



2026-DHC:7187



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 25.08.2026

CNR No. DLHC010209992026

+ RC.REV. 167/2026 & CM APPL. 57729/2026 (Early Hearing on behalf of petitioner)

VINOD KUMAR

.....Petitioner

Through: Mr. Ankit Jain, Senior Advocate with Mr. Kunal Jain, Advocate.

versus

RAKESH SINGH

.....Respondent

Through: Mr. Vikas Chhabra and Mr. Kartik Mittal, Advocates.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% JUDGEMENT (Oral)

1. The present Petition, filed under Section 25-B(8) of the Delhi Rent Control Act, 1958 [**“DRC Act”**], seeks to assail the Order dated 27.02.2026 [**“Impugned Order”**] passed by the learned ACJ-cum-CCJ-cum-ARC, Patiala House Court, Delhi [**“learned ARC”**], in Eviction Petition, being RC ARC No. 28/2023, titled as *“Rakesh Singh v. Vinod Kumar”*.

2. By way of the Impugned Order, the Application seeking leave to defend filed by the Petitioner was rejected by the learned ARC and, consequently, an Eviction Order was passed in favour of the

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Respondent, in respect of Shop No.6, CB-385, Khasra No. 1068/2, Ring Road, Naraina, New Delhi-110028 [***“Subject premises”***].

SUBMISSIONS ON BEHALF OF THE PARTIES:

3. Learned Senior Counsel appearing for the Petitioner, at the outset, would submit that the present challenge to the Impugned Order is confined to the findings rendered by the learned ARC on the question of the existence of a Landlord-Tenant relationship between the parties.

4. Learned Senior Counsel for the Petitioner would submit that the specific plea taken by the Petitioner herein, challenging the rent receipts placed on record by the Respondent along with the Eviction Petition has not been accorded any consideration by the learned ARC in the Impugned Order. He submits that the Petitioner, in particular, pleaded and submitted that the rent receipts appeared to have been generated contemporaneously and that all the receipts were of the same date.

5. Learned Senior Counsel for the Petitioner submits that the challenge to the veracity of the rent receipts placed on record by the Respondent forms an essential facet for adjudication, for the further reason that despite the Respondent alleging the rent was paid up till the year 2017, he further goes on to contend that rents have been paid even in the year 2019.

6. He therefore, submits that, since the learned ARC has not dealt with this vital aspect, the Judgment stands vitiated and would require to be set aside.

7. **Per contra**, learned counsel for the Respondent, fairly and candidly, accepts that the challenge raised with respect to the rent



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receipts did not receive consideration by learned ARC while passing the Impugned Order.

8. Learned counsel for the Respondent, however, submits that there is no requirement for the learned ARC to categorically record findings on the said aspect since the Petitioner, in order to set up a case of adverse possession, would have to first establish the manner in which he came into the possession of the subject premises itself.

9. This Court has heard learned counsel for the parties and, with their able assistance, perused the material available on record.

10. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioners, it would be apposite to advert to the scope and ambit of the revisional jurisdiction vested in this Court under the *proviso* to Section 25-B(8) of the DRC Act.

11. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***¹, ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***², and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***³, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25-B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

12. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in ***Pankaj Pahwa v. Prem Wati & Ors.***⁴, and ***Sanjeev Hiranandani v. Sunny Grover***⁵.

¹ (1998) 8 SCC 119

² (2014) 9 SCC 78

³ (2022) 6 SCC 30

⁴ 2024:DHC:9322

⁵ 2025:DHC:11285



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13. In **Abid-Ul-Islam** (*supra*), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25-B of the DRC Act, observed that the omission of an appellate remedy against an Order passed by the learned Rent Controller is conscious and deliberate. The jurisdiction conferred upon the High Court is, therefore, one of superintendence over the decision-making process, including the legality and propriety thereof, and does not permit the High Court to substitute its own view for that of the learned Rent Controller merely because another view on the material available on record may be possible. The relevant observations of the Hon'ble Supreme Court read as under:

“23. The proviso to Section 25-B(8) gives the High Court exclusive power of revision against an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance. Thus, the High Court is not expected to substitute and supplant its views with that of the trial court by exercising the appellate jurisdiction. Its role is to satisfy itself on the process adopted. The scope of interference by the High Court is very restrictive and except in cases where there is an error apparent on the face of the record, which would only mean that in the absence of any adjudication per se, the High Court should not venture to disturb such a decision. There is no need for holding a roving inquiry in such matters which would otherwise amount to converting the power of superintendence into that of a regular first appeal, an act, totally forbidden by the legislature.”

