

**Rakesh Kumar Jain Vs. IInd Additional District Judge, Agra and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/474266](http://sooperkanoon.com/474266)

**Court :** Allahabad

**Decided On :** Feb-27-2002

**Reported in :** 2002(2)AWC1643

**Judge :** Anjani Kumar, J.

**Acts :** Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 - Sections 7

**Appeal No. :** C.M.W.P. No. 14143 of 2000

**Appellant :** Rakesh Kumar Jain

**Respondent :** IInd Additional District Judge, Agra and ors.

**Advocate for Def. :** S.C.

**Advocate for Pet/Ap. :** S.K. Kulshrestha, Adv.

**Disposition :** Petition dismissed

**Judgement :**

**Anjani Kumar, J.**

1. The landlord filed a suit for arrears of rent and ejection against the petitioner who was a tenant of the accommodation in dispute. There was some dispute as to what was the amount of the rent. The trial court after discussing the evidence and

pleadings arrived at the conclusion that the rent was Rs. 50 per month. The further dispute was over and above Rs. 50. The tenant is further liable to pay the water tax which he was admittedly not paying.

2. in this view of the matter, the suit was decreed by the trial court. The revisional court maintained the order of the trial court. Learned counsel for the petitioner has argued that the finding of issue Nos. 3 and 4 are recorded by the trial court and affirmed by the revisional court, suffers from error of law. It to a perverse finding.

3. The submission of learned counsel for the petitioner is that once the Court after discussion of the evidence and pleadings arrived at the conclusion that the rent is found to be Rs. 50, no further liability of payment of water tax can be imposed. The courts below have relied upon the provisions of Section 7 of U. P. Act No. XIII of 1972. Section 7 runs as under :

'7. Liability to pay taxes.--Subject to any contract in writing to the contrary but notwithstanding anything contained in Section 179 of the Uttar Pradesh Nagar Mahapalika Adhlniyam. 1959 (U. P. Act No. II of 1959) or in Section 149 or in any rule made or notification issued under Section 338 of the United Provinces Municipalities Act. 1916 (U. P. Act II of 1916) or in Section 14 (1) (e) of the United Provinces Town Areas Act, 1914 (U. P. Act II of 1914), the tenant shall be liable to pay to the landlord in addition to and as part of the rent, the following taxes or proportionate part thereof, if any, payable in respect of the building or part under his tenancy, namely :

(a) the water tax ;

(b) twenty-five per cent of every such enhancement in house tax made after the commencement of this Act, or such portion thereof, as is not occasioned on account of the increase in the assessment of the building as a result of the enhancement of rent under the provisions of Section 5 :

Provided that nothing in this section shall apply in relation to a tenant the rate of rent payable by whom for the time being (excluding any enhancement of rent under provisions of Section 5) does not exceed twenty-five rupees per month.'

4. Perusal of Section 7 will demonstrate that the statement made by learned counsel for the petitioner cannot be accepted. No other point was argued. In view of the provisions of Section 7, the view taken by the courts below cannot be said to be suffering from error of law.

5. In view of the aforesaid discussion, the petition is dismissed.

6. There will be no order as to cost.

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