



2025:DHC:11353



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

% **Date of decision: December 08, 2025**

+ **RC.REV. 220/2014**

RANJEETA RAJPUT

.....Petitioner

Through: Mr. S.C. Singhal and Mr. Parth Mahajan, Advs. (M-9810061558)

Versus

VIRENDER JAIN

.....Respondent

Through: Mr. Jayant Pawar, Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (O R A L)

1. The petitioner/ landlady (*landlady