



2026:DHC:7138



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 24.08.2026**# **CNR No. DLHC012344182018**

+ RC.REV. 422/2018, CM APPL. 35563/2018 (Stay), CM APPL. 5176/2026 (Seeking reimbursement by the petitioner of the property tax deposited by the respondent), CM APPL. 5395/2026 (Seeking increase of the rate of user charges), CM APPL. 31564/2026 (Seeking speedy decision of the petition), CM APPL. 31565/2026 (Dir.) & CM APPL. 31566/2026 (Delay of 75 days in Re-filing the application)

GIRDHARI LAL &amp; ORS

.....Petitioners

Through: Appearance not given.

versus

AKHIL BANSAL &amp; ORS

.....Respondents

Through: Mr. Akhil Bansal, Advocate  
(Respondent No. 1 in person),  
Mr. Shaym D. Nandan and Ms.  
Nandan Menon, Advocates.

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

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**JUDGEMENT (Oral)**

1. The present Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958<sup>1</sup>**, read with Article 227 of the Constitution of India, seeks to assail the **Judgment dated 10.07.2018<sup>2</sup>** passed by the **learned Additional Rent Controller, Shahdara District, Karkardooma Courts, Delhi<sup>3</sup>**, in Eviction Petition, being ARC No.

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<sup>1</sup> DRC Act

<sup>2</sup> Impugned Judgement

<sup>3</sup> Learned ARC

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**981/2016.**

2. By way of the Impugned Judgement, the Application seeking leave to defend filed on behalf of the Petitioners came to be dismissed and an Eviction Order was consequently passed in favour of the Respondents in respect of the Subject premises, **being Shop No. 258, Anaj Mandi, Shahdara, Delhi<sup>4</sup>.**

**SUBMISSIONS ON BEHALF OF THE PARTIES:**

3. Learned Counsel appearing on behalf of the Petitioners, at the outset, submits that the challenge in the present Petition is confined to two aspects.

4. *Firstly*, it is submitted that Respondent No.1 was, even at the time of institution of the Eviction Petition, in possession and use of suitable accommodation at **4648/21, Daryaganj, New Delhi<sup>5</sup>**, from where he was admittedly carrying on his professional activities.

5. Learned Counsel for the Petitioners submits that the mere fact that the aforesaid premises was itself a tenanted accommodation could not, at the stage of consideration of the Application seeking leave to defend, render the same irrelevant for determining whether the Respondent No.1 had a bona fide requirement for the Subject premises. It is, therefore, contended that the availability and suitability of the said accommodation, particularly in the context of the professional requirement pleaded by Respondent No.1, raised a triable issue as to whether the Subject premises were genuinely required for establishing his office.

6. *Secondly*, learned Counsel submits that the Petitioners had

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<sup>4</sup> Subject premises

<sup>5</sup> Daryaganj Property



specifically brought on record, by way of their Additional Rejoinder Affidavit, the availability of **Property bearing No. 283A, First Floor, situated at the back side of the Subject premises<sup>6</sup>**, which, according to the Petitioners, was available for being utilised by Respondent No.1 for his professional office.

7. Learned Counsel for the Petitioners submits that the learned ARC erred in declining to consider the aforesaid material merely on the ground that the said property had not been specifically pleaded in the original Application seeking leave to defend. It is contended that the availability of the said premises was directly relevant to the question of alternative accommodation and, at the very least, disclosed a triable issue warranting grant of leave to defend.

8. **Per contra**, learned Counsel appearing on behalf of the Respondents supports the Impugned Judgment and submits that the learned ARC has duly considered the respective contentions of the parties and, upon examination of the material placed on record, correctly concluded that no triable issue arose warranting grant of leave to defend.

9. It is submitted that the Daryaganj Property was admittedly a tenanted accommodation and, following the death of the father of Respondent No.1, the tenancy stood in the name of his mother, consequently, the same could not be equated with an owned premises available to Respondent No.1 for establishing his independent professional office.

10. Learned Counsel for the Respondents further submits that the contention regarding Property 283A was raised only subsequently, in the Additional Rejoinder Affidavit, despite the property admittedly

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<sup>6</sup> Property 283A



being in existence even at the time when the application seeking leave to defend was filed.

11. Learned counsel for the Respondents thus submits that the Petitioners could not seek to introduce, at a subsequent stage, a fact which was within their knowledge and which ought to have formed part of the original affidavit seeking leave to defend. In any event, it is submitted that the Petitioners placed no material before the learned ARC to establish that the said premises was in the possession or share of Respondent No.1 or that the same was actually available to him for use as an office.

