

East Punjab Urban Rent Restriction Act, 1949 – East Punjab Urban Rent Restriction (Amendment) Act No.9 of 2001 – Sections 2(dd), 13B, 18A of the Act,

(i) Any person, who himself is of Indian Origin and/or whose parents/grandparents are/were of Indian Origin and who is settled outside India either permanently or temporarily for taking up employment or for carrying on business/vocation would be a Non-Resident Indian;

(ii) a Non-Resident Indian-landlord has a special right to seek immediate possession of the let-out premises if he is its owner for atleast a period of 5 years before his applying to the Rent Controller for possession and that he requires the premises for his own use and occupation and/or for anyone ordinarily living with him and is dependent on him;

(iii) the right under Section 13B of the Act for immediate possession can be availed of only once during the life-time of such an owner/NRI landlord;

(iv) the NRI-landlord has the choice to select one amongst several other residential/non-residential buildings;

(v) it is not necessary for a NRI-landlord to permanently return to India for seeking eviction of the tenant;

(vi) the Courts shall presume that the need of the NRI-landlord is genuine and bona fide, though the tenant is entitled to prove that in fact and in law, the requirement of the NRI-landlord is not genuine;

(vii) a heavy burden would lie on the tenant to prove that the requirement of the NRI-landlord is not genuine and mere assertion on the part of the tenant would not be sufficient to rebut the strong presumption in the landlords favour;

(viii) if the NRI-landlord gets possession under Section 13B of the Act, he can neither transfer it either by sale or by any other mode nor can he let it out for a period of 5 years and in case of any breach, the tenant is entitled to seek restoration of possession:

(ix) after getting the possession, the NRI-landlord should occupy the premises continuously for a period of 3 months.

Baldev Singh Bajwa v. Monish Saini : 2005(12) SCC 778,