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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **RC.REV. 478/2015 & C.M. No.18878/2015**  
**BHIM SEN**

..... Petitioner  
Through Mr. Dharamraj Ohlan, Adv.

versus

**M/S SHREYANS BUILDWELL PVT LTD**  
..... Respondent  
Through Mr. Arjun Singh Bhatt, Adv.

**CORAM:**  
**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**  
% **12.02.2016**

The order impugned before this Court is the order dated 05.08.2015 vide which the application seeking leave to defend filed by the petitioner/tenant in proceedings under Section 14 (1)(e) of the Delhi Rent Control Act (DRCA) had been dismissed.

Record shows that the eviction petition had been filed petitioner M/s Shreyans Buildwell Pvt. Ltd., a company registered under the Indian Companies Act. The suit premises were non-residential; it was shop No.20, 9062, Ram Bagh Road, Azad Market, Delhi. The bonafide need was detailed in para 18 (a) of the eviction petition wherein it was stated that the petitioner company was the owner of the said property; it had incurred losses for a long time and the directors of the company had been making endeavour to revamp the company to protect the interest of the stakeholders. Vide Board Resolution dated 02.01.2013, the company had agreed to start a

business of real estate and construction and in lieu thereof, since certain spaces were required for a building proper infrastructure and office of the company to be used by its employees, a structurized plan was accordingly finalized. The shop in question was required as it was in contiguous to other shops which were also in the said premises. In all the company had 11 tenanted shops and 11 separate petitions had been filed for the separate shops. It was stated that the need of the company to start this business was a bonafide need for its own use and for the use of its employees; there was no other alternate suitable accommodation which was of a commercial nature which would permit the company to start this business of real estate and construction. The eviction petition was accordingly filed.

The application seeking leave to defend has been perused. In the application seeking leave to defend, it is stated that the eviction petition was filed in time but since the documents were not legible, the complete grounds of defence are not being urged. This application was filed within the stipulated period of 15 days i.e. on 19.07.2013. Apart from this, there was no other application seeking leave to defend which was filed before the Trial Court.

Reply filed to the said application has also been perused. The contents of the eviction petition were reiterated. It was stated that the application seeking leave to defend besides the fact that it has averred any triable issue is even otherwise only a delaying tactic. It has been brought to the notice of the Court that in all the 11 eviction petitions which had been filed by the petitioner company, eviction order has been passed by the Trial Court in all of them. It has also been brought

to the notice of this Court that in all the eviction petitions, the petitioner had made ditto averments; the bonafide need was the same i.e. to start the business of real estate and construction. The need was also a commercial need.

It is a settled proposition (in view of the judgment of (2008) 5 SCC 287 Satyawati Sharma (Dead) by L.R.s. Vs. Union of India and Another ) that Section 14 (1)(e) of the DRCA is applicable not only to the residential but also to the commercial property. There is no dispute to this settled legal proposition.

A Bench of this Court in R.C. Rev. No. 391/2013 (delivered on 10.03.2015) had noted that the need of the landlord was to start his business for his own use and for the use of its employees and the sitting of the employee in the company would be a need of the company itself as the employees would be sitting there on behalf of the company and as such the need was bonafide; the fact that there was no other alternate suitable accommodation was also established.

At the cost of repetition, this Court notes the averments made in the application seeking leave to defend. The pleadings before the Court do not make out even a single triable issue; none was in fact pleaded.

The settled proposition of law is that triable issues, if any, arise from the pleadings of the parties which includes the eviction petition, the application seeking leave to defend and the reply thereto as also the documents annexed thereto. In this case the pleadings do not make out any triable issue.

Impugned order, in this background, suffers from no infirmity.

Dismissed with cost quantified at Rs.10,000/-.

**INDERMEET KAUR, J**

**FEBRUARY 12, 2016**

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