



2024:DHC:9910



\$~86

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

% ***Date of Decision: 17.12.2024***

+ **RC.REV. 173/2020, CM APPL. 17172/2020 & CM APPL. 29018/2021**

JAGTAR SINGH

.....Petitioner

Through: Dr. Aman Hingorani, Sr. Advocate
with Mr. Sindhu Sinha & Ms. Vidisha
Jain, Advocates.

versus

SURINDER SINGH & ANR.

.....Respondents

Through: Mr. Arun Mahajan, Advocate.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The present Petition has been filed *inter alia* seeking the following prayers:

“(a) Allow the present petition thereby setting aside the order of the Additional Rent Control Tribunal dated 01.10.2015 in EX No. 109/2009; and/or

(b) Adjourn the execution proceedings, being Execution No. 109/2009, before the Rent Controller until the adjudication of the present Petition.

(c) Call for the entire record of the Courts of the Additional Rent Control Tribunal in RCT No. 15/2019 and the Rent Controller in Ex Petition No. 109 of 2009; and

(d) Pass such other further order(s) / relief(s) which this Hon'ble Court may deem just fit and proper in the facts and circumstances of the case in favour of the Petitioner.”

2. As can be seen from the foregoing, the challenge in the present



2024:DHC:9910



Petition is to an order of the learned Additional Rent Controller passed in Execution proceedings.

3. Chapter IIIA of the Delhi Rent Control Act, 1958 [hereinafter referred to as the “DRC Act”] provides for a special procedure of summary trial of certain applications under the DRC Act. Section 25B(8) of the DRC Act as appearing in Chapter IIIA of the DRC Act sets out the procedure for disposal of applications for eviction on the ground of bonafide requirement under the proviso of Sections 14(1)(e) or 14A or 14B or 14C or 14D of the DRC Act.

3.1 Orders passed under the aforesaid provisions of the DRC Act are amenable to challenge before this Court, under the proviso of Section 25B(8) of the DRC Act, which is extracted below:

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

....

(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.”

4. As stated above, the proviso to Section 25B(8) of the DRC Act states that the High Court may for the purposes of satisfying itself that an order made by the Rent Controller under Section 25B of the DRC Act is in accordance with law, may call for the records and pass any orders that it deems fit. The provision is, however, limited to orders passed under Section



2024:DHC:9910



25B of the DRC Act alone.

5. The present Petition seeks to challenge a judgment and order passed by the Additional Rent Control Tribunal on 01.10.2015 which is not an order under Section 25B of the DRC Act. Thus, concededly, the present Petition is not a Petition under Section 25B(8) of the DRC Act nor is a challenge in the present Petition to an order passed under Sections 14(1)(e) or 14A or 14B or 14C or 14D of the DRC Act.

6. After some arguments, learned Counsel for the Petitioner seeks and is granted permission to withdraw the present Petition with liberty to challenge the Order dated 01.10.2015 in accordance with law, before an appropriate forum.

7. The present Petition is dismissed as withdrawn with liberty as prayed for. All pending Applications stand closed.

TARA VITASTA GANJU, J

DECEMBER 17, 2024/ ha

[Click here to check corrigendum, if any](#)