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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 31.08.2026

CNR No. DLHC010593132025

+ **RC.REV. 246/2025 & CM APPL. 51594/2025 (Stay)**

SANJAY KUMAR SACHDEVA

.....Petitioner

Through: Mr. Jaspreet Singh, Ms.
Nandini Singh, Mr. Amandeep
Singh & Mr. Karan Dorbi,
Advs.

versus

POORAN CHAND & ANR.

.....Respondents

Through: Mr. Gaurav Kumar Singh &
Mr. Nagender Yadav, Advs.

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

% **JUDGEMENT (Oral)**

1. In view of Notification No. 85/G-4/Genl.-I/DHC dated 21.08.2026, whereby matters listed on 27.08.2026 were directed to be taken up on 31.08.2026, the present matter is taken up today.
2. The present Rent Revision Petition has been filed under Section 25B(8) of the Delhi Rent Control Act, 1958 [hereinafter referred to as the “**DRC Act**”], read with Section 151 of the Code of Civil Procedure, 1908, assailing the Order dated 12.02.2025 passed by the learned ARC-01 (Central), Tis Hazari Courts, Delhi in Eviction Petition bearing RC ARC No. 460/2024 titled “*Pooran Chand & Anr.*”



v. *Sanjay Kumar Sachdeva*”, as well as the Order dated 13.08.2025 passed by the learned ARC-01 (Central), Tis Hazari Courts, Delhi in the Review Petition being MISC. SCJ No. 272/2025 [hereinafter collectively referred to as the “**Impugned Orders**”]. The Petitioner, by way of the present Petition, seeks the following reliefs:

“In view of the above said facts and circumstances, it is most respectfully prayed before this Hon'ble Court may kindly be pleased to:

- a. Set aside the Impugned Orders dated 12.02.2025 passed by the Ld. ARC-01 (Central), Tis Hazari Courts, Delhi in eviction petition bearing RC ARC No. 460/2024 and order dated 13.08.2025 passed by the Ld. ARC-01 (Central), Tis Hazari Courts, Delhi in review petition filed by the Petitioner vide Misc. SCJ 272/2025;
- b. Pass/ grant any such other or further order/ relief(s) which this Hon'ble Court may deems fit and proper under the facts and circumstances of the case as well as in the interest of justice.”

SUBMISSIONS ON BEHALF OF THE PARTIES:

3. Learned counsel appearing on behalf of the Petitioner confines his challenge to the question of service of summons upon the Petitioner. It is contended that the Petitioner was not served through the modes and means specifically prescribed under Section 25B of the DRC Act and, consequently, the learned ARC erred in refusing to take on record the application seeking leave to defend on the ground that the same had been filed beyond the statutory period of fifteen (15) days and proceeded to pass orders against the Petitioner herein.

4. Learned counsel submits that the learned ARC has proceeded on the erroneous premise that service by way of affixation constituted valid service upon the Petitioner. In support thereof, reliance is placed upon the judgment of a Coordinate Bench of this Court in ***Dharampal***



& Anr. v. Meena Sharma¹ wherein it has been held that affixation is not a mode of service contemplated under Section 25B of the DRC Act.

5. Learned counsel further submits that the findings returned by the learned ARC with respect to one Mr. “*Moolchand*” are also contrary to the record. It is pointed out that by an earlier Order dated 06.11.2024, the learned ARC had itself found the Service Report to be unsatisfactory, observing as follows:

“Since the name of the said employee is not mentioned nor any particulars of the said person been disclosed on the report, therefore, the said report is unsatisfactory.”

6. It is, therefore, submitted that having once found that the particulars of the alleged employee were not disclosed and the Service Report was unsatisfactory, the learned ARC could not subsequently proceed to conclude, in the Review proceedings, that Mr. “*Moolchand*” was an employee of the Petitioner and that service had been effected through him.

7. **Per contra**, learned counsel appearing on behalf of the Respondents submits that the learned ARC has correctly appreciated the material on record. It is submitted that although the notices issued through the postal department remained unserved, service upon the Petitioner was effected through other modes, including affixation and publication.

8. Learned counsel for the Respondents further submits that, apart from service by affixation, summons were also caused to be served by way of publication and, therefore, the Petitioner cannot contend that

¹ 2012 SCC OnLine Del 1215



he was not duly served.

9. Learned counsel further submits that summons had also been tendered to Mr. “*Moolchand*”, who was an employee of the Petitioner, and the Petitioner had not specifically disputed the said relationship. It is thus contended that the Petitioner was fully aware of the eviction proceedings and cannot now be permitted to challenge the service of summons.

10. In response, learned counsel for the Petitioner disputes the validity of the alleged service by publication and submits that the publication itself carried an incorrect description of the address. It is contended that while the locality mentioned in the publication was “*Nanak Pura*”, the tenanted premises is situated at “*Manak Pura*”. It is, therefore, submitted that the said publication could not constitute valid service upon the Petitioner.

