are caused in as much as the processes of Civil Procedure Code designated to deal with civil suits are not conducive to decide the rent cases expeditiously.

The second factor, revealed during the survey, is the genuine grievance of the judicial officers that they are overworked. It is hard to imagine that a sub-judge has a case list of 60 to 80 cases ever day! These include all sorts of cases in which the sub-judge has the jurisdiction. It has also been found that against the permissible limit of 500 case-files with a sub-judge, some of sub-judges have 1500 case files to decide. It is this excessive work load which makes it virtually impossible for a Sub-Judge to decide rent cases speedily.

In the courts of Rent Controllers at Chandigarh, as many as 2275 cases out of the total 10906 civil cases were pending on 31st January, 1993. It was found in the survey that from 1980-1992 the average filing of rent cases in Chandigarh ranged between 1400 to 1700 per year. The annual disposal by the Rent Controllers ranges between 1000 to 1200 cases per year. Thus every year another 400 to 500 case

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5. This data was collected by me from the records of Rent Controllers (Jan 1980 to Jan 1993) with the kind permission of the District and Sessions Judge, Chandigarh.
files are added to the incoming new rent cases ranging between 1400 to 1700. In view of the accumulating arrears of rent cases, it would be desirable to consider the appointment of judicial officers, sufficient in number, to exclusively act as Rent Controllers.

The third factor is the role of the lawyers. The lawyer especially the one representing the tenant leaves no trick to delay the decision of the case since it suits him and his client. In the course of the survey, the lawyers frankly admitted that they make full use of the system of adjournment, long dates, appeal against every interim order, pretext of falling sick, etc. But they invariably claim that they do all this at the insistence of their clients.

Frequent strikes by the lawyers, for one cause or the other, have been identified as one of the causes of delay by the litigants covered by the survey. 5A

The role of the dispute settlement machinery, under a social welfare legislation like the Rent Act, is to mitigate the hardships faced by the tenants but consistently with the interests of the landlords. The survey has

5A. From October 1992 to February 1993 the lawyers' strike in District Courts, Chandigarh continued for almost four months ultimately leading to a split in the Bar.
revealed that the tenant-landlord problems are not looked from this angle. In the course of my meetings with the Hon'ble Judges of the Punjab and Haryana High Court, I had been impressing upon them for the appointment of judicial officers who would act exclusively as Rent Controllers and Appellate Authority. In my own view, it could serve a two-fold purpose: one, the judicial officers devoting themselves exclusively to rent matters would soon gain experience and become specialist in that field without resorting to the processes of C.P.C.; and two, the disposal of rent cases would become quicker by reason of their expertise. It is indeed heartening to note that the Punjab and Haryana High Court has been pleased to appoint two Sub-judges 1st class who would work exclusively as Rent Controllers, and one Additional District Judge as Appellate Authority for all rent cases in Chandigarh with effect from July 16, 1993.58

In an interview conducted on August 18, 1993, the Additional District Judge, who has been designated as the Appellate Authority, told me that he had decided 35 rent appeals against the required quota of 15 in a month! Furthermore I was told that of these 35 appeals, 11 had been decided by compromise. It was also emphasised by the Additional District Judge that those compromises were possible only because he was exclusively

58. This information was shared by the inspecting judge for Chandigarh with me in the course of an interview.
deciding rent appeals, and could afford time to talk to the parties in his chamber. By persuading them to go in for a compromise, the distinguished judge was finding his assignment far more satisfying. Some of the litigants, when contacted after the compromise by the present author, were found to be relieved and relaxed.

In the present chapter, efforts have been made to indentify the limitations of the existing dispute settlement machinery. Such an exercise would enable us to find ways and means to mitigate the hardships faced by the landlords and tenants while pursuing the remedies provided under the Rent Acts.

The landlord, tenant disputes, under the Act, are to be settled by the officers appointed by the State Government for this purpose. The Act has provided a two tier set-up of courts to decide cases. The first court is the Court of the Controller before whom all the cases under the Act lie. After the decision of the case by the Controller, an appeal lies to the Appellate Authority. The decision of the Appellate Authority, except in cases of a specified landlord, is generally final under the Act. However, a revision can be filed before the High Court against the order of the Appellate Authority. The Supreme Court of India can entertain a special leave petition under Article 136 of the Constitution against the decision of the High Court.
Thus every dispute under the Act will first be settled by the Rent Controller. Against the decision of the Rent Controller, the aggrieved party has a right to file an appeal before the Appellate Authority (except in the case of specified landlord). There was no second appeal permissible under the Act. Although the decision of the Appellate Authority was to be final under the Act, the Constitution enabled the aggrieved party to seek intervention the High Court under Article 226. The ultimate course of action available to a litigant, is to prefer a special leave petition to the Supreme Court under Article 136 of the Constitution of India.

8.1 Appointment of Controller and Appellate Authority:

Section 2(b) of the Act reads:

Section 2. In this Act, unless there is anything repugnant in the subject or context:

(a) x x x
(b) "Controller" means any person who is appointed by the (State) Government to perform the functions of a Controller under this Act.

As per Section 2(b) of the Act, the State Government is the competent authority to appoint any person to perform the functions of the Controller. In exercise of this power, subordinate judges, first class, as they were known
at that time, were appointed Controllers in 1947. Subsequently, subordinate judges second and third class were also vested with the powers of the Controller in 1955. These notifications issued by the State Government appointing Sub-judges (earlier known as subordinate judges) have remained operative all through till the present. Thus it is a judicial officer, in the rank of Sub-judge, who functions as Controller, under the Act, in the area of his territorial jurisdiction. In Chandigarh Sub-judges first class (only) have been appointed as Controller under the Act.

As in case of the Controller, the appointment of the Appellate Authority is to be made by the State Government. Section 15(1)(a) of the Act, which confers this power on the State Government, reads:

15. Vesting of appellate authority on officers by State Government. - (1)(a) The State Government may, by a general or special order, by notification confer on such officers and authorities as they think fit, the powers of appellate authorities for the purposes of this Act, in such area or in such classes of cases as may be specified in the order.


As per Section 15(1)(a) the State Government has the power to designate an officer to perform the functions of Appellate Authority under the Act. In 1947, exercising its powers, under Section 15(1)(a) of the Act, the State Government appointed all the District and Session Judges as Appellate Authority for the urban areas under their existing jurisdiction. Subsequently, the Additional District and Session Judges of Rohtak, Gurgaon, Ludhiana and Bathinda were also designated as Appellate Authority. In 1976, all the Additional District and Session Judges were conferred with the powers of the Appellate Authority under the Act. In Chandigarh too, the District and Session Judge and the Additional District and Session Judges have been designated as Appellate Authority under the Act.

8.2 Status of Controller and Appellate Authority:

Section 2(b) and 15(1)(a) give wide ranging power to the State Government to appoint any person or officer as Controller or Appellate Authority. It lies exclusively in the domain of the State Government to name the Controller and the Appellate Authority under the Act. Since the officers, designated as Controller or Appellate Authority

Authority, by the State Government, in pursuance of the power vested in it, were all judicial officers of one rank or the other, a confusion prevailed as to whether the authorities under the Act were civil courts. If so, were they bound to follow the procedure prescribed under the Code of Civil Procedure to decide cases under the Act. The question as to whether the Controller or Appellate Authority function as civil court or as tribunal or persona designate was considered at length by a Full Bench of the East Punjab High Court in M/s Pitman's Shorthand Academy v. M/s R. Lila Ram and Sons. 9 The Full Bench held that the authorities, under the Act, are persona-designata for the following reasons:

1. The appointment of the authorities under the Act lies exclusively within the powers the State Government. The State Government is vested with the power of appointing any person or any officer as Controller or Appellate Authority. There could be non-judicial officers or even non-officials. Since it is not essential to appoint only judicial officers as authorities under the Act, the same cannot be treated as civil courts.

2. The Act does not prescribe that the Code of Civil Procedure be followed per se.

3. The power of the Appellate Authority, while hearing an appeal against the order of the Controller, to make an enquiry as it deems fit, either personally or through the Controller which could include a private enquiry, is absolutely alien to the duties of a Civil Court.

4. Under Section 15(4), the order of the Controller cannot be called in question in any court of law. This by itself is sufficient to indicate that it was not the intention of the legislature to create a court of law but to appoint a persona-designata who would be entrusted with certain specific functions.

In view of the above reasons, it was held that the Controller and Civil courts the Appellate Authority are not subordinate to the High Court.

The question as to whether the authorities under the Act are civil courts or not was again considered at length by a Division Bench of the Punjab and Haryana High Court in Ram Dass v. Smt. Sukhdev Kaur. From the reference

10. 1982(1) R.C.J. 646 P&H.
made by the single judge to the Division Bench, it appears that Pitman's case was not cited at the bar. The Division Bench followed and approved the decision in Pitman's case. It was reiterated that the Rent Controller and Appellate Authority, under the Act, are not Courts but persona designata. S.S. Sandhawalia, C.J., (as he then was) observed:

I may point out that considerable misapprehension and confusion sometimes arises in this context from the fact that usually the powers of the Controller under the Act have been conferred on Subordinate Judges and the powers of Appellate Authority now are also specifically vested by notification in the District Judges. This fortuitous circumstance, however, should not lead one to the error of assuming that thereby the Controller or the Appellate Authorities became civil Courts as such. They retain their essential nature as tribunals or persona-designata under the special statute.

The expression persona designata will literally mean a person designated by the competent authority to discharge certain duties assigned to him or to perform such functions as directed by such authority or under any law for the time being in force. The Apex Court considered the question of persona-designata at length in Central Talkies Ltd. Kanpur v. Dwaika Prasad and held that persona-designata in a person who is pointed out or described as an individual,
as opposed to a person ascertained as a member of a class
or as filling a particular character. In the words of
Schwadie C.J., in Parthasaradhi Naidu v. Koteswara Rao persona designata are "persons selected to act in their
private capacity and not in their capacity as judges".

Thus the expression persona designata would mean
a person who is so designated so as to perform the
functions assigned under a particular statute. The Rent
Controller and the Appellate Authority, under the Act, are
persona designata and not civil courts as was rightly held
in Pitman's case and followed in Ram Dass case. It is
submitted that the fact that the authorities under the Act
are persona designata as their appointment rests
exclusively in the domain of the State Government. This
was confirmed when the powers of the Controller were taken
away under a sister statute in Haryana, namely, the Haryana
Urban (Control of Rent and Eviction) Act, 1972, from the
Subordinate Judges and vested in Sub-Divisional Officers.
At that time the powers of the Appellate Authority were
given to the Deputy Commissioners and even the revisional
jurisdiction was withdrawn from the High Court and vested
in the Financial Commissioner. This arrangement, Executive

14. Quoted from Osborn's Concise Law Dictionary, 4th
15. (1923) I.L.R. 47 Mad. 369 at 373 (FB).
17. Supra 10.
18. Vide Notification No.9037-2C(1)-7326756 dated
Officers in the ranks of Sub-Divisional Magistrate, Deputy Commissioner and Financial Commissioner functioning as Controller, Appellate Authority and Revisional authority respectively, remained in force upto 1978. In 1978, the functions of the Controller, Appellate Authority and Revisional Court, under the Act, were withdrawn from the executive officers and restored to the Sub-Judge, District Judge and the High Court respectively.  

The practice followed in Haryana establishes it beyond any doubt that the authorities under the Act are *persona designata* and not Courts of Law. The power to appoint persons as Controllers or Appellate Authority lies exclusively within the power of the State Government and the Act by itself does not establish a Court of Law. If the judicial officers have been designated as authorities, by the State Government exercising its powers under the Act, these officers function as designate Tribunals and not as sub-judges or District judges. Thus the settled position, under the Act, is that judicial officers functioning as Controller or Appellate Authority are *persona designata* and not civil courts.