12. Learned Counsel appearing on behalf of the Respondents accordingly submits that the findings returned by the learned ARC are findings based upon the material available on record and do not suffer from any perversity, illegality or jurisdictional error warranting interference in exercise of the limited revisional jurisdiction under Section 25-B(8) of the DRC Act.

13. Learned Counsel for the Respondents therefore submits that the Petitioners are, in substance, seeking a re-appreciation of the material already considered by the learned ARC, which would fall outside the permissible scope of interference in the present proceedings. The Petition, according to learned Counsel, accordingly deserves to be dismissed and the Impugned Judgment does not warrant interference.

### **ANALYSIS:**

14. This Court has heard learned counsel for the parties and, with their able assistance, perused the material available on record, including the Impugned Order and the documents placed before the learned ARC.



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15. 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.

16. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***<sup>7</sup>, ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***<sup>8</sup>, and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***<sup>9</sup>, 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.

17. 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.***<sup>10</sup>, and ***Sanjeev Hiranandani v. Sunny Grover***<sup>11</sup>.

18. 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

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<sup>7</sup> (1998) 8 SCC 119

<sup>8</sup> (2014) 9 SCC 78

<sup>9</sup> (2022) 6 SCC 30

<sup>10</sup> 2024:DHC:9322

<sup>11</sup> 2025:DHC:11285



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.”

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

20. 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



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learned ARC/RC is wholly unreasonable or founded upon an erroneous premise of law.

21. 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.

22. At this juncture, this Court deems it appropriate to reproduce the relevant paragraphs of the Impugned Judgment. The same read as under:

“39. Respondents have further taken the plea that the petitioner is having rented office at Dayraganj and have big residential house at Sahibabad measuring 800 sq. yds. Petitioner in their petition themselves have disclosed before filing leave to defend that petitioner no. 1 is operating from office of his father late Sh. Kailash Chand Bansal at 4648/21, Daryaganj New Delhi and his father was tenant there and was practically as Chartered Accountant and after the death of his father the landlord of the said office at Daryaganj has accepted the mother of petitioner no. 1 as tenant. Therefore, the premises at Daryaganj is a rented premises and the same can not be equivalent to the own premises as the petitioner no. 1 has to pay the rent for rented premises despite having his own property which can be used for the same purpose, moreover, the mother of petitioner no. 1 is now tenant of Daryaganj property and not the petitioner. The respondent has not filed any document to counter the said submission.

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42. The respondent has also taken the plea in additional rejoinder affidavit that the property no. 283-A first floor back side of the property in question belongs to petitioner no. 1 and can be used by the petitioner no. 1. This fact was in existence at the stage of filing of leave to defend but the same was not disclosed in leave to defend and was filed later on. Therefore, the facts which were in existence before the filing of leave to defend but was not incorporated in leave to defend (the property no. 283-A was not included in the leave to defend), therefore, as per well settled law it can not be taken into account then also the petitioner have stated that the said property belongs to petitioner no. 7 and is exclusive use of petitioner no. 7 and his family. Respondent has not filed any site plan of the property no. 283-A and has also not filed any document or photographs to show that the same is not in possession of petitioner no. 7 or the same falls within the share of petitioner no. 1. Accordingly, this plea of respondent does not raise any triable issue.

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45. As such, I hold that the requirement of the petitioner no. 1 for his office at the shop no. 258, Anaj Mandi, Shahdara, Delhi-110032 is a bonafide requirement because the respondents/there ancestors are in possession of suit property for last 65-70 years but the property was not ever asked to be vacated by the petitioners or their forefather's but when the petitioner no. 1 requires the property for opening his office at the tenanted premises as he is a practicing advocate in Delhi mainly at Karkardooma Courts and most of the clients will be from East Delhi, therefore, there is no reason to doubt on the bonafide requirement of the petitioners. Moreover, respondents have also failed to show that petitioner has other suitable accommodation for his bonafide requirement.

46. Therefore, in view of above mentioned position of law, the present contention of the respondent does not raise any triable issue of such a nature that would disentitle the landlord from obtaining an order for the recovery of possession of the suit premises."