ANALYSIS:

11. This Court has heard the learned counsel for the parties and perused the material placed on record.

12. The controversy arising for consideration is essentially whether the learned ARC was justified in treating the Petitioner as duly served and consequently proceeding against him, particularly when the service through post and registered post admittedly remained unsuccessful and the conclusion regarding service was substantially founded upon affixation.

13. Before considering the facts of the present case, it would be apposite to notice the statutory scheme governing service of summons in proceedings under Section 25B of the DRC Act.



14. In ***Dharampal & Anr.*** (supra), a Coordinate Bench of this Court considered the scope and manner of service contemplated under Section 25B of the DRC Act and observed as follows:

“5. Section 25-B(2)(3)(4) of the DRCA are reproduced herein a under:

“25-B. Special procedure for the disposal of applications for eviction on the ground of bona fide requirement.- (1) Every application by a landlord for the recovery of possession of any premises on the ground specified in clause (e) of the proviso to sub-section (1) of Section 14, or under Section 14-A, or under Section 14-B or under Section 14-C or under Section 14-D shall be dealt with in accordance with the procedure specified in this section.

(2) The Controller shall issue summons, in relation to every application referred to in sub-section (1), in the form specified in the Third Schedule.

(3)(a) The Controller shall, in addition to, an simultaneously with, the issue of summons for service on the tenant, also direct the summons to be served by registered post, acknowledgment due, addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and may, if the circumstances of the case so require, also direct the publication of the summons in a newspaper circulating in the locality in which the tenant is last known to have resided or carried on business or personally worked for gain.

(b) When an acknowledgement purporting to be signed by the tenant or his agent is received by the Controller or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent had refused to take delivery of the registered article, the Controller may declare that there has been a valid service of summons.

(4) The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) in the form specified in the Third Schedule shall not contest the prayer for eviction from the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the application shall be entitled to



an order for eviction on the ground aforesaid.”

6. A reading of the aforementioned provisions of law shows that the mode of service prescribed is three fold. This section i.e. Section 25-B postulates that the summons can be sent either by ordinary way as provided in sub-Section 2; it is also required that the summons may be sent by registered post as provided in sub Clause 3(a) as also by publication in a newspaper. It is only when the summons are sent by a registered post that the “acknowledgement” should be signed by the tenant or by his agent. The word “acknowledgement” as occurring in Section 25-B(3)(b) has reference to the words “acknowledgement due” occurred in the previous sub-clause i.e. sub-clause (3)(a). This “acknowledgement” referred to in sub-Clause 3(b) is an acknowledgement which is sent along with the registered post; the word “acknowledgement” referred in sub-Clause 3(b) is not the acknowledgment of summons issued under sub-Section 2. Sub-Section 4 of Section 25-B in fact settles the matter beyond all doubt; use of the words “in the ordinary way” clearly implies the manner in which service is to be effected.

7. It is thus clear that the service can be effected upon the tenant either by ordinary way or by registered post; either of two modes of service would be a complete service and whereupon the tenant would then be required to file his application for leave to defend within the stipulated period of 15 days.

8. It is not in dispute that in the instant case service has not been effected by either of the two modes as prescribed in IIIrd Schedule of the DRCA; the summons could not be served either by the ordinary process or by registered A.D.; affixation is admittedly not a mode of service which is provided in Section 25-B which is a complete Code in itself. In these circumstances, the ARC holding that the service by affixation was a valid service has clearly committed an illegality; this is liable to be cured. Affixation is admittedly not a mode of service as described by Section 25-B which deals with the special class of landlords including those class of landlords who have filed an eviction petition under Section 14(1)(e) of the DRCA. The tenant not having been served as per Schedule III of the DRCA, the impugned judgment holding otherwise is accordingly set aside.”

15. Thus, the legal position is no longer *res integra*. The procedure prescribed under Section 25B of the DRC Act is a special procedure and the consequences flowing from a failure to file an Application seeking leave to defend within the stipulated period of fifteen (15)



days are significant. The question whether a tenant has been duly served must, therefore, necessarily be examined with reference to the modes of service contemplated under the statutory scheme itself.

16. In the present case, the relevant portion of the Impugned Order dated 13.08.2025, on the basis of which the learned ARC concluded that service stood completed, reads as follows:

9) In the present case, perusal of report shows that the ahlmad had duly mentioned the pages and the copy of the petition had also been duly annexed with the copy of the summons and the process server had affixed the same at the address mentioned on the summons i.e. *10356, ground floor, gali pathshala wali, Manank Pura, Karol Bach, New Delhi-I I 0005* on **21.01.2025**. It is not in dispute that the said address is the address of the tenanted premises and also that the same is complete. **Thus, the report on the basis of which service was deemed to be complete and impugned eviction order passed, pertained to tenanted premises and complete address had been mentioned on the summons and therefore, contention raised in this regard are devoid of merits.** Further, perusal of record shows that the process server went to the correct address of the tenanted premises and only when despite attempts on 18.01.2025, 20.01.2025 and 21.01.2025, respondent was not found at the premises, therefore, affixation was carried out on 21.01.2025.