8.3 **Applicability of the processes of the Code of civil Procedure:**

The Act is a complete Code by itself and the

procedure under the Civil Procedure Code is not prescribed as such. In two situations where the Legislature felt the necessity of applying the rules under the Code of Civil Procedure, it has been specifically mentioned that the Civil Procedure Code is to be followed. These cases are that of Sections 16 and 17 of the Act. Section 16 relates to the power of the Controller or the appellate authority to summon witnesses and enforce their attendance. For this purpose it is provided in Section 16 of the Act that the Authorities under the Act shall have the same powers of summoning and enforcing the attendance of witnesses as a Court has under the Code of Civil Procedure.

Under Section 17, every order of an Authority under the Act shall be executed by a Civil Court as if it were a decree of that court. That is to say that, for the purpose of execution, the status of an order by the authority under the Act shall be that of a decree passed by a Civil Court. Therefore, the procedure for execution proceedings shall be that of the Code of Civil Procedure.

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20. Section 16 of the Act reads: "Power to summon and enforce attendance of witnesses - For the purposes of this Act, an appellate authority or a Controller appointed under the Act shall have the same powers of summoning and enforcing the attendance of witnesses and compelling the production of evidence as are vested in a Court under the Code of Civil Procedure Code, 1908.

21. Section 17 of the Act reads:
Execution of Order - Every order made under Section 10, or 13, and every order passed on appeal under section 15 shall be executed by a Civil Court having jurisdiction in the area as if it were a decree of that Court."
The fact that the legislature explicitly referred to the Civil Procedure Code only in two provisions, where it was felt necessary, clearly indicates that the Legislature never intended that the cumbersome procedure of Civil suits be followed in cases under the Act. Had the Legislature thought it otherwise, then there could have been an explicit provision mentioning that the procedure to be followed under the Act shall be the one of the Code of Civil Procedure as it was under the 1941 Act.

In Raghu Nath Jalota v. Ramesh Duggal22, a Division Bench of the Punjab and Haryana High Court held that since the authorities under the Rent Act are persona designata, they are not required to follow the procedure of the Code of Civil Procedure except under Sections 16 and 17. Explaining the object of the exclusion of Code of Civil Procedure under the Act, the Court observed:

apart from the larger purpose of restricting rents and giving special protection to the tenants, the specific intent of the legislature was to provide a special and expeditious procedure for the disposal of the matters under the Act. The jurisdiction for the determination of these matters was designedly and meaningfully taken away from the ordinary run of Civil Courts and vested in the Controllers. They were left to devise their own procedure free from technicalities and formalities of the Civil Procedure Code which governed the Civil Courts. Sections 16 and 17 of the Act brought in the

Civil Procedure Code only for the limited purpose of the summoning and enforcing the attendance of witnesses and the execution of the orders passed by the Controller or the Appellate Authority and by necessary implication exclude the strict application of its provisions to the authorities under the Act. The underlying purpose was to rid the authorities under the Act from the shackles of technical procedure and to provide a summary and expeditious mode of disposal. It is further evident from the fact that originally only one appeal was provided by the statute to the Appellate Authority and all further appeals or revisions were barred by section 11(1) of the Act. (Emphasis added)

The question regarding the applicability of the Code of Civil Procedure under the Act was again considered at length in Ram Dass v. Smt. Sukhdev Kaur. It was pointed out in this case that the Rent Controllers are not Courts stricto sensu but are persona-designata. Since such judges have been designated as Controllers, it invariably leads to the impression that these are not designated tribunals under the Act but are Civil Courts.

From the above cases it can be concluded that:

1. The Civil Procedure Code does not apply under the Act except to the limited extent of Sections 16 and 17.

2. Application to withdraw a case at the appellate stage with right to file a fresh case on the same cause of action under order 23 Rule 13 of

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Civil Procedure Code not permissible under the Act. Order of the Appellate Authority to that effect set aside.

3. Authorities under the Act can devise their own procedure to decide such applications.

Since the functions of the Controller and the Appellate Authority, under the Act, have been entrusted to the sub-judges and District judges; it was observed during the course of field survey that they keep on following the Civil Procedure Code for deciding matters under the Act. These officers are used to following the Civil Procedure Code in performing their normal judicial functions, and are, thus, well conversant with its provisions. They find it convenient to follow the Civil Procedure Code. When I suggested to some judicial officers to devise a separate and more appropriate procedure to deal with rent matters, their response was that, in view of the total cases which come up before them, it was not feasible. The way out they have found, to their convenience and advantage, is that without quoting any Order or Rule of the Civil Procedure Code, they keep on following it.

It is submitted that it was the intention of the Legislature to avoid the technicalities of the Civil Procedure Code but the same is being following through a circuitous route. The need of the time is that the summary
procedure to be followed in rent matters should be specifically provided in the Act itself as it has been done under Section 18-A in relation to specified landlords. It should also be ensured that, at the implementation stage, it does not meet the fate of Section 18-A of the Act. For achieving this end, it will be essential to appoint judicial officers exclusively working as Controllers and Appellate Authority. The High Court, under its supervisory powers, must ensure that the summary procedure to be prescribed under the Act is strictly followed by the Controllers and the Appellate Authority. The introduction of summary procedure, coupled with the appointment of judicial officers exclusively functioning as Controllers and Appellate Authority, will go a long way in clearing the backlog of rent cases and also put a check on the further accumulation of arrears of cases. It is heartening to note that this suggestion regarding the appointment of judicial officers exclusively functioning as controller and Appelate Authority has been partially implemented by the High Court in the case of Chandigarh by appointing two sub-judges as Rent Controllers to exclusively look after rent matters, w.e.f. 16.7.1993.

8.4 **Controller can set aside his ex-parte order**

The question as to whether a Controller can set aside his own ex-parte order or not was answered in the
affirmative in the case of Chander Mohan Mittal v. Bihari Lal Gupta. In this case, an ex-parte eviction order was passed by the Rent Controller, Chandigarh against the tenant on the application moved by the landlord. The tenant applied for setting aside the ex-parte order on the ground that he was not served with the summons. The Rent Controller consequently set aside his own ex-parte order. It was held that it is the inherent power of the Rent Controller, under the Act, that he can set aside his own ex-parte order. It was also held that against such an order of the Rent Controller, no appeal shall lie before the Appellate Authority under Section 15(1)(b) of the Act. The only remedy available to the aggrieved party shall be to file a revision in the High Court under Section 15(5) of the Act.

However, if the ex-parte order of the Rent Controller has been obtained by fraud, the same must be set aside by the Controller himself. In M/s. Uttam Singh Inderjit Singh v. Ram Gopal Kalia, the landlord sought eviction of the tenant on the ground of non-payment of rent. The tenant paid the arrears of rent on the first date of hearing. The landlord obtained ex-parte evacuation order by committing fraud on the tenant. G.C. Mittal, J.,

24. 1985(2) R.C.J. 541 P&H.
25. 1982(2) R.C.J. 450 P&H.
(as he then was) held that it was a fit case for the High Court to *suo moto* exercise its revisional jurisdiction under the Act. It was further held that instead of remanding the case to the Rent Controller, it was a fit case to be decided by the High Court itself. After holding that the tender made by the tenant was valid and the landlord obtained ex-parte eviction order against the tenant by committing a fraud against him, Justice Mittal went on to direct that the tenant be put back in possession in the following words:

...that since the landlord had obtained possession of the premises in dispute in pursuance of an ejectment order, obtained by fraud, he has to restore the possession to the tenant and all persons who are in possession will also vacate and would be liable to put the tenant in possession. (Emphasis added)

Thus, the Rent Controller has an inherent power under the Act to set aside his own ex-parte order. The remedy available to the aggrieved party shall be to go in for revision before the High Court against such order. If it is established that the ex-parte order is vitiated by fraud of the other party, the same is bound to be struck down.

8.5 **Appeal**

Section 15(1)(b) of the Act entitles the party, who is aggrieved by an order passed by the Controller, to prefer
an appeal to the Appellate Authority. The right to appeal made available to the litigant is a creation of the statute. The purpose of providing the right to appeal is primarily to make available a forum which can reassess the correctness of the decision of the Rent Controller. It is for this reason that under Section 15 of the Act, the Appellate Authority can review the entire facts, evidence and the law applied thereto. The appeal to the Appellate Authority is a cross check on questions of fact as well as questions of law.

The Governor of Punjab, in 1947, while ordering the appointment of District and Session Judges as Appellate Authorities under the Act had specified that these authorities will have appellate jurisdiction against the orders of Rent Controllers under Sections 4, 10, 12 and 13 of the Act. This notification of 1947 has not been superseded by any other notification in this regard. As a result the notification continues to be valid till date. As per

26. Vide Notification No. 1562-Cr-47/9228 dated 14th April, 1947 which reads as: "In exercise of the powers conferred by such clause (a) of clause (1) of Section 15 of the Punjab Urban Rent Restrictions Act, 1947, the Governor of Punjab is pleased to confer on all District and Session Judges in the Punjab in respect of the urban areas in their respective existing jurisdiction, the powers of Appellate Authorities for the purpose of the said Act, with regard to orders made by the Rent Controllers, under Sections 4, 10, 12 and 13 of the said Act." Quoted in H.L. Sarin, Rent Restrictions in Punjab, Haryana, Himachal Pradesh and Chandigarh, Vol.II, 1985 appendix C at p. 658.
the notification of 1947, the orders of the Rent Controller against which an appeal lies to the Appellate Authority are the ones under Section 4, 10, 12 and 13 only. Any other order of the Rent Controller like the one under sections 6 to 11 or under Section 19 was not appealable. Before the amendment of 1956, through which revisional power of the High Court was introduced for the first time, the order of the Rent Controller, under Sections 6 to 11 and 19 of the Act, used to be final. In other words, there was no further scrutiny of the correctness of the Rent Controller's order under Sections 6 to 11 and 19 of the Act.

In the neighbouring State of Haryana, where the Punjab Act applied before it was replaced by the Haryana Act of 1973, the Governor's order of 1947 continues to be operative even after the Haryana Act of 1973 came into force. After considering the relevant notifications and provisions of the Haryana Act at length, a Full Bench of the High Court in Daya Chand Hardyal v. Bir Chand held:

On a true perspective of the legislative background, the language of the Act in particular of the relevant notifications, I would hold that notification No.S.O./71/H.A.II/73/S-15/78 dated May 8, 1978, is confined only to the forum for the appellate jurisdiction and in no way affects the classes of cases which alone

had been earlier made appealable by Notification No. 1562-CR-47/922B dated 14.4.1947, which continues to hold the field. There-under the orders made by the Rent Controller and sections 4, 10, 12, and 13 of the Act alone are appealable.

Thus, the position in Punjab and Haryana, as of today, is that only those orders of the Rent Controller which are passed under Section 4, 10, 12 and 13 are appealable before the Appellate Authority.

In Chandigarh, where the application of the Punjab Act has been extended, the position is different. The Chandigarh Administration vested the District Judge, Chandigarh with the powers of the Appellate Authority under the Punjab Act.

This notification for Union Territory of Chandigarh, dated 25th November, 1972, is materially different from the Punjab Notification of 1947. Unlike the Punjab notification, there is no reference to the orders passed by the

29. Vide Notification No.4612-LD-72/6843 dated 25.11.1972 which reads as under: "In exercise of the powers conferred by clause (a) of sub-section (1) of Section 15 of the East Punjab Urban Rent Restrictions Act, 1949 (East Punjab Act No. 3 of 1949), the Chief Commissioner, Chandigarh, is pleased to confer on the District Judge, Chandigarh, the powers of Appellate Authority for the purposes of the said Act in respect of the urban area comprised in Chandigarh, as defined in Clause (d) of the Capital of Punjab (Development Regulations) Act, 1952."

The same power of Appellate Authority was conferred on Additional District and Session Judge, Chandigarh vide Notification No.2/1/90-3H(s)-76/13296 dated 28 June, 1976.
Rent Controller under some specific provision of the Act. Thus, in Chandigarh, any order passed by the Rent Controller is appealable before the Appellate Authority.

