

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

CIVIL REVISION PETITION NO: 2921 OF 2024

Petition under Article 227 of the Constitution of India aggrieved by the Order and Decree dated 12-04-2024 made in I.A. No. 51 of 2021 in C.O.S. No. 18 of 2019 on the file of the Court of the Special Judge for Trial and Disposal of Commercial Disputes Ranga Reddy District at LB Nagar.

Between:

M/s. Object Technology Solutions India Private Limited, A Company incorporated under the provisions of Companies Act, having its office at SEZ in Sy. No. 30 (P), 34 (P) and 38 (P), Behind Dell Campus, Hitech City - 2, Gachibowli, Serilingampally, Ranga Reddy District, Telangana State

...Petitioner / Respondent / Defendant

AND

M/s. Ganga Hitech City - 2 Society, Represented by its Authorised Signatory, Having its Office at 105, Divya Shakti Complex, 1st Block, First Floor, Ameerpet, Hyderabad

...Respondent / Petitioner / Plaintiff

Counsel for the Petitioner : Mr G Kalyan Chakravarthy

**Counsel for the Respondent : Mr K Dinesh Reddy
Rep Mr Varalakshmi Tadepalli**

The Court made the following Order :

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Civil Revision Petition No.2921 of 2024

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. G.Kalyan Chakravarthy, learned counsel for the petitioner.

Mr. K.Dinesh Reddy, learned counsel represents Ms. Varalakshmi Tadepalli, learned counsel for the respondent.

2. With the consent of learned counsel for the parties, the petition is heard finally.
3. In this petition under Article 227 of Constitution of India, the petitioner has assailed the validity of the order dated 12.04.2024, passed by the Special Judge for Trial and Disposal of Commercial Disputes, Ranga Reddy District at L.B.Nagar (for short 'the Commercial Court'), in

I.A.No.51 of 2021 in C.O.S.No.18 of 2019, by which the application filed by the respondent under Order XVA r/w Section 151 of the Code of Civil Procedure, 1908, has been allowed and the petitioner has been directed to deposit the admitted lease rents, parking charges, maintenance charges, utility charges and liquidated damages, which have been quantified at Rs.2,16,22,133/-. It has further been directed that in case the petitioner fails to pay the aforesaid amount, his defence in the main proceedings shall be struck off.

4. Facts giving rise to filing of this petition briefly stated are that the respondent is a society formed by the owners of the commercial space in H2 and H7 buildings of Hitech City-2 Project. The respondent had filed a suit for eviction and recovery of arrears of rent. In the plaint, the respondent- society pleaded that the petitioner is in

arrears of lease rents, parking charges, maintenance charges, utility charges and liquidated damages. The respondent- society claimed a sum of Rs.2,16,22,133/-. In the suit, the respondent filed I.A.No.51 of 2021, by which a direction was sought to the petitioner to deposit the admitted lease rents, parking charges, maintenance charges, utility charges and liquidated damages of Rs.2,16,22,133/-. A further direction was sought that in case the petitioner fails to deposit the aforesaid admitted amount, his defence be struck off in the main proceedings. The Commercial Court, by an order dated 12.04.2024, has allowed the application. Hence, this civil revision petition.

5. Learned counsel for the petitioner submitted that the petitioner has disputed the amount claimed by the respondent and the Commercial Court ought not to have passed the order directing the petitioner to pay the amount

of Rs.2,16,22,133/-, which was claimed by the respondent (plaintiff in the suit). It is further submitted that the petitioner admits the liability to the extent of Rs.75 lakhs only and the impugned order suffers from error apparent on the face of the record as well as non-application of mind.

6. On the other hand, learned counsel for the respondent submitted that the petitioner be directed to deposit atleast an amount of Rs.75 lakhs.

7. We have considered the rival submissions made on both sides and have perused the record.

8. The respondent has claimed a sum of Rs.2,16,22,133/- in the suit. The aforesaid amount has not been admitted on behalf of the petitioner. Therefore, the trial court grossly erred in proceeding on the

presumption that the amount of Rs.2,16,22,133/- is an admitted amount. In any case, no direction could have been issued without holding an enquiry. Thus, it is evident that the impugned order reflects non-application of mind and suffers from error apparent on the face of the record. The impugned order dated 12.04.2024, passed by the Commercial Court in I.A.No.51 of 2021 in C.O.S.No.18 of 2019, is therefore, set aside.

9. The petitioner has admitted that a sum of Rs.75 lakhs is due on account of arrears of rent. Needless to state that the petitioner shall deposit the aforesaid amount of Rs.75 lakhs before the Commercial Court within a period of four weeks from today.

10. The Commercial Court is directed to decide I.A.No.51 of 2021 afresh by a speaking order.

11. Accordingly, the Civil Revision Petition is disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

//TRUE COPY//

Sd/- T. JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Judge for Trial and Disposal of Commercial Disputes Ranga Reddy District at LB Nagar
2. One CC to Mr G Kalyan Chakravarthy, Advocate [OPUC]
3. One CC to Mr Varalakshmi Tadepalli, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:23/10/2024



ORDER

CRP.No.2921 of 2024

DISPOSING OF THE CRP

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Soo
4/11/24