**(Emphasis supplied)**

23. Adverting to the facts of the present case, the first contention urged on behalf of the Petitioners pertains to the availability of the Daryaganj Property. The learned ARC has not disputed that Respondent No.1 was carrying on his professional activities from the said premises. However, the learned ARC has specifically examined the nature of the said accommodation and recorded that the same was a tenanted premises, the tenancy whereof, following the demise of the father of Respondent No.1, stood in the name of his mother. In this backdrop, the learned ARC concluded that the said accommodation could not be equated with premises owned by Respondent No.1 and available to him for establishing his independent professional office.

24. The submission advanced on behalf of the Petitioners, in substance, seeks a different assessment of the suitability of the Daryaganj Property. However, the fact that Respondent No.1 was using the said premises has neither been overlooked nor disregarded by the learned ARC.

25. On the contrary, the nature of the said accommodation, namely,

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that it was a tenanted premises and that Respondent No.1 himself was not the tenant thereof, was expressly taken into consideration while examining whether the same could constitute a reasonably suitable alternative accommodation for the professional requirement pleaded by Respondent No.1. The finding returned by the learned ARC, therefore, cannot be said to suffer from any failure to consider the material circumstance relied upon by the Petitioners.

26. More importantly, in exercise of revisional jurisdiction, the question before this Court is not whether, upon an independent assessment, the Daryaganj Property could also be regarded as suitable accommodation for Respondent No.1. The enquiry is confined to whether the conclusion arrived at by the learned ARC, upon consideration of the material placed before it, is so perverse, unreasonable or legally infirm as to warrant interference in exercise of the limited jurisdiction under Section 25-B(8) of the DRC Act.

27. A perusal of the Impugned Judgement, however, indicates that the learned ARC has furnished cogent reasons for declining to treat the tenanted premises at Daryaganj as equivalent to an independently owned premises available to Respondent No.1 for his professional requirement. The mere possibility of another view being taken on the suitability of the said accommodation, therefore, cannot furnish a ground for interference in the present proceedings.

28. Coming to the second contention concerning Property No. 283A, the learned ARC has expressly taken note of the plea sought to be raised by the Petitioners in their Additional Rejoinder Affidavit. The learned ARC has recorded that the existence of the said property was known to the Petitioners even at the time when the Application seeking leave to defend was filed, yet no reference thereto was made

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in the said Application and the plea was introduced only subsequently.

29. The learned ARC, therefore, declined to take the said plea into consideration at that stage. Significantly, however, the learned ARC did not rest the finding solely on the ground that the plea had not been raised in the Application seeking leave to defend. The learned ARC proceeded to examine the substance of the contention as well and noted that, according to the Respondents, the said property belonged to Respondent No.7 and was in his exclusive use and occupation.

30. The learned ARC further noted that the Petitioners had not placed on record any site plan, document or photograph to demonstrate either that the said property fell within the share of Respondent No.1 or that it was otherwise in his possession and available for being utilised as an office.

31. Thus, contrary to the submission advanced on behalf of the Petitioners, the learned ARC did not reject the contention merely on the ground that the same had not been pleaded in the Application seeking leave to defend. The finding, therefore, rests both upon the stage at which the plea was sought to be introduced and, independently, upon the absence of material establishing the alleged availability and suitability of the said premises.

32. In view of the foregoing discussion, this Court is of the considered view that neither of the two grounds urged by the Petitioners discloses a triable issue of such a nature as would warrant interference with the Impugned Judgement. The learned ARC has considered the respective assertions of the parties and has returned reasoned findings in respect of both the Daryaganj Property and Property No. 283A.

33. Therefore, what the Petitioners essentially seek is for this Court



to undertake a fresh appreciation of the very same material and substitute its own assessment for that of the learned ARC. Such an exercise would, in substance, amount to an appellate reappreciation of the record, which is impermissible within the limited revisional jurisdiction vested in this Court under Section 25-B(8) of the DRC Act.

34. This Court finds no perversity, patent illegality, material irregularity or jurisdictional infirmity in the adjudication adopted by the learned ARC. The findings returned are supported by reasons and are based upon the material which was before the learned ARC at the relevant stage. No ground has, therefore, been made out for exercise of the limited revisional jurisdiction of this Court.

**DECISION:**

35. Accordingly, the present Petition is devoid of merit and is, consequently, dismissed.

36. The present Petition, along with pending Application(s), if any, is disposed of in aforementioned terms.

**HARISH VAIDYANATHAN SHANKAR, J.**  
**AUGUST 24, 2026/nd/DJ**