This question of the position being different in Chandigarh was raised in the case of Chander Mohan Mittal v. Bibari Lal Gupta. In this case the Rent Controller set aside his own ex-parte order of eviction against the tenant. Against this order of the Rent Controller, the landlord preferred an appeal before the Appellate Authority. The Appellate Authority considered this question of the difference between the notifications of 1947 and 1972 and came to the conclusion that in Chandigarh, as per the notification of 1972, an appeal can lie against the order of the Rent Controller. Accepting the appeal of the landlord, the Appellate Authority set aside the order of the Rent Controller and ordered eviction of the tenant. The tenant filed a revision before the High Court against the decision of the Appellate Authority. Although the question regarding the difference between two notifications of 1947 and 1972 was specifically argued before the Bench, Justice Gupta did not give a categorical ruling on the same and the revision of the tenant was allowed only on the

30. Supra 24.
the ground that the order of the Rent Controller in question was not the one under the Act but was in exercise of the inherent powers of the Rent Controller. Therefore, against such an order, only revision would lie before the High Court under Section 15(5) of the Act.

It is submitted that though the revision petition was disposed off on the ground that the order in question, passed by the Rent Controller, is not the one under the Act but the one in exercise of the inherent power vested in the Controller. It was a fit case to pronounce that as per the notification of 1972, in Chandigarh, all orders passed by the Rent Controller are appealable unlike the position obtaining in Punjab where orders of the Rent Controller are appealable only under Sections 4, 10, 12 and 13. Thus even without a specific precedent on the point, a plain reading of the 1972 notification makes it clear that in Chandigarh, any order of the Rent Controller passed under the Act shall be appealable under Section 15(1) of the Act.

8.6 Meaning of Aggrieved Person:

Section 15(1)(b)31 of the Act provides that any person who is aggrieved by an order passed by the

31. Section 15(1)(b) of the Act reads: (b) any person aggrieved by an order passed by the Controller may, within fifteen days from the date of such order or such order or such longer period as the appellate authority may allow for reasons to be recorded in writing, prefer an appeal in writing to the appellate authority having jurisdiction. In computing the period of fifteen days the time taken to obtain certified copy of the order appealed against shall be excluded.
Controller may prefer an appeal in writing to the Appellate Authority within fifteen days from the date of such an order. The expression 'aggrieved person' would normally mean a person who has a grievance, a grouse, dissatisfaction, unhappiness vis-a-vis the order of the Controller.

The words 'person aggrieved' do not really mean a man who is disappointed of a benefit which he might have received if some other order had been made. 'A person aggrieved' must be a man who has suffered a legal grievance, a man against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully refused him something or wrongfully affected his title to something. 32

Where the landlady had dragged the tenant to the court and, after about a year or so, withdrew her eviction application, and the Rent Controller did not award any special costs to the tenant, it was held that the tenant came within the purview of a "person aggrieved" and could maintain an appeal before the Appellate Authority. 33 In case a person is a party to a petition under the Act and an order is passed against him, he would be a 'person aggrieved' within the meaning of Section 15(1)(b) of the Act. 34

However, if a person who is a party to a case under the Act and has consented to an order cannot possibly be

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branded as an aggrieved person. The only rider in such a case would be that the consent is not vitiated by factors like fraud. When the consent to an order of the Controller has been given by the lawyer representing his client, it is normally to be taken as consent by the litigant unless the malafides against the Advocate are established.

8.7 Limitation Period for Appeal:

An appeal against an order of the Rent Controller can be filed before the Appellate Authority within fifteen days from the date of the passing of that order. In 1956, it was added to Section 15(1)(b) that "in computing the period of fifteen days, the time taken to obtain a certified copy of the order appealed against shall be excluded."35 Thus the limitation period for filing an appeal against an order of the Rent Controller under Section 15(1)(h) shall normally be fifteen days plus the time taken for obtaining the certified copy of that order. Since the limitation period for filing an appeal before the Appellate Authority is prescribed under Section 15 of the Act, the provisions of Indian Limitation Act, 1963 shall not be applicable. The non-applicability of the Limitation Act is borne by the fact that under Section 5 of that Act, there is no provision for condoning the delay in filing an appeal, the way it is there under Section 15(1)(b) of the Act.

35. Added by Punjab Act No. 26 of 1956.
Under Section 15(l)(b) of the Act, the Appellate Authority has been vested with the power of condoning the delay in filing an appeal before it. While exercising this power, the Appellate Authority must record the reasons for condoning the delay. Thus this power to condone the delay in filing an appeal is not to be exercised arbitrarily but judiciously. In the case of Jaswant Rai v. Harbans Lal, the facts were that the landlord Jaswant Rai had filed three eviction petitions against the same tenant in respect of three rented premises. In all the petitions arguments were concluded on 27.11.82. On the same day, the tenant applied for the certified copies of the orders yet to be pronounced. Orders were pronounced on 30.11.82 and these went against the tenant. The tenant obtained certified copies on 10.12.82 wherein it was mentioned that these were prepared on 1.12.82. Since the courts were closed from 24.12.82 to 3.1.83, the tenant filed appeals on 4.1.83. The Appellate Authority, after hearing both the parties, came to the conclusion that the tenant was entitled to the exclusion of the time from 1.12.82 to 10.12.82 and in view of the closure of the Court in the end of December, '82, there were sufficient grounds to entertain the appeals beyond the prescribed period as the delay was neither intentional nor because of any negligence on the part of the tenant. Dismissing the revision of the landlord, the

36. 1984(2) R.C.J. 644 P&H.
High Court held that the Appellate Authority was fully justified in condoning the delay in the filing of the appeal by virtue of the power vested in it under section 15(1)(b) of the Act. It was pointed out that the tenant had applied for the certified copies of the order the very day the arguments in the case were concluded. The stenographer attached to the Rent Controller did not issue any docket to the tenant specifying the date on which the copy was to be collected by the tenant. It was further observed that it was not the duty of a litigant to contact the stenographer daily.

In the case of Mansha Singh v. Municipal Committee Jalalabad, the delay in filing the appeal was only of one day. The Appellate Authority refused to condone it. The High Court intervened in revision to point out that since the point involved in the case is of substantial importance, such a delay of only one day must be condoned.

However, in Parkash C. Ved v. M/s Havela Singh Pritam Singh, the landlord, after his eviction application was dismissed by the Rent Controller, filed an appeal after 42 days from the date of obtaining the certified copy of the order. The reason given in the application for condonation of delay was that the landlord

37. 1986(2) R.C.J. 284 P&H.
38. 1990(1) R.C.R. 465 P&H.
was advised by an Advocate that the appeal could be filed within 45 days. The Appellate Authority after giving opportunity to both the sides to lead evidence came to the conclusion that there was no sufficient cause to condone the delay. Affirming the decision of the Appellate Authority, the High Court held that the landlord was himself an Advocate and there was no ground to condone the delay.

Thus, it is within the power of the Appellate Authority to entertain an appeal, against the order of the Rent Controller, even after the expiry of the limitation period prescribed under Section 15(1)(b). While condoning the delay in filing the appeal by the aggrieved person, the Appellate Authority is under an obligation to record those cogent reasons on the basis of which the delay is condoned.

8.8 **Enquiry by the Appellate Authority:**

Section 15(3) of the Act provides that the Appellate Authority shall decide the appeal, preferred before it by the aggrieved person, after giving the hearing to both the parties. It will call for the records of the

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39. Section 15(3) reads: "The appellate authority shall decide the appeal after sending for the records of case from Controller and after giving the parties an opportunity of being heard, and, if necessary, after making such further inquiry as it thinks fit, either personally or through the Controller."
case from the Controller and for deciding the appeal shall have the power to make such further enquiry as it thinks fit.

Under section 15(3) of the Act, firstly, a duty is cast upon the Appellate Authority to decide an appeal preferred by the aggrieved party against the Order of the Rent Controller. The Appellate Authority cannot refuse to entertain an appeal against the order of the Rent Controller unless it is either barred by the limitation period or is against such order of the Rent Controller which is not appealable. Secondly, the Appellate Authority has to send for the records of the case from the Controller. After an appeal is admitted by the Appellate Authority and some interim order, depending upon the case made by the appellant, is passed it has to send for the record of the case from the Controller. The records of the case have to be before the Appellate Authority for the final disposal of the appeal. Thirdly the Appellate Authority is under a legal obligation to give an opportunity to the parties to be heard before deciding the appeal. The requirement of the section, that both parties should be heard, is mandatory to the extent that the adverse order cannot be passed against a party who is not present. Where the adverse order was passed against the appellant tenant, after he was heard, he had no grievance on that score. It was immaterial whether notice of appeal was issued to the
respondent landlord or not. In M/s R.S. Madho Ram v. M/s Dwarka Dass and Sons, the landlord sold the premises in dispute during the pendency of the appeal by the tenant and the new landlord, that is the buyer, was not impleaded as a party nor was given any hearing. However, the previous landlord and the tenant were given full chance of being heard. The appeal was ultimately decided against the appellant tenant. It was held that there is nothing wrong with the decision of the Appellate Authority.

It emerges from the above two decisions that though Section 15(3) requires that both the parties to the appeal have to be heard before the appeal is decided but if the party, against whom the appeal is decided, has been given the hearing, the decision shall not be vitiated on the ground that the other party was not heard. Of course, the decision of the Appellate Authority shall be null and void if it has gone against the party to the appeal who was not given the benefit of being heard. The right to be heard under Section 15(3) may be availed of by presenting the case orally or by making written submissions.

Fourthly, the Appellate Authority is empowered to make such further enquiry into the matter as it may think fit. The Appellate Authority has the discretion to make

41. 1991(2) R.C.R. 59 P&H.
further enquiry personally or may get it done through the Controller. The Appellate Authority has been vested with very wide powers under Section 15(3) of the Act. It is not to confine itself to the record of the case as received from the Rent Controller. The Appellate Authority can also permit additional evidence to be led by a party if it feels that this will help in arriving at the correct conclusion. In Hari Ram v. Firm Ram Parkash Sant Lal\(^2\), the tenant wanted to lead additional evidence and the same was allowed. After the additional evidence was put on record, the Appellate Authority came to the conclusion that the eviction order passed by the Rent Controller was erroneous. It was held by the High Court that the Appellate Authority was well within its rights to allow additional evidence.

In the case of Kuljit Singh Sehgal v. M/s Gupta Agencies\(^3\), the landlord alleged that his tenant in S.C.F. No. 24, Sector 18-C, Chandigarh has constructed a wall in the backyard on the ground floor and covered it with G.I. sheets. The tenant claimed that the said construction was done by the earlier tenant of the premises and not by him. The Rent Controller dismissed the eviction petition concluding that the landlord has failed to prove that the alleged construction was done by the present tenant. In

\(^2\) 1992(1) R.C.J. 400 P&H.
\(^3\) 1992(1) R.C.J. 424 P&H.
appeal, the landlord wanted to lead additional documentary evidence (which he did not have with him earlier) to prove that the construction was made by the present tenant. The Appellate Authority declined the request of the landlord. The High Court in revision intervened to hold that since the evidence in the case, the same should be allowed.

The very object of giving such a wide power to the Appellate Authority, under Section 15(3) of the Act, is to make doubly sure that no injustice is done to a party. In case there is no lacuna in the record received from the Rent Controller, the same should be duly cleared at the appellate stage. The Appellate Authority, under the Act, is also the second fact finding court. The orders of the Appellate Authority are, for all practical purposes, final in so far as conclusions of facts are concerned. The High Court in revision will not upset them lightly. Since there is no further appeal provided under the Act and the decision of the Appellate Authority is virtually final (at least on questions of fact), it becomes incumbent on it to deal with every case with full sense of responsibility attached to a final court of fact. It has been held that it is natural to expect from the Appellate Authority to apply its judicial mind while determining important questions affecting valuable rights. The orders of the

Appellate Authority should be proper speaking orders and avoid creating an impression of arbitrariness.\textsuperscript{45}

It is submitted that the Appellate Authority, being the final Authority in cases under the Act, has purposely been vested with wide powers of virtually re-determining the whole case in appeal. In view of the fact that there is no further appeal against the order of the Appellate Authority (only revision lies before the High Court) it must scrutinise the whole case as received from the Rent Controller and must make such further enquiry which will be necessary to meet the ends of justice.

