



वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्  
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH  
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Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110 001

No. 36-4(83)/2018-Law

Dated 09.02.2022

From

संयुक्त सचिव (प्रशासन)  
Joint Secretary (Admn.)

To

The Directors/Heads of all CSIR National Labs/Instts./Hqrs./Units

***Sub: Judgment dated 07.01.2022 of the Apex Court in Civil Appeal No. 223/2022 (@ SLP(C) No. 21271/2021) titled Sharada Dayadhish Shetty vs. The Director, CSIR-NCL & Anr., holding CSIR as an authority owned or controlled by the Central Government within the meaning of Section 2 (e) (2) (ii) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 – reg.***

Sir/Madam,

I am directed to forward herewith the copy of the judgement dated 07.01.2022 of Apex Court in Civil Appeal No. 223/2022 (@ SLP(C) No. 21271/2021) titled Sharada Dayadhish Shetty vs. The Director, CSIR-NCL & Another. The brief of the case is as under:

- (i) The Estate Officer, NCL had passed an Eviction Order on 08.02.2018, under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, against Ex-Licensee, Mrs. Sharada Shetty, wherein she was directed to peacefully handover the vacant possession of the suit premises to CSIR/NCL authorities within 15 days of publication of the aforesaid eviction order.
- (ii) Aggrieved by the above order of eviction Mrs. Shetty (who is running a pan shop at NCL Colony) filed an Appeal, under Section 9 of the Public Premises Act, before the Hon'ble District Court of Pune. The Hon'ble District Court vide judgment dated 02.08.2021 dismissed the Civil Appeal PPE No. 02/2018 in favour of NCL. The Hon'ble District Court after relying upon the ratio laid down by the Hon'ble Supreme Court, the Respondent No. 1 (CSIR) is the Government Body and provisions of the Public Premises (Eviction of Unauthorised Premises) Act, are applicable to it.
- (iii) Against this judgment of District Court, Smt. Sharada Dayadhish Shetty filed WP No. 4497/2021, which was also rejected, *inter-alia*, after relying upon the law laid down by the Apex Court's in PK Biswas case and held that the suit premises occupied by the petitioner, without any doubt, belong to

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Central Government and therefore, covered under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

- (iv) Against the judgment of High Court, the applicant viz., Sharada Dayadish Shetty filed a Civil Appeal before the Hon'ble Supreme Court of India. The Apex Court has dismissed the Appeal without interfering in the judgment passed by the Hon'ble High Court through its judgement dated 07.01.2022 and *inter-alia*, held that **even if CSIR is a Society under the Societies Registration Act, 1860, it is an authority owned or controlled by the Central Government within the meaning of Section 2(e) (2) (ii) of the Public Premises Act.**

The Competent Authority, CSIR has been pleased to accept the judgment of the Apex Court and implement the judgment of the Apex Court in CSIR. The said Apex Court judgment is, therefore, brought to your kind information, guidance and in dealing matters relating to staff quarters, premises rented by CSIR and encroachment of CSIR property, etc.

Hindi version will follow.

Yours faithfully,

 09 Feb 2022

(M Arun Manikanda Bharathi)  
Under Secretary (Legal)

Encl: As above

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.223 OF 2022  
(@ SLP(C) No.21271/2021)

SHARADA DAYADHISH SHETTY

APPELLANT(S)

VERSUS

THE DIRECTOR, CSIR-NCL & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

The challenge in the present appeal is to an order passed by the High Court on 31.08.2021 whereby the writ petition directed against an order of eviction passed under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (for short, 'the Act') was not interfered with, in the writ jurisdiction of the High Court.

The appellant is in possession of the premises ad-measuring 110 sq. ft. where she is running a Paan shop after the death of her husband. The husband was given the license to use the said premises on 16.06.1994.

The order of eviction was passed by the Estate officer on 08.02.2018. The appeal before the District Judge was dismissed on 02.08.2021. It is the said orders which were not interfered with by the High Court.

The sole argument of Mr. Pai, learned counsel appearing for the appellant is that the premises in possession of the appellant cannot be said to be public premises within the meaning of Section

2(e) of the Act as the Council of Scientific and Industrial Research (CSIR) does not fall within the definition of clause (e) of the Act. Section 2(e)(2)(ii) of the Act reads thus:-

"2.....

(e) "*public premises*" means—

(1) .....

(2) *any premises belonging to, or taken on lease by, or on behalf of,*

(i) .....

(ii) *any corporation (not being a company as defined in section 3 of the 3 [the Companies Act, 2013 (18 of 2013)], or a local authority) established by or under a Central Act and owned or controlled by the Central Government....."*

A perusal of the written statement filed by the respondent before the District Judge shows that it was averred that National Chemical Laboratory (NCL) is a constituent laboratory of CSIR. It is an autonomous body under the auspices of Department of Science and Industrial Research, Ministry of Science and Technology, Government of India. Hon'ble the Prime Minister of India is the *ex-officio* President and the Minister-in-charge of the Ministry or Department dealing with CSIR is the *ex-officio* Vice President of CSIR.

In view of the said fact, even if CSIR is a Society under the Societies Registration Act, 1860, it is an authority owned or controlled by the Central Government within the meaning of Section 2(e)(2)(ii) of the Act.

In view of the aforesaid fact, we do not find any reason to

interfere with the order passed by the High Court.

The appeal is dismissed accordingly.

However, learned counsel for the appellant seeks time to vacate the premises. The appellant is granted time upto 31<sup>st</sup> March, 2022 to vacate the premises subject to filing of an undertaking to handover vacant physical possession of the premises on or before 31<sup>st</sup> March, 2022 and to pay entire arrears of rent including rent for the month of March 2022 within 2 weeks. Such undertaking be filed within two weeks.

Pending applications, if any, also stand disposed of.

.....J.  
[HEMANT GUPTA]

.....J.  
[V. RAMASUBRAMANIAN]

NEW DELHI;  
7<sup>th</sup> JANUARY, 2022



ITEM NO.16

Court 11 (Video Conferencing)

SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 21271/2021

(Arising out of impugned final judgment and order dated 31-08-2021 in WP No. 4497/2021 passed by the High Court Of Judicature At Bombay)

SHARADA DAYADHISH SHETTY

Petitioner(s)

VERSUS

THE DIRECTOR, CSIR-NCL & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.170272/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.170271/2021-EXEMPTION FROM FILING O.T. and IA No.170273/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES )

Date : 07-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Pai Amit, AOR  
Mr. Prathamesh Bhargude, Adv.  
Ms. Ranu Purohit, Adv.  
Mr. Jayant Panse, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, also stand disposed of.

(SWETA BALODI)  
COURT MASTER (SH)

(RENU BALA GAMBHIR)  
COURT MASTER (NSH)

(Signed order is placed on the file)