10) As far as the contention is concerned that affixation was carried out on 20.01.2025, it is pertinent to note that the counsel for the applicant has confused the affixation carried out outside the court room, in pursuance of process issued through publication with the affixation at the tenanted premises. Perusal of record shows that while allowing the application under Order 5 Rule 20 CPC of the landlord on 04.12.2024, simultaneously with the process through nazarat branch on PF and through postal department on RC, publication in the newspaper had also been directed. Therefore, in pursuance of publication in the newspaper, affixation was also carried out outside the court room on 20.01.2025. The said publication does not have concern with the affixation carried out at the tenanted premises on 21.01.2025 which was a separate proceedings carried out by the process server. Notice issued to the postal department had remained unserved but the respondent had been served through affixation at the tenanted premises. Therefore, even if the contention of the applicant is considered that the wrong address/incomplete address was mentioned in the newspaper in



publication, the same is of no assistance to the applicant/tenant since he had been duly served by the nazarat branch on 21.01.2025.

17. A plain reading of the above makes it evident that the learned ARC proceeded on the premise that affixation at the tenanted premises on 21.01.2025 constituted valid and complete service upon the Petitioner.

18. In view of the law laid down in ***Dharampal & Anr.*** (supra), such a conclusion cannot be sustained. Affixation, by itself, is not a mode of service recognised under the special procedure prescribed by Section 25B of the DRC Act. Consequently, the finding of the learned ARC that service upon the Petitioner stood completed merely on the basis of affixation is contrary to the statutory scheme and the binding legal position noticed hereinabove.

19. This Court also finds merit in the submission of the Petitioner with respect to the alleged service through Mr. “Moolchand”. The learned ARC, *vide* Order dated 06.11.2024, had itself found the Service Report to be unsatisfactory, observing that neither the name nor the particulars of the person alleged to be an employee had been disclosed in the report. The subsequent finding in the Review proceedings that Mr. “Moolchand” was an employee of the Petitioner, therefore, is contrary to the record.

20. In arriving at the said conclusion, the learned ARC has placed reliance upon the judgment of this Court in ***Shyam Sunder Wadhawan v. Vivek Arya***² to hold that service by affixation following refusal constitutes valid service. However, the reliance on the said

² 2014 SCC OnLine Del 4627



judgment is misplaced, as the factual foundation for treating the alleged service upon Mr. “*Moolchand*” as a refusal by the Petitioner was itself not established. Accordingly, the finding of the learned ARC that service had been validly effected through Mr. “*Moolchand*” cannot be sustained.

21. The Respondents, however, contend that even assuming service had not been completed through post or by affixation, the Petitioner stood duly served by way of publication, which is disputed by the Petitioner on the ground that the publication reflected an incorrect address, referring to “*Nanak Pura*” instead of “*Manak Pura*”.

22. The learned ARC, while dealing with the aforesaid aspect, has observed as follows:

“12) Furthermore, it is pertinent to note that in the entire application, it has not been denied by the applicant that the Mool Chand was his employee and that he had not refused the receiving of summons on 04.10.2024. The only contention pressed in this regard is that the process server could not have reached the tenanted premises since the description “Manak Pura, Karol Bagh” had not been mentioned in the address on the summons. *However, it is not the contention of the applicant that there is another gali pathshala wali in Delhi-05 having shop 10356 on the ground floor.* Even otherwise, in order to avoid controversy, the said service was not treated as complete and fresh summons had been directed vide order dated 04.12.2024. It was only in pursuance of the said summons, when the respondent avoided service as the tenanted premises was locked on 18.01.2025, 20.01.2025 and 21.01.2025 that the affixation was carried out. In ***Shyam Sunder Wadhawan Vs. Vivek Arya RC REV No. 294/17 & CM No. 14886/14*** dated 09.09.2014, it was held by the Hon’ble High Court of Delhi that service done by affixation following refusal is valid service. Therefore, the contention of the applicant that service by way of affixation cannot be treated as service under the Third Schedule of DRC Act is devoid of merits.”

23. This Court notes that the objection raised by the Petitioner with respect to the discrepancy in the address appearing in the publication



was not independently considered by the learned ARC. The said aspect was brushed aside primarily on the premise that the Petitioner had, in any event, been duly served through affixation.

24. However, once this Court has found that the conclusion regarding valid service through affixation cannot be sustained, the question whether service stood independently and validly effected through publication assumes significance. The objection of the Petitioner regarding the discrepancy in the address appearing in the publication, therefore, requires an independent consideration.

25. In the aforesaid circumstances, this Court is of the considered view that the matter warrants remand to the learned ARC for considering whether, the Petitioner stood validly served.

CONCLUSION:

26. Accordingly, the finding in the Impugned Orders treating the Petitioner as duly served on the basis of affixation cannot be sustained and is, accordingly, set aside. The matter is remanded to the learned ARC for consideration of the issue regarding the validity of service in accordance with law.

27. The learned ARC shall consider the aforesaid issue independently and without being influenced by any observations in the Impugned Orders regarding the validity of service through affixation.

28. Let the aforesaid consideration be concluded within a period of four (04) months from today.

29. List before the learned ARC on 21.09.2026.



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30. The present Petition, along with pending Application(s), if any, is disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 31, 2026/v/ma

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