8.9 Remand of a Case by the Appellate Authority:

Section 15(3) of the Act provides that the Appellate Authority shall decide an appeal preferred by the aggrieved person against an order of the Rent Controller. In the process of deciding an appeal under the Act, the Appellate Authority is empowered to make such further enquiry as it deems fit either personally or through the Controller. Nowhere in Section 15(3), it is possibly contemplated that the Appellate Authority can remand a case to the Rent Controller for a fresh trial. To the contrary, it is the bounden duty of the Appellate Authority to decide the appeal as indicated by the expression that the Authority.

\textsuperscript{45} Saroj Kumari v. Lalit Kumar Vijay, 1969 R.C.J. 196 P&H.
"shall" decide the appeal. Moreover the power of the Appellate Authority to make further enquiry, either personally or through the Controller, further affirms that under no circumstances the case is to be remanded for a fresh trial. The provision for fresh enquiry by the Appellate Authority is with the obvious object of cutting the usual procedure under the Code of Civil Procedure where appellate court is empowered to remand the case of the trial court.

The question as to whether the Appellate Authority has the power to remand the case to the Controller or not, was considered in Moti Ram v. Ram Sahai. Grover, J., (as he then was) observed:

that the Appellate Authority could make such enquiry as it thought fit itself or it could ask the Controller to make that enquiry but the appeal had to be disposed off by the Appellate Authority itself and since the decision of the Appellate Authority is to be final, it can have reference only to such decision as the Appellate Authority makes on the merits and it can have no reference to such an order of remand as has been made in the present case. It is quite clear that the statute makes no provision for an order of remand for retrial or fresh decision and the obvious intention of the Legislature seems to be that the Appellate Authority should itself decide the points, and if for the purpose of doing so, it becomes necessary to make some further enquiry, that can be done by the Appellate Authority itself or through the Controller.

(Emphasis added)

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46. Moti Ram S/o L.Daulat Ram Khatri of Sangur v. Ram Sahai S/o Chamba Ram Mahajan of Sangur C.R.No.641 of 1957 decided on 29.4.58 Pb.High Court: a case under Section 16(3) of the Patiala and East Punjab States Union Urban Rent Restrictions Ordinance 2006 B.K. which is pari materia with Sec.15(3) of the Act.
A Division Bench of the Punjab High Court in Krishan Lal Seth v. Pritam Kumari⁴⁷, held that:

when the Appellate Authority is some-how or the other dissatisfied with the trial of an application for eviction of the tenant, it can make a further enquiry as it thinks fit either personally or through the Rent Controller, but it has not power to set aside an order of the Rent Controller and remand such an application to him for retrial and redecision.

Doubts about the correctness of the decision in Krishan Lal, Seth v. Pritam Kumar⁴⁸ were raised in some subsequent decisions of the Punjab High Court.⁴⁹ These doubts were finally laid to rest in the case of Raghu Nath Jalota v. Ramen Duggal⁵⁰ whereby the Division Bench comprising of S.N. Sandhawalia, C.J., (as he then was) and L.C. Tiwana, J., affirmed the law laid down in Krishan Lal Seth's case.⁵¹ Commenting upon the fears expressed in some earlier cases, it was observed:

Therefore, the fear repeatedly expressed that the absence of the power of remand would inevitably and as a matter of law convert the Appellate Authority into a trial court, in peculiar cases, appears to be not well founded.

⁴⁸. Id.
⁵¹. Supra 47.
Thus the settled position is that the Appellate Authority has no power to remand a case to the Rent Controller for a fresh trial or a redecision under Section 15(3) of the Act. It is submitted that this view is not only technically correct and sound but can also help in expeditiously deciding the cases under the Act. The very purpose of providing the summary procedure under the Act shall be defeated if procedural wranglings such as the remand of a case are allowed to be operative. The Law Commission of India had also made a similar recommendation to this effect when it said:

10.2. A second category of cases which call for early disposal are eviction cases specially those on the ground of bonafide personal necessity of the landlord. Such cases obviously call for an early disposal.

It is submitted that this position that the Appellate Authority has no power to remand a case to the Rent Controller for re-trial or redecision under section 15(3) of the Act will go a long way in implementing the above recommendation of the Law Commission of India.

8.10 Compromise by the Parties:

During the pendency of a case before the Rent Controller or the Appellate Authority, the parties are within their rights to arrive at a compromise. If the

52. Law Commission of India, 77th Report Chapter 10.
appellant wants to withdraw his appeal in view of the compromise arrived at between the parties, the Appellate Authority cannot force him to pursue the appeal. In Kundan Lal v. Sohan Singh\(^5\), it was held that where the appeal of the tenant is dismissed in accordance with his statement withdrawing his appeal and the Appellate Authority granted him three months time to vacate the premises, the order can be said to have been passed on a compromise.

In the case of Des Raj Sethi v. Vasdev\(^6\), the landlord sought eviction of the tenant from his house on the ground of personal necessity. The Rent Controller found from the evidence on record that the requirement of the landlord was bonafide and ordered the eviction of the tenant on 8.4.1981 granting three months time to vacate the premises. The tenant preferred an appeal before the Appellate Authority. On 20.1.1982 the tenant got his statement recorded before the Appellate Authority that he has compromised with the landlord on account of which he will not be ejected upto 15.8.1982. The Appellate Authority passed an order saying that the order of ejectment against the tenant is upheld, the appeal is dismissed. The ejectment order, however, shall not be executable before 15.8.1982. The tenant then filed a

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53. 1973 R.C.J. 476 P&H.
54. 1984(1) R.C.J. 59 P&H.
revision in the High Court. Dismissing the revision of
the tenant with special costs of Rs. 1,000/-. Justice J.V.
Gupta, (as he then was) held that the tenant petitioner
is clearly abusing the process of the Court.

In Dev Pal Kashyap Advocate v. M/s Sant Ram Narinder
Mohan\(^5\), the landlord sought eviction of his tenant from
a shop alleging that the tenant has committed acts which
are likely to impair the material value and utility of the
premises. The proceedings were compromised before the Rent
Controller. As per the compromise, the tenant was to be
provided another shop (specifically identified) smaller
than the one presently in his possession. The rent for
the new shop was to be Rs. 100/- per month. This
compromise was made by the Advocate of the tenant. The
Rent Controller passed eviction order against the tenant
as per the compromise incorporating the terms of the
compromise therein. The tenant preferred an appeal against
this. The Appellate Authority held that the tenant's
Advocate had no right to compromise. Against this order
of the Appellate Authority, the landlord came up in
revision before the High Court. S.S Kang J. (as he then
was), after considering the case from all angles, clearly
laid down the following:

\(^5\) 1983(2) R.C.J. 234 P&H.
1. The technical rules of procedure contained in Section 96(3) of Civil Procedure Code are not applicable to the Appeal under Section 15(1)(b) of the Rent Act. Thus, an appeal under Section 15(1) of the Act shall be against the order of the Rent Controller based upon the compromise between the parties.

2. An Advocate has an implied authority to compromise any action in which he is acting as a Counsel even without express authority of the client.56

3. The Code of Civil Procedure is not applicable under the Act except under Section 16 and 17.

4. Appellate Authority has no power to remand the case for a fresh decision by the Rent Controller.57

Thus the settled position is that during the pendency of a case under the Act before the Rent Controller or the Appellate Authority, the parties are well within their right to compromise. However, against the Order of the Rent Controller passed in pursuance of a compromise, an appeal shall lie under Section 15(1)(b) of the Act.

It is submitted that the designated authorities under the Act must encourage compromises between the

56. In the present case there were no malafides attributed to the Advocate who compromised on behalf of the tenant.

parties. The whole approach of the authorities under the Act should be directed to have an amicable settlement between the landlord and the tenant. Such an approach will save the parties from protracted litigation which takes a lot of time, money and energy of the parties. The same time, money and energy can be channelised for some constructive activity. The judicial officers designated under the Act should have periodical courses on how to amicably settle the disputes between the litigating parties. If this happens, then these officers will truely be a part of the Dispute Settlement Machinery under the Act.

8.11 Revision:

Section 15(4) of the Act of 1949 (carried from the 1947 Act) had categorically provided that the orders of the Rent Controller and/or the Appellate Authority were to be final and no further appeal or revision would lie against the same. It was in exercise of the power of superintendece vested in the High Court under article 227.

58. Article 227 of the Constitution of India reads:

"Every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction. (2) Without prejudice to the generality of the foregoing provision, the High Court may - (a) call for returns from such courts; (b) make and issue general rules and prescribe forms of regulating the practice and proceedings of such courts; and (c) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts. 3. The High Court may also settle tables of fees to be allowed to the sheriff and all other officers of such courts and to attorneys, advocates and pleaders practising therein:"

Contd...
of the Constitution that the High Court started entertaining revision petitions under the Rent Act.

In Devi Dass v. Harbans Lal, it was observed:

The superintendence of the High Court under Article 227 is not continued merely to administrative superintendence. The superintendence of the High Court is extended not only over courts but also over all tribunals. The Order of a Rent Controller or an Appellate Authority is open to revision under this Article. The power should be used in exceptional cases.

The Supreme Court in the case of Warayam Singh v. Amar Nath, finally put its seal on the above observations by holding that the Rent Controller and the District Judge exercising jurisdiction under the Rent Restrictions Act, are tribunals under the power of superintendence of the High Court under Article 227 of the Constitution.

In view of the Court decisions, while amending the Act in 1956, in Section 15(4) the expression "whether

Provided that any rules made, forms prescribed or tables settled under clause (2) or clause (3) shall not be inconsistent with the provision of any law for the time being in force, and shall require the previous approval of the Governor. (4) Nothing in this article shall be deemed to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to the Armed Forces.

60. AIR 1954 SC 215.
in a suit or other proceedings by way of appeal or revision" was replaced by the expression "except as provided in sub-section (5) of this Section". A new sub-section (5) was added to Section 15 of the Act which reads:

5. The High Court may, at any time, on the application of any aggrieved party or on its own motion, call and examine the records relating to any order passed or proceedings taken under this Act for the purpose of satisfying itself as to the legality or propriety of such order or proceedings and may pass such an order in relation thereto as it may deem fit.

Under Section 15(5) of the Act, the High Court has been vested with the power of calling and examining the records of any case under the Act and pass such order thereto as it may deem fit. This can be done either at the behest of the aggrieved party or on its own motion by the High Court. The High Court can satisfy itself not only about the legality but also propriety of any order made or proceedings undertaken by the Rent Controller or the Appellate Authority under the Act.

8.12 Scope of Interference by the High Court

A plain reading of sub-section (5) of Section 15 of the Act amply makes out that the High Court has been vested with wide powers under the Act. Revisional jurisdiction of the High Court is also there in all suits

62 The amended Section 15(4) reads:
(4) The decision of the appellate authority and subject only to such decisions, an order of the Controller shall be final and shall not be liable to be called in question in any Court of law except as provided in sub-section (5) of this section.
governed by the Civil Procedure Code. Section 115 of the Civil Procedure Code empowers the High Court to entertain a revision against an order against which no appeal lies or on the ground that the subordinate court has erred in the matter of its jurisdiction. The Proviso to Section 115(1), sub-section (2) and the explanation appended thereto were incorporated by the amending Act of 1976.

Through this amendment an overall restriction on the scope of the powers of the High Court to entertain a revision was brought into existence.

63. Section 115 of the Code of Civil Procedure reads:

115. Revision.-(1) The High Court may call for the record of any case, which has been decided by any Court subordinate to such High Court and in which no appeal lies thereto, and if Subordinate Court appears-
(a) to have exercised a jurisdiction not vested in it by law, or
(b) to have failed to exercised a jurisdiction so vested, or
(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity, the High Court may make such order in the case as it thinks fit:

Provided that the High Court shall not, under this section, vary or reverse any other order, or any order deciding an issue, in the course of a suit or other proceeding, except where-
(a) the order, if it had been made in favour of the party applying for revision, would have finally disposed of the suit or other proceeding, or
(b) the order, if allowed to stand, would occasion a failure of justice or cause irreparable injury to the party against whom it was made.