14. In **Pankaj Pahwa** (*supra*), a Coordinate Bench of this Court, upon considering the principles enunciated in **Abid-Ul-Islam** (*supra*), reiterated that the jurisdiction exercised by this Court under the proviso to Section 25-B(8) of the DRC Act is limited in scope and that this Court is not expected to substitute or supplant its view for that of the learned ARC/RC. The revisional scrutiny is confined to examining the decision-making process and determining whether the Impugned



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Order suffers from an error apparent on the face of the record or an absence of adjudication warranting interference.

15. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25-B(8) of the DRC Act, this Court is neither required nor permitted to undertake a fresh appreciation of the material on record with a view to arrive at an independent conclusion on the merits of the dispute. Interference would be warranted only where the Impugned Orders suffer from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC/RC is wholly unreasonable or founded upon an erroneous premise of law.

16. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged on behalf of the Petitioners against the Impugned Order are required to be examined.

17. Having considered the submissions advanced on behalf of the parties and the material available on record, this Court is of the considered view that the Impugned Order cannot be sustained in its present form. The limited challenge raised by the Petitioner before this Court pertains to the finding concerning the existence of a landlord-tenant relationship between the parties. In support of his challenge to the said relationship, the Petitioner had specifically disputed the veracity and evidentiary value of the rent receipts relied upon by the Respondent. It is not in dispute that the said contention, though specifically raised by the Petitioner, has not received any consideration in the Impugned Order.

18. The submission of the learned counsel for the Respondent



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that the said omission would not be material since the Petitioner, while setting up a plea of adverse possession, is required to establish the manner in which he came into possession of the Subject Premises, cannot be accepted at this stage. The issue before the learned ARC was not merely whether the Petitioner had succeeded in establishing his plea of adverse possession. The learned ARC was also required to examine whether the material placed before it disclosed the existence of a landlord-tenant relationship between the parties, particularly when such relationship had been specifically disputed by the Petitioner.

19. The rent receipts relied upon by the Respondent constitute material which bears directly upon the said question. The Petitioner had specifically raised a challenge to the authenticity and veracity of the said receipts and had also sought to point out what, according to him, were inconsistencies in the Respondent's case regarding the period for which rent had allegedly been paid. In particular, the Petitioner contended that, all the receipts were of the same date and further that, while the Respondent had alleged payment of rent up to the year 2017, the material relied upon by him also referred to payment of rent in the year 2019. Whether the explanation furnished by the Respondent in respect thereof is acceptable or whether the challenge raised by the Petitioner gives rise to a triable issue are matters which necessarily required consideration by the learned ARC.

20. This Court is conscious of the limited scope of its jurisdiction under the proviso to Section 25-B(8) of the DRC Act. This Court is not required to undertake a fresh appreciation of the material on record or substitute its own conclusions for those which ought to have been arrived at by the learned ARC. However, where a material contention



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specifically raised by a party, having a direct bearing on the determination of the controversy, has not been considered at all, such omission goes to the decision-making process itself and would fall within the limited scope of revisional interference under Section 25-B(8) of the DRC Act.

21. In the present case, the learned counsel appearing for the Respondent has, in fact, fairly conceded that the challenge raised by the Petitioner with respect to the rent receipts did not receive consideration at the hands of the learned ARC while passing the Impugned Order. This Court is, therefore, not called upon to determine the correctness of the Petitioner's challenge to the rent receipts or to record an independent finding on the existence of the landlord-tenant relationship. Such an exercise would clearly travel beyond the scope of the revisional jurisdiction vested in this Court. The appropriate course would be to remit the matter to the learned ARC for consideration of the contentions raised and for passing a fresh order in accordance with law.

22. Accordingly, the Impugned Order dated 27.02.2026 is set aside. The matter is remanded back to the learned ARC for a *de-novo* consideration on the basis of the pleadings and material already on record.

23. It is clarified that this Court has not expressed any opinion on the merits of the rival contentions of the parties, including the genuineness or evidentiary value of the rent receipts or the merits of the Petitioner's plea of adverse possession. The learned ARC shall consider the matter independently on the basis of the material already available on record and pass a reasoned order in accordance with law.



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24. List before the learned ARC on 08.09.2026.
25. The next date of hearing before the Court on 06.10.2026 stands cancelled.
26. The present Petition, along with pending Application(s), if any, is disposed of in the aforesaid

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 25, 2026/v/va

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