



2023 : DHC : 9388



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Order: 18.12.2023*+ **RC.REV. 359/2023 and CM No.65397/2023 and 65398/2023****DEEPAK AGGARWAL**

..... Petitioner

Through: Mr. Raghav Sehgal and Mr. Ashutosh
Kumar, Advocates

versus

YOGESH JAIN

..... Respondent

Through: None

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****[Physical Hearing/Hybrid Hearing]****TARA VITASTA GANJU, J.: (ORAL)**

1. The present Revision Petition has been filed by the Petitioner/tenant impugning the order dated 09.08.2023 passed by the Principal District & Sessions Judge and Rent Control Tribunal (Central), Tis Hazari Courts, Delhi [hereinafter referred to as the 'Impugned Order'].
2. By way of the Impugned Order, a review was filed against the order dated 28.11.2022 passed by the Rent Control Tribunal, in a petition under 14(1)(a) of the Delhi Rent Control Act, 1958 [hereinafter referred to as the 'DRC Act'].
3. Upon a query put by the Court as to the maintainability of this Petition, it is contended by the learned Counsel for the Petitioner, that this Petition has been filed under Section 25B(8) of the DRC Act.



4. Section 25B(8) of the DRC Act reads as follows :

“25.B Special procedure for the disposal of applications for eviction on the ground of bona fide requirement.-

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(8) No appeal or second appeal shall lie against an order for the recovery of possession of any premises made by the Controller in accordance with the procedure specified in this section:

Provided that the High Court may, for the purpose of satisfying itself that an order made by the Controller under this section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.”

5. Section 25B forms part of Chapter IIIA which is a special chapter in DRC Act, which provides for summary procedure in the case of certain applications. Section 25 A of the DRC Act provides that the provisions of Chapter IIIA have an overriding effect on the other provisions contained in the Act or any other law in force.

6. Section 25B of the DRC Act provides for a special procedure in the cases of recovery of possession under Section 14(1)(e) of the DRC Act and along with Sections 14A, 14B, 14C and 14D of the DRC Act as follows :-

“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 14A** or under section **14B** or under section **14C** or under **section 14D** shall be dealt with in accordance with the procedure specified in this section.”*

[Emphasis supplied]

7. A plain reading of the Section 25B(1) makes it clear that the summary procedure under Chapter IIIA including Section 25 B(8) is only applicable to certain applications under the DRC Act. Section 14(1)(a) of the DRC Act



is not one of the grounds to which the summary procedure applies.

8. Therefore, the procedure for a Revision Petition under Section 25(B)(8) of the DRC Act cannot be made applicable to eviction proceedings arising out of Section 14(1)(a) of the DRC Act.

9. This Court has in the case of **Jeet Singh v. Sir Sobha And Sons Pvt Ltd.** in **R.C Rev 173/2021** similarly held that the provisions of Section 14(1)(h) of the DRC Act are not amenable to revision under Section 25(b)(8) of the DRC Act:

“14.1 Section 25 B of the DRC Act provides for a special procedure in the cases of recovery of possession under Section 14(1)(e) of the DRC Act and along with Sections 14A, 14B, 14C and 14D of the DRC Act as follows :-

“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 14A or under section 14B or under section 14C or under section 14D shall be dealt with in accordance with the procedure specified in this section.

[Emphasis supplied]

14.2 A plain reading of the foregoing provisions makes it clear that the summary procedure under Chapter IIIA is only applicable to certain applications under the DRC Act. Section 14(1)(h) of the DRC Act is not one of the grounds to which the summary procedure applies.

14.3 Therefore, the procedure for a Revision Petition under Section 25(B)(8) of the DRC Act cannot be made applicable to eviction proceedings arising out of Section 14(1)(h) of the DRC Act.”

9.1 A similar view has been taken by Coordinate Benches of this Court in the matter of **Neelam Dubey v. Rani Pandey¹** and **Ravinder Jeet Singh v.**

¹ 2019 SCC OnLine Del 9133



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Kanta Vadheara and Anr.²

10. As stated above, the genesis of the impugned Petition is a Petition under Section 14(1)(a) of the DRC Act and the remedy of the Petitioner does not lie before this Court.

11. In view of what has been stated above, the present Revision Petition is not maintainable and is dismissed.

12. Pending Applications also stands disposed of.

13. Liberty is, however, granted to the Petitioner to challenge the order that he is aggrieved with, in accordance with law.

14. File be consigned to Record.

TARA VITASTA GANJU, J

DECEMBER 18, 2023/yg

Click here to check corrigendum, if any

² 2018 SCC OnLine Del 13329