64. The High Court shall not, under this section, vary or reverse any decree or order against which an appeal lies either to the High Court or to any Court subordinate thereto.

Explanation— In this section, the expression "any case which has been decided" includes any order made, or any order deciding an issue, in the course of a suit or other proceeding.
and application for revision against interlocutory orders was imposed. In fact, it was suggested by the Law Commission of India at one stage that in view of Article 227 of the Constitution, Section 115 of the Code was no longer necessary. However, while making the amendment, it was felt that the remedy under Article 227 is likely to cause more delay and involve more expenditure. The remedy under Section 115, on the other hand, is economical and convenient. Concluding that Section 115 serves very useful purpose, it was not omitted altogether but its scope was restricted by adding the proviso to sub-section (1), a new sub-section (2) and the explanation appended thereto.

A comparison of Section 115 of the Civil Procedure Code and Section 15(5) of the Act shows that the power of the High Court under the latter provision is far wider than under the earlier provision. Even before the amendment of Section 115, the Supreme Court in 1960 (within four years of Section 15(5) of the Act coming into force) in the case of Moti Ram v. Suraj Bhan had held that:

The revisional power conferred upon the High Court under section 15(5) is wider than that conferred by section 115 of the Code of Civil Procedure. Under section 15(5) the High Court has jurisdiction to examine the legality or propriety of the order under revision and that would clearly justify the examination of the propriety or legality of the finding made by the authorities in the present case about the requirement of the landlord under section 13(3)(a)(iii) of the Act.

65. AIR 1960 SC 655.
A warning signal was given by the Supreme Court in *Neta Ram v. Jiwan Lal*[^66] where it was held that the powers of the High Court under Section 15(5) of the Act do not include the power to reverse concurrent findings of the authorities below without showing that those findings are erroneous. It was further held that:

> if the Rent Controller and the Appellate Authority had examined the facts after instructing themselves correctly about the law, a Court of Revision should be slow to interfere with the decision thus reached, unless it demonstrates by its own decision, the impropriety of the order.

Retracing a step backward from *Neta Ram’s* case, it was held by the Supreme Court in *Pooran Chand v. Moti Lal*[^68] that it is neither possible nor advisable to define with precision the scope and ambit of section 15(5) of the Act but it should be left to the High Court to consider in each case whether the impugned judgement is in accordance with law or not.

Reiterating the original position, taken in *Moti Ram v. Suraj Bhan*[^69], in the case of *Nanak Chand v. Inderjit*[^70], the Supreme Court held that the revisional jurisdiction conferred on the High Court under Section 15(5) of the Act is wider than that under Section 115 of

[^66]: AIR 1963 SC A 99
[^67]: Ibid.
[^68]: AIR 1964 SC 461
[^69]: Supra 65.
[^70]: 1969 R.C.J. III SC.
C.P.C. Under Section 15(5) the High Court can examine the finding of fact regarding the personal necessity of the landlord as it has the power to examine not only the legality but also the propriety of the order made by the Rent Controller or the Appellate Authority.

But in Helper Girdhar Bhai v. Saiyed Mohmad Mirasaheb Kadri, it was held that the power of revision of the High Court does not include the power to substitute its own view in preference to the view taken by the authorities below unless it is clearly established that such a view was perverse.

In Vinod Kumar Arora v. Smt. Surjit Kaur, the High Court had upset the concurrent findings of the Rent Controller and Appellate authority that the bonafide requirement of the landlady was not established. Approving the act of the High Court in doing so, the Supreme Court observed:

In our view, the High Court was fully justified in rejecting the finding of the Rent Controller and the Appellate Authority, even though it is a finding of fact, because both the Authorities have based their findings on conjectures and surmises and secondly because they have lost sight of relevant pieces of evidence which have not been controverted.


72. AIR 1987 SC 2179 at p. 2182.
In Ram Bass v. Ishwar Chander, the bench consisting of R.S. Pathak, C.J., S. Natrajan and M.N. Venkatchaliah, JJ., (as they then were) held that under Section 15(5) of the Act, although the High Court is not the second court of first appeal but it has wide powers to interfere in findings of the fact also.

M.N.Venkatchaliah, J., (as he then was) observed thus:

Section 15(5) of the Act enables the High Court to satisfy itself as to the "legality and propriety" of the order under revision which is, quite obviously, a much wider jurisdiction. That jurisdiction enables the court of revision, in appropriate cases, to examine the correctness of the findings of facts also, though the revisional Court is not "a second court of first appeal".

Justice Venkatachaliah went on to add:

The criticism that it was impermissible for the High Court in its revisional jurisdiction to interfere with the findings of fact recorded by the appellate authority, however, erroneous they be, is not, having regard to the language in which the revisional power is couched, tenable. In an appropriate case, the High Court can reappraise the evidence if the findings of the appellate court are found to be infirm in law.

Within short span of three months, the case of Rajbir Kaur v. M/s Chokosiri and Co came up before the Bench again consisting of R.S.Pathak, C.J., (as he then

74. Id. at pp. 1424-25.
war,) and M.N.Venkatchaliah, J., (as he then was). This was a case of subletting done by the tenant relating to a portion of the showroom under the name and style of 'Saree Sansar' in Sector 17, Chandigarh. The concurrent finding of the Rent Controller and the Appellate Authority was that the tenant had sublet a part of the showroom to another person for selling icecream. Upsetting these findings, the High Court came to the conclusion that subletting by the tenant has not been proved by the landlady. The High Court, while doing so, reexamined the entire evidence on record. Reversing the judgement of the High Court, the Supreme Court held that the High Court in revision must refrain from supplanting a conclusion of its own.

Venkatchaliah, J.,(as he then was) held that 

The scope of the revisional jurisdiction depends on the language of the statute conferring the revisional jurisdiction. Revisional jurisdiction is only a part of the appellate jurisdiction and cannot be equated with that of a full-fledged appeal. Though the revisional power - depending upon the language of the provision - might be wider than revisional power under Section 151 (or 115?) of the Code of Civil Procedure, yet, a revisional Court is not a second or first appeal. x x x

x x x With respect to the High Court, we are afraid, the exercise made by it in its revisional jurisdiction incurs the criticism that the concurrent finding of fact of the Courts below could not be dealt and supplant by a different finding arrived at on an independent re-assessment of evidence as was done in this case. (emphasis added).

76. Id. at 1854.
Justice Venkatachalaih went on to reprimand the High Court when he observed:  

> With respect to the High Court, we think, that, what the High Court did was perhaps even an appellate Court, with full-fledged appellate jurisdiction, would, in the circumstances of the present case, have felt compelled to abstain from and reluctant to do. (Emphasis added).

These two decisions of the Apex Court, coming from the same judges within a short span of three months regarding the scope of Section 15(5) of the Act present a gloomy picture. In both the cases the judgement of the Court was delivered by Justice Venkatachalaih, (as he then was). Whereas in Ram Das's case, and earlier in Vinod Kumar Arora's case, the upsetting of the concurrent findings of fact, by the Controller and Appellate Authority, by the High Court was not only approved but also appreciated by the Supreme Court, but it went on to pass virtual strictures against the High Court when it did the same thing in Rajbir Kaur's case. It is interesting to note that in Rajbir Kaur's case neither the case of Vinod Kumar Arora nor of Ram Das were even referred to. What to talk of distinguishing them.

The climax to this series came in the case of Rai Chand Jain v. Miss Chander Kanta Khosla. In this case

77. Id. at p. 1856.
79. Supra 72.
80. Supra 75.
81. AIR 1991 SC 744.
the landlady sought eviction of the tenant on the grounds of change of user and personal necessity. The Rent Controller ordered eviction of the tenant holding that there was change of user and also the personal necessity of the landlord was established. The Appellate Authority reversed these findings of the Rent Controller holding that there was no change of user and also the bona fide requirement of the landlady was not established. The High Court in revision reversed the findings of the Appellate Authority after making reappraisal of the entire evidence and restored the order of the Rent Controller. The Supreme Court while dismissing the petition of the tenant held that the High Court was justified in doing the reappraisal of the entire evidence on record and upsetting the findings of the Appellate Authority. The Court observed:

On a plain reading of this provision it is clear and transparent that the revisional jurisdiction conferred on the High Court is much wider than the jurisdiction provided u/s 115 of the Code of Civil Procedure. The High Court while exercising this jurisdiction is competent not only to see the irregular or illegal exercise of jurisdiction but also to see to the legality or propriety of the order in question. It is appropriate to refer in this connection to the decision in the case of Ram Prasad v. Ishwar Chander (1988)3 SCC 131 (AIR 1988 SC 1422) where it has been held that S.15(5) of the Act enables the High Court to satisfy itself as to the “legality and propriety” of the order under revision, which is, quite obviously, a much wider jurisdiction. That

82. AIR 1991 SC 744 at 749.
jurisdiction enables the court of revision, in appropriate cases, to examine the correctness of the findings of facts also, though the revisional court is not "a second court of first appeal (see Dattopant Gopalrao Devakate v. Vithalrao Manutirao (AIR 1975 SC 1111)". It is appropriate to mention in this connection the decision rendered by this Court in the case of Vinod Kumar Arora v. Smt. Surjit Kaur (1987)3 SCR 552: (AIR 1987 SC 2179) where it was held that the findings of the Rent Controller and the Appellate Authority are vitiated by inherent defects. The High Court was, therefore, justified in taking the view that those findings have no binding force on the revisional court. It was further held that the rule when the courts of fact render concurrent findings of fact, the High Court would not be entitled to disregard those findings and come to a different conclusion of its own, would apply where the findings have been rendered with reference to facts.

It is again to be noticed here that, as per the reported judgement, there is full reference to Ram Dass's and Vinod Kumar Arora's case but Rajbir Kaur's case has nowhere been mentioned in the decision.

From a perusal of the above cases, the following three propositions emerge:

1. Under Section 15(5) of the Act, the High Court is empowered to do reappraisal of the entire evidence and even upset the concurrent findings of fact by the Authorities below. The High Court can look into questions of fact, questions of law and the mixed questions of law and fact.
2. The High Court cannot interfere with the findings of fact done by the Courts below. It must tread cautiously while deciding a mixed question of law and fact.

3. The High Court, while reappraising the evidence cannot set up a new case by substituting its own findings for those of the lower courts.

This has virtually given a free hand to the High Court to look at each case as it likes. If the High Court intends to interfere, there are ready precedents available from the Supreme Court. In case the High Court chooses not to interfere, there are decisions from the Supreme Court available for doing so. Strangely enough while taking a particular view, the judgement by the Apex Court nowhere refers to those cases where a contrary view has been taken. As submitted earlier, in Rajbir Kaur, there is no mention of Vinod Kumar Arora or Ram Dass case. In Raichand Jain case, there is mention of Vinod Arora and Ram Dass (which are on the same lines) but there is no reference to Rajbir Kaur which lays down the contrary position.

It is submitted that the Apex Court must clearly specify the scope of intervention by the High Court under Section 15(5) of the Act. It should be categorically held that in case of concurrent findings of fact by the
authorities under the Act, the High Court will refrain from interfering even in rarest of the rare cases. The High Court is virtually becoming the court of second appeal in matters under the Act. This has, naturally led to the accumulation of arrears of rent matters in the High Court. Our survey has revealed that the rent revisions of the years 1983-84 are being taken up in 1993 for final hearing by the Punjab and Haryana High Court. It takes 8 to 10 years for a rent revision to be decided by the High Court. It is high time the Apex Court clearly lays down the scope of the power of the High Court under Section 15(5) of the Act.

The impression one gathers from various decisions of the High Court, referred to below, is that the question of interference or non-interference into the findings of the authorities below is completely left to the choice of the Bench. It is not to suggest here that the discretion of the High Court judge is to be put into a water-tight compartment. However, it would be desirable that some broad parameters of exercising the revisional power under Section 15(5) are laid down clearly. In the absence of such broad guidelines, precedents from the Apex Court are available to intervene or not to intervene.

In Dewan Chand v. Babu Ram\(^83\), the Appellate Authority had not upset any of the two findings of fact

recorded by the Rent Controller but had drawn different conclusions from the facts proved, it was held that since the conclusions drawn by the Appellate Authority were not sustainable, the High Court must reverse them in revision in the interest of justice. In *Assa Steels v. Veena Rani Jain* 84, the landlady was related to the senior most lawyer of the town of Malerkotla. It was submitted that no lawyer in Malerkotla was ready to accept the brief of the tenant. The High Court intervened under Section 15(5) of the Act to order the transfer of the case to Sangrur. It was observed that the time honoured principle that justice should not only be done but should also appear have done has always to be kept in mind and that every person should be able to have access to a counsel of his choice.

But in *Lal Chand Chopra v. M/s Oswal Scientific Store* 85, the landlord sought eviction of the tenant from his house in Chandigarh on the ground of his personal necessity. The landlord claimed that he was presently living with his sons in Ambala but because of strained relations and poor health, he wants to shift to his own house at Chandigarh and spend the last days of his life in peace. The Rent Controller found that the requirement of the landlord was bonafide and ordered eviction of the tenant. The Appellate Authority reversed the order of the

84. 1993(1) R.C.R. 436 P&H.
Rent Controller holding that the landlord has not specified the daughter-in-law with whom he had the quarrel. In revision it was held that the finding recorded by Appellate Authority based on consideration of relevant evidence on record that the landlord had failed to show genuine need to occupy the building is a pure finding of fact and cannot be interfered with by the High Court under Section 15(5) of the Act. When the landlord pleaded that it has been held by the Supreme Court in Nanak Chand v. Inderjit\(^{86}\) that the power of the High Court under Section 15(5) of the Act is wider than the one under Section 115 C.P.C., the High Court brushed aside the argument by observing:

> However, in the later decisions of the Supreme Court, this view does not seem to have found favour and the trend is towards making such a finding binding on the revisional court.

In Rekha Sharma v. Shankri Devi\(^{87}\), the eviction petition filed by the landlady was dismissed by the Rent Controller and Appellate Authority holding that her requirement was not bonafide. The High Court in revision, upset the findings of the authorities below and ordered eviction of the tenant. Relying upon the decision of the Supreme Court in Nanak Chand v. Inderjit\(^{88}\), it was further held that the power of the High Court under Section 15(5) of

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86. 1969 R.C.J. 881.
87. AIR 1989 P&H 55.
88. 1969 R.C.J. 881 SC.
the Act is wider than the one under Section 115 of C.P.C.

8.13 Regarding Concurrent Findings of Authorities below and reappraisal of Evidence:

In Feroze Ali Shah v. Jamil Ali Shah\(^{89}\), it was held that only those concurrent findings of the Authorities under the Act shall be binding on the High Court which are proper. The High Court can look into the evidence to point out that the concurrent findings lack in propriety.

In Rekha Sharma v. Shankri Devi\(^{90}\), the concurrent findings of the Rent Controller and Appellate Authority that the requirement of the landlord was not bona fide were reversed by pointing out that the same were perverse and erroneous.

But in Moti Ram v. Kharaiti Lal\(^{91}\), the High Court refused to interfere with the concurrent findings of the authorities under the Act regarding the bona fide requirement of the landlord and also the change of user of the premises by the tenant. In the case of Mohini Suraj Bhan v. Vinod Kumar Mittal\(^{92}\) also, the High Court had

90. AIR 1989 P&H 55: Similarly in Kuldeep Kaur v. Brij Lal, 1993(1) R.C.R. 407 P&H, concurrent finding about delapidated condition of the building were upset by the High Court.
91. 1992(1) R.C.J. 606. P&H.: Similarly in Lady Doctor Asha Bawa v. Smt. Champa Dhawan, 1982(1) R.C.J. 844 P&H. The concurrent findings that the tenant had ceased to occupy the premises for more than four months was not interfered with by the High Court.
92. [IR 1986 SC 706.](#)
declined to interfere with the findings of fact made by
the Appellate Authority but the same did not find favour
with the Supreme Court. The Supreme Court criticised the
inhibition on the part of the High Court to interfere with
the findings of the Appellate Authority.

In the cases of Vinod Kumar Arora v. Smt. Surjit
Kaur\textsuperscript{93} and Raichand Jain v. Miss Chander Kanta Khosla\textsuperscript{94},
the High Court on reappreciation of the evidence had
reversed the findings of fact affirmed by the Appellate
Authority. In both these cases, the Supreme Court approved
of the action of the High Court in doing so.

But in the case of Rajbir Kaur v. M/s S.Choksiri
and Co.,\textsuperscript{95} the High Court had upset the concurrent findings
of the Rent Controller and the Appellate Authority who had
held that the tenant had sublet a part of the showroom to
an other person. The action of the High Court in reversing
this concurrent finding of the authorities below received
virtual strictures from the Supreme Court.

In the case of Kasturi Lal Handa v. Bhajan Singh\textsuperscript{96},
it has been held that under Section 15(5) of the Act, the
High Court is empowered to reappraise the entire evidence
of the case. While doing so, if the High Court finds that

\textsuperscript{93}. AIR 1987 SC 2179.
\textsuperscript{94}. AIR 1991 SC 744.
\textsuperscript{95}. AIR 1988 SC 1845.
\textsuperscript{96}. 1991(2) R.C.R. 35 P&H.
the findings of the Courts below was perverse or erroneous, it has a right to upset the same. On these very lines it was held in the case of Kishan Chand v. Banarsi Dass that subletting being a mixed question of fact and law, the High Court can reappraise the evidence to examine the legality and propriety of an order made by the Rent Controller or the Appellate Authority.

Thus the High Court has been intervening with regard to concurrent findings of the courts below depending upon the circumstances of each case without having any clear guidelines which could be followed consistently.

8.14 Revision and Limitation

Section 15(5) of the Act does not prescribe any time limit within which the revision petition has to be filed in the High Court. Unlike Section 15(1)(b), whereby and appeal has to be filed before the Appellate Authority within fifteen days, Section 15(5) is silent on the point of limitation. In Rajinder Kumar v. Dr. Rajwant Rai Sood, a delay of two and a half years in filing the revision against an order of the Rent Controller was condoned on the ground that the aggrieved party had filed an appeal before the Appellate Authority by virtue of wrong

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97. 1989(2) R.C.J. 407 P&H.
legal advice and the same has now been dismissed by the Appellate Authority holding that no appeal lies against an order made by the Controller under Section 19 of the Act. It was further held in this case that Sections 5 and 14 of the limitation Act do not apply under the Rent Act.

In Madhu Sudan Lal v. Sahdu Ram99, a delay of 93 days in filing the revision before the High Court was condoned holding that there is no limitation period prescribed under the Act and Section 29(2) of the Limitation Act has no relevance under the Rent Act.

However, in the case of Smt. Rama Talwar v. Smt. Maya Devi100, the revision application was filed by the tenant after two years when the warrant of possession was issued against her in execution of the eviction decree. The High Court refused to condone the delay and further held that the revision petition not filed within reasonable time was not maintainable. Reprimanding the tenant petitioner it was observed:

As I have noticed that the present proceedings initiated by the petitioner are not only malafide, but clearly an abuse of the process of the Court.

Consequently the tenant lady was directed to vacate the premises forthwith and was directed to pay Rs. 1,000/- as costs.

100. AIR 1992 P&H 27.
In the recent case of Munilal v. M/s Yashpal Rai Parshotam Lal Soni, the appeal of the landlord was dismissed by the Appellate Authority on August 18, 1988. Copy of the order was ready on August 29, 1988 and was delivered to the landlady on September 3, 1988. The Revision petition was filed in the High Court on May 9, 1991. Refusing to condone the delay of 2-3/4 years, it was held that the petition was hopelessly time barred. To the argument of the landlord that there is no limitation period prescribed under Section 15(5) of the Act, the High Court held that the revision must be filed within reasonable time. Inordinate delay in filing the revision must be satisfactorily explained.

8.15 Revision and Subsequent Events:

Various decisions by the High Court with regard to taking cognizance of subsequent events reflect the same position as with regard to concurrent findings of the Courts below or with regard to the reappreciation of evidence.

In Mohini Suraj Bhan v. Vinod Kumar Mittal, the High Court refused to take note of the new fact that the landlady had been served with summons of eviction petition filed against her by her landlord. The Supreme Court took

101. 1993(1) R.C.R. 403 P&H.
102. AIR 1986 SC 706.
note of this fact while reversing the decision of the High Court.

But in the case of Milkhi Ram Mathra Dass v. Des Raj Amar Nath, the tenant had sought permission of the Rent Controller to repair the premises in his possession which was declined. The Appellate Authority reversed the order of the Rent Controller and granted the required permission to the tenant under Section 12 of the Act. The revision by the landlord was admitted by the High Court and the operation of the order of Appellate Authority stayed. During the pendency of the revision, the roofs of four rooms in possession of the tenant fell. The only room where Toori (cattle fodder) was stored remained intact. Taking cognizance of the subsequent events, the High Court permitted the necessary repairs.

In the case of Harbans Singh v. Sadhu Singh, the eviction of the tenant was ordered by the Rent Controller on the ground of non-payment of rent. The tenant had produced some rent receipts to prove that he had already paid the rent claimed by the landlord. The tenant wanted to produce the remaining rent receipts also in revision before the High Court. Disallowing the request of the tenant, it was held that the rent receipts which were neither produced nor proved before the Rent Controller cannot be looked into in the revision.

103. 1982(1) R.C.J. 443 P&H.
104. 1992(1) R.C.J. 480 P&H.
In *Ram Dass v. Ishwar Chander*,\(^{105}\) it was held that the High Court can take cautious cognizance of the subsequent events and, if need be, can suitably mould the relief.

The above mentioned decisions of the Punjab and Haryana High Court clearly indicate that precedents are available both for approving or disapproving any point under the Act. If there are decisions of one hand laying down that the High Court should not interfere in the concurrent findings of fact by the authorities below, there are decisions on the other hand saying that the High Court's power under Section 15(5) is wide enough to upset the concurrent findings of the Rent Controller and the Appellate Authority.

There are decisions where it was laid down that the High Court shall refrain from re-appreciating the entire evidence. But then there are decisions where it is clearly held that under Section 15(5) of the Act the High Court can reappraise the entire evidence of the case.

In one set of decisions, the High Court says that it is not a court of appeal in Rent matters and therefore, it will not look into the questions of fact decided by the lower courts. Then there is another set of decisions where

\(^{105}\) AIR 1988 SC 1422.
it is held that the High Court can look into questions of fact so as to see the legality and propriety of the order made by the authorities below.

Similarly regarding taking cognizance of subsequent events, there are cases where the High Court refused to take note of subsequent events and also those where the High Court did take cognizance of subsequent events.

With regard to the condonation of delay in filing the revision, in some cases the High Court condoned the inordinate delay whereas in other cases, it declined to do so.

In the absence of clear guidelines governing the revisional jurisdiction of the High Court, such a situation is nothing but inescapable. It is submitted that either the legislature may undertake the exercise of specifying the cases in which a revision petition can be filed before the High Court under the Act or the Apex Court may lay down the requisite guidelines for the same purpose or the High Court may itself lay down the parameters of its revisional jurisdiction. As of present, the rent revisions are being filed and entertained as Regular First Appeals (R.F.A.). This has enormously increased the burden of the High Court leading to accumulation of arrears. Most of the Hon'able judges and the Advocates in the High Court told me that
the revisions which are almost a decade old are being presently taken up for decision. When I pointed out that in some of the reported cases, the revisions were decided within an year's time, I was told that this happens sometimes on the instructions of the Hon'ble Chief Justice like the cases of personal necessity be fixed and decided on priority or while admitting the revision an Hon'ble judge might have ordered that this be put for final hearing within a specified period or on a specified date. Only in such cases, the revisions happen to be decided early.

Of the three options available to clearly prescribe the scope of the revisional jurisdiction, it is submitted that the High Court must devise it for itself as to the cases where it will interfere as differentiated from the cases where it will not intervene. To achieve this, it is submitted that the High Court must no re-open questions of fact in revision. However, an inference drawn by the subordinate authorities under the Act from a fact may be looked into by the High Court. Thus a mixed question of law and fact may be checked by the High Court to ascertain if the same has been correctly decided by the authorities under the Act. The High Court must use utmost restrain in upsetting the concurrent findings of the Courts below. For the High Court, the rule should be not to interfere in such finding and only in exceptional cases, it may interfere. Revision should be admitted by the High Court.
only when a case of illegality committed by the lower courts is made out or gross inpropriety can be found in the order of the lower court.

The concept of self imposed restraint by the High Court was advocated by Justice Dua, (as he then was) way back in 1959 in the case of Mahabir Parshad v. Mohinder Kumar 106 wherein it was observed:

Although not only the legality but even the propriety of the orders passed or proceedings taken under the Act can be examined but it must always be borne in mind that this power from its very nature is discretionary and can by no means be construed so as to confer on the High Court the power of an appellate Court.

The propriety of the order has to be considered not by reassessing or re-evaluating the evidence on which the findings of fact are based, but on the assumption that findings of fact are finding on the High Court. The power of revision under this sub-section must be used sparingly and only where obvious manifest and gross injustice has resulted.

(Emphasis added)

The voice of Justice Dua echoed once again in Lajwanti v. Jawahar Lal 107, wherein it was observed:

It is true that Section 15(5) of the East Punjab urban Rent Restrictions Act enables the High Court to interfere even with a finding of fact if the High Court considers such findings to be illegal and improper. It does not follow therefrom that the High Court should reappraise the evidence in all cases when exercising revisional powers under Section 15(5) of the Act.

106. 1959 P.L.R. 625.
107. 1977(1) R.C.J. 473 P&H.
It is submitted that the above observations have hardly been noticed by the High Court while commenting upon the scope of interference by the High Court under Section 15(5) of the Act. A substantial part of the delay in the final disposal of rent cases can be reduced if the parameters laid down in the above observations are adhered to by the High Court.

8.16 Special Leave Petition to the Supreme Court:

The last resort of an aggrieved person, in a case under the Act, is to knock the door of the Supreme Court. The power of the Highest Court of the land to entertain petition of the aggrieved party is provided not under the Act but by the Constitution of India. Article 136 of the Constitution vests the Supreme Court with the blanket power to intervene in any case under any law so as to see that justice has been done. Article 136 of the Constitution reads:

136(1) Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India.¹⁰⁸

(2) Nothing in clause (1) shall apply to any judgement, determination, sentence or order passed or made by any court or tribunal constituted by or under any law relating to Armed Forces.

Article 136 of the Constitution vests the Supreme Court with very wide power of granting special leave in any case from any court or the tribunal within the territorial limits of the country except the cases decided by a court or tribunal under the law relating to Armed Forces of the country.

Article 141 of the Constitution, which lays down the binding force of the Supreme Court decisions on all Courts or tribunals of the country, reads:

The law declared by the Supreme Court shall be binding on all courts within the territory of India.

Thus the law declared by the Supreme Court is the law of the land. The status of the Supreme Court, under the Constitution, is not only as the third organ of the State but also that of custodian of the nation's justice dispensing machinery. In any matter, under any law, if the Apex Court finds that justice has not been done, it can grant special leave to intervene therein. It is under this power vested in the Supreme Court by virtue of Article 136 of the Constitution that cases under various Rent Acts operative in the country are entertained and decided by the Apex Court.

It is only through the mechanism of special leave petitions under Article 136 of the Constitution that the
Apex Court comes into picture in rent matters. Because Rent Acts are State legislations and are at variance with one another, the task of the Apex Court, in clarifying certain concepts and laying down the law antheretically and clearly, has become quite cumbersome. Equally significant is the fact that most of the Rent Acts have outlived their utility and few legislatures like that of Tamil Nadu have tried to keep pace with the changing socio-economic scenario in the society. The net result of this situation is that the landlord-tenant litigation has increased manifold and in the same proportion the special leave petitions of rent cases have increased in the Apex Court.

It is because of the excessive workload of the Apex Court that in rent matters, one comes across decisions which are not exactly in line with the earlier pronouncements by the Apex Court. Decisions laying down different yardsticks on the same point are available. As a consequence of this, the object of the Apex Court of clearly laying down the law in rent matters has not been accomplished in the manner one would expect it to be. The critical appraisal of some of the decisions made in the previous chapters indicates that when an earlier decision of the Court was not even cited at the bar, a different view was taken by the Apex Court without taking cognizance of its earlier decision. Such a scenario is inescapable
in view of the daily workload of a Supreme Court judge. To substantiate this claim, some such decisions of the Apex Court are mentioned below.

8.17 Regarding Scope of Article 136:

In Chandrakali Bai v. Additional District Judge\(^{109}\) it was held that an issue, not framed by the Courts below and no evidence recorded for the same, cannot be raised for the first time before the Supreme Court. Similarly in the case of Bhagwati Parsad Gupta v. Parkash Bhalotia\(^{110}\), the tenant had already shifted to another building and had kept the tenanted premises locked and in disuse; it was held that it would be an abuse of the process of the Court to examine the appeal on merits under Article 136 of the Constitution.

But in P.V. Shetty v. B.S. Girdhar\(^{111}\), it was held that, in the interest of justice, the Supreme Court will intervene even at the stage of an interim order passed by an authority under the Rent Act. In the present case, the Apex Court stayed the eviction petition of the landlord till the disposal of an earlier application of the tenant for fixation of fair rent. In Dr. S.M. Nehra v. D.D. Malik\(^{112}\), the specified landlord sought eviction of

\(^{109}\) AIR 1977 SC 2262; also in Nazuk Zahan v. Additional District Judge, AIR 1981 SC 1549.

\(^{110}\) AIR 1981 SC 1172.

\(^{111}\) AIR 1982 SC 83.

the tenant from first floor of his house under Section 13-A of Punjab Act. The Rent Controller declined the leave to contest to the tenant. The revision before the High Court was also dismissed. The Apex Court intervened under Article 136 of the Constitution to hold that when a specified landlord is seeking eviction of the tenant so as to have additional accommodation, leave to contest should have been granted. Granting the leave to contest to the tenant, the case was remanded to the Rent Controller for trial.

In Narinkar Nath Wahi v. Fifth Additional District Judge, the tenant being a leading and influential Advocate, no counsel was ready to appear on behalf of the landlord. The landlord sought adjournment of the case which was declined by the Appellate Authority and the High Court. Here too, the Apex Court intervened under Article 136 of the Constitution to hold that the refusal to grant adjournment in such a case amounted to denial of being heard, unjust and unfair.

In the case of Malavi Devi v. Dina Nath, the Apex Court intervened to condone the delay in filing the appeal before the Rent Tribunal which was declined by the Tribunal and the High Court.

113. AIR 1984 SC 1268.
But in *Harchandra Nath v. Santosh Kumar Bhattacharya*¹¹⁵, where the plea of change of user was raised for the first time in the High Court, and the High Court refused to consider it, the Apex Court too declined to intervene under Article 136 of the Constitution. In *Radhey Shyam v. Nazar Singh*¹¹⁶, concurrent finding of the Controller and Appellate Authority that the building was residential was not assailed before the High Court. It was held that such a finding cannot be reopened in the Supreme Court.

### 8.18 Regarding Concurrent Findings:

With regard to the concurrent findings by two of the three courts or all the three courts, the Apex Court in some cases have intervened in a big way whereas in other cases it simply declined to intervene.

In the case of *H.V.Mathai v. Subordinate Judge*¹¹⁷, the Apex Court declined to intervene with the concurrent findings of the District Judge and the High Court regarding sub-letting done by the tenant. In *Raichand Jain v. Miss Chander Kant Khosla*¹¹⁸, the Apex Court approved of the concurrent findings of the Rent Controller and the High Court regarding change of user and bonafide requirement of the landlady.

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¹¹⁵ AIR 1982 SC 100.

¹¹⁶ AIR 1970 SC 337; also in *Associated Hotels of India Ltd. v. S.B.S.Ranjit Singh*, AIR 1968 SC 932.

¹¹⁸ AIR 1991 SC 744.
But in *Dipak Banerjee v. Lilabati Chakraborty*\(^{119}\), the concurrent findings of the Rent Controller, Appellate Authority and the High Court regarding sub-letting of the premises by the tenant were upset by the Apex Court. It was held in this case that normally the concurrent findings of the courts below are not to be interfered by the Supreme Court. The burden is on the appellant to establish that the concurrent findings are wrong. But once that burden is discharged by the appellant, the Supreme Court must intervene to upset such concurrent findings which are erroneous.

When a similar act of upsetting the concurrent findings of the Courts below was done by the High Court in *Rajbir Kaur v. M/s S.Chokosiri & Co*\(^{120}\), the Apex Court virtually reprimanded the High Court for doing so. Directing the High Court on the lines of *Hari Shankar v. Rao Girdharilal Chowdhury*\(^{121}\), the Apex Court in *Girdharbhai v. Saiyed Mohamad Mirasaheb Kadri*\(^{122}\), held that the High Court cannot replace the view of the Courts below by its own view. It further held that the power of revision does not include the power to substitute its own view in preference to the view taken by the authorities below.

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\(^{120}\) AIR 1988 SC 1845.

\(^{121}\) AIR 1963 SC 698.

\(^{122}\) AIR 1987 SC 1782; Similar view was expressed by the Apex Court in *Bhaichand Ratanshi v. Laxmishankar Tribhoyan*, AIR 1981 SC 1690.
In Jai Kishan v. Mumtaz Begum, the bonafide need of the landlady of her non-residential premises for her sons was upheld by the Rent Controller, Appellate Authority and the High Court. The Supreme Court declined to intervene under Article 136 so as to upturn the findings of the courts below. Similarly, in Rashpal Malhotra v. Satya Rajput, there were concurrent findings of the Rent Controller, Appellate Authority and the High Court regarding non-payment of rent and change of user by the tenant and bonafide requirement of the landlady. While declining to intervene with the concurrent findings of the Authorities, below, the Court held that the Supreme Court has to adopt practical, realistic and equitable approach. It was further held that the Supreme Court is also the Court of equity.

Again on the other hand in the case of Variety Emporium v. V.R.M. Mohd. Ibrahim Naina, the concurrent findings of the Controller, Appellate Authority and the High Court regarding bonafide requirement of the landlord were upset by the Apex Court. After observing that the power under Article 136 is to be exercised sparingly, the Apex Court went on to upset the concurrent findings of the three courts below. Similarly, in Mrs Mohini Suraj 123. AIR 1984 SC 1890.


125. AIR 1985 SC 207.
Bhan v. Vinod Kumar Mittal\textsuperscript{126} the concurrent findings of the Appellate Authority and the High Court regarding bona fide requirement of the landlady were upset by the Apex Court in exercise of its powers under Article 136 of the Constitution.

8.19 Mixed Questions of Law and Fact:

In the case of Vinod Kumar Arora v. Smt. Surjit Kaur\textsuperscript{127}, and some other cases\textsuperscript{128}, it was held by the Apex Court that a new ground can be raised for the first time in the Supreme Court only on a question of law. If it is a mixed question of law and fact, then it cannot be raised for the first time before the Supreme Court. This would mean that a mixed question of law and fact, if agitated before the courts below, can certainly be argued at length before the Apex Court. It is this aspect of mixed questions of law and fact in rent matters being allowed to be argued at length by the Apex Court which is responsible for divergent views of the Court on the same point and also contributes in a big way for accumulating the arrears of cases.

For example in 1991, in the case of Rai Chand Jain v. Miss Chander Kanta Khosla\textsuperscript{129}, it was held that since

\begin{itemize}
  \item \textsuperscript{126} AIR 1986 SC 706.
  \item \textsuperscript{127} AIR 1987 SC 2179.
  \item \textsuperscript{128} H.V.Mathai v. Subordinate Judge, AIR 1970 SC 337; Radhey Shyam v. Nazar Singh, AIR 1982 SC 100.
  \item \textsuperscript{129} AIR 1991 SC 744.
\end{itemize}
there is no estoppel against the statute, the acquiescence of the landlady to the change of user by the tenant for six years was of no consequence. But in 1992, in the case of D.C.Oswal v. V.K.Subbiah\textsuperscript{130}, the tenant had changed the user of the building from residential to non-residential. The Apex Court held that when there was no objection by the landlord for seven years, he had accepted the user other than the residential. It is interesting to note that the case of Chander Kanta Khosla was neither cited at the bar nor does it find any mention in the judgement.

As submitted earlier too, similar omissions can be traced in Ram Dass v. Ishwar Chander\textsuperscript{131}, in comparison to Rajbir Kaur v. M/s S.Chokosiri and Co\textsuperscript{132}. Same is the position in Chander Kanta Khosla's\textsuperscript{133} case in comparison to Rajbir Kaur's case.\textsuperscript{134}

The divergent views coming from the Apex Court in the above given manner pose a serious problem for the courts below. By intervening in questions of fact or mixed questions of law and fact, the Supreme Court has practically become the court of second or third appeal in rent cases. The state of the arrears of rent cases in the Supreme Court

\textsuperscript{130} AIR 1992 SC 184.
\textsuperscript{131} AIR 1988 SC 1422.
\textsuperscript{132} AIR 1988 SC 1845.
\textsuperscript{133} AIR 1991 SC 744.
\textsuperscript{134} AIR 1988 SC 1845.
was reflected in the statement of E.S. Venkatramaiah, Chief Justice of India (as he then was), that "every fourth case pending in the Supreme Court and the High Court is a case under the Rent Acts".

The need of the day is that the powers of the Supreme Court in rent matters must be confined only to questions of law. For doing this, one available course is to suitably amend the Constitution and prescribe the parameters of the Apex Court's powers and Article 136. The other course is that the Apex Court lays down uniform broad guidelines for itself to intervene in rent matters. It is submitted that the latter course would be better of the two. If the course of amending Article 136 is undertaken, it will be a sad day for the Indian judiciary as it will not only amount to sort of reflection on the Apex Court but would also be open to challenge on the ground that it alters the 'basic structure' of the Constitution. The self imposed restraint by the Apex Court, in entertaining special rent petitions, will go a long way in mitigating the agony of the litigants under the Rent Act. The Apex Court should not only frame the guidelines for itself, to be applied in rent cases, but also laydown the limits of intervention by the High Courts in exercise of their revisional jurisdiction. Every rent case must get its finality at the level of the High Court.

should grant special leave in rent matters in rarest of the rare cases.

One step in this direction taken by the Apex Court in R.N. Gosain v. Yashpal Dhir, was, when it held that once a tenant had availed of the time granted by the High Court to vacate the premises by giving an undertaking to hand over the vacant possession after the expiry of the granted period, the Supreme Court will not intervene under Article 136 irrespective of the merits of the case. It was explained in this case that as per the rule of 'election' in property law, a person cannot aprobate and reprobate. A tenant who has taken advantage of the time granted by the High Court on the undertaking to give vacant possession cannot be entertained in the special leave before the Supreme Court so as to give him chance to reprobate.

Some of the people in the legal profession, whom I met during the course of my survey, were not agreeable to the view that the rent cases get their finality at the High Court level. Their argument was that the High Court judgement having been reversed by the Supreme Court in the past, the faith of the litigant in the judiciary may not remain intact with the withdrawal of the Special Leave

Petition. It is submitted that the faith of the litigant in any matter is always linked with the finality of the decision. Had there been a court over and above the Supreme Court, many of the judgements of the Supreme Court may have been reversed by such a court. Going by this agreement, the litigant will lose faith in the Supreme Court too. In my view, the faith of the litigant is neither enhanced nor eroded by altering the level or stage of the finality of the decision. In response to a question in our questionnaire as to upto what level the case shall be pursued in the event of its being decided against him, 100% of the landlords and more than 90% of the tenants responded that they will take upto the Supreme Court. Thus the litigant under the Act will look upto that level where the decision will become final. If the finality comes at the High Court level, the litigant will automatically accept and reconcile to the outcome of the case.

The intervention by the Apex Court in rarest of the rare cases by itself will not be sufficient to reduce the arrears of cases unless it is coupled with the other urgently needed steps. These steps include the drafting of a uniform Rent Act for the whole country which may be adopted by the states by making minor changes so as to suit their local and regional needs. A pruning of the wide powers available to the High Court in its revisional juris-
diction, either by a legislative act or by the Apex Court in the form of prescribing the parameters of revisional jurisdiction, will be equally required.

A suggestion was made by Sabyasachi Mukharji, J. (as he then was) for the setting up of a National Rent Tribunal so as to take away all the rent matters from the jurisdiction of the Supreme Court. Justice Sabyasachi Mukharji observed:

"The idea of a National Rent Tribunal on an All India basis with quicker procedure should be examined. This has become an urgent imperative of the day's revolution. A fast changing society cannot operate with unchanging law and preconceived judicial attitude."

Some consolation can be drawn from the fact that the above suggestion of Justice Mukharji has been partially accepted after six years. Towards the fag end of the recently concluded monsoon session of the Lok Sabha. The constitution (seventy seventh Amendment) Bill has been passed. This legislation amends Article 323-B in part XIV A of the Constitution so as to include the setting up of Rent Tribunals at the State level.

This act on the part of the legislature, though belated, partially implements the suggestion of setting up the Rent Tribunals at the State and National level.

The setting up of the State Rent Tribunal is expected to result in a speedy relief to the rent litigants. It is a welcome step taken by the Legislature. But, it is submitted, this welcome has to be made cautiously in view of the experience of some of the existing Tribunals Constituted under Article 323-B of the Constitution.

The concept of various Tribunals is in fact a device coined by the bureaucracy to grab the powers of the Judiciary. In the garb of providing speedy remedy, the executive has successfully encroached upon the field exclusively meant for the judiciary under the Constitution. To illustrate the point, I will take only two examples. Firstly, the Administrative Tribunals were set up to decide service law cases in the states by taking away the power from the High Court. These Tribunals were lauched with great fanfare. The manifest object of the Administrative Tribunal was to decide service matters quickly. Wherever these Administrative Tribunals were set up, one can see the arrears of cases before it within a short period of five years. In Chandigarh, the Central Administrative Tribunal (CAT for short) has the service matters pending before it, for the last three to four years. This has happened despite the fact that CAT entertains service matters of the Central Government employees only. Thus CAT has served no useful purpose as far as the speedy disposal of cases is concerned.
But what has innocuously been done in this process is that along with a judicial officer of the rank of District judge about to retire (or already retired) sits a man on the bench from the executive services. A retired bureaucrat sits in judgement of the action of a serving bureaucrat. It virtually comes to sitting in judgement on one's own decision as the bureaucrats are trained and groomed in the same set of rules of conduct and behaviour. Thus, the bureaucracy has successfully encroached upon the field of the judiciary without letting it realise as to what has happened. A bureaucrat acquires the status equivalent to that of a High Court Judge which otherwise he is neither qualified nor entitled to. The position of service law cases is in no way better in the CAT as compared to the position in the Punjab and Haryana High Court. Noticing the present state of affairs in the CAT, the Punjab Government which had announced the decision to set up the Administrative Tribunal and had even designated its senior most bureaucrat as its member has retraced that step. The Punjab Government is having second thoughts as to whether it will really serve any purpose in the Administrative Tribunal is set up.

Second example is that of the Consumer Forums set up under the Consumer Protection Act. At the time of passing the Consumer Protection Act in the Parliament, the
Government of India decided to create separate Tribunals under the Act instead of vesting the powers in the existing law courts. The object of setting up separate Tribunals was once again to provide a speedy remedy to the aggrieved consumer. Once again here, the District forum and the State level consumer forum are manned by retired judicial officers and another member who is a retired/retiring bureaucrat. It has statutorily been provided that the case of the aggrieved consumer shall be decided within six months. As of today, the position in Union Territory of Chandigarh and neighbouring State of Haryana is that it takes about two to three years for the decision of the Consumer forum on a complaint by the consumer. The aggrieved consumer is practically placed as a litigant in a civil suit. The pendency rate of applications as it is in the Consumer Forum would not have been worse if these cases were to be decided by the Civil Courts. Instead of increasing the strength of the judicial officers, the executive in the name of providing speedy justice has consumed a substantial part of the litigation which is otherwise the exclusive domain of the judiciary. The position in the Railway Tribunal is in no way different.

What emerges from the above is that the idea of setting up State level Tribunals is not bad per-se but opens itself to criticism when it comes to its implementa-
tion. Consequent upon the amendment of Article 323-B of the Constitution, as and when the State Rent Tribunals are set up, it must be ensured that these Tribunals are not taken over by the bureaucracy. The bureaucracy must be checked from spreading its tentacles. The State Rent Tribunals should be manned only by the specialists in rent law from the academics and the profession. These specialists in rent law should be able to decide rent cases speedily. The State Rent Tribunal must not be asked to follow the fardy procedure, rather it should be directed to decide matters at the motion stage only. The State Rent Tribunal must refrain from re-opening the questions of fact as determined at the earlier lower levels.

The setting up of the State Rent Tribunals may not by itself remedy all the ills of rent litigation. This will have to be supplemented by the following measures so as to provide speedy justice to the litigants under the Rent Act.

In all parts of the country, judicial officers should be exclusively appointed or designated as Rent Controllers. The number of the controllers in any area should be dependent upon the number of rent cases usually filed there. On the same pattern, District judges or Additional District judges, should exclusively work as
The appointment of judicial officers as Rent Controller or Appellate Authority will serve a two-fold purpose: one that the officer will become a specialist in rent law after some time which will minimise the possibility of a legal error being committed. The other that the arrears of rent cases will not accumulate at the present rate for the future.

Alongwith the above, the procedure to be followed in all rent cases must be categorically prescribed as the summary procedure. It should be specifically mentioned that the Rent Controller and the Appellate Authority shall follow a clear time-schedule to be prescribed under the Act. The way it is done by the Courts of small causes to have the proceedings primarily contested on affidavits, which has been made applicable in case of specified landlord, should be applicable to all cases under the Rent Act. It should be categorically stated that the Civil Procedure Code shall not apply under the Act except for the purpose of summoning the parties and witnesses and execution of the final orders under the Rent Act. The High Court/State Rent Tribunal as a Court of superintendence, must ensure that all persons designated under the Act strictly follow the summary procedure of a specified

139. Happily, this has been done in Chandigarh w.e.f. 16.7.1993.
landlord in all cases under the Rent Act. The cut in the procedural delays will help in ensuring a time in future when there will be no rent matters pending in the courts for years and decades together. The pendency period will come down to few months or at the maximum one to two years.

The approach of the entire Dispute settlement machinery and the Rent Act should find ways and means for an amicable settlement between the agitated landlord and the tenant. More than 80% of the landlords and the tenants responded positively to the question as to whether they would be interested in an out of Court settlement, in the questionnaire.

Only in those cases where the conciliatory effort fails that a case may be decided as per the law. The thrust of the officers manning these Courts/Tribunals should be to harmonize the relations between the landlord and the tenant.

The replacement of the present outdated Rent Act with a new one prepared in the light of the changing socio-economic scenario of the society, coupled with the above suggested measures, it is hoped will solve the existing problems of the landlord tenant relationship to a large extent.
The hierarchy of the dispute settlement machinery under the Act, it is submitted, should be as follows:

Supreme Court of India/National Rent Tribunal

Special Leave Petition under Article 136 of the Constitution
(in rarest of the rare case)

High Court/State Rent Tribunal

Revisional jurisdiction or under Article 227 of the Constitution (No interference in concurrent findings unless illegal or erroneous)

Revision within 30 days

Orders which are not appealable as in cases of specified landlord

Within 30 days

Appellate Authority
District Judge and/or
Additional District Judge exclusively for rent appeals

Appeal within 15 days

Rent Controller
Sub-judge first class or equivalent exclusively working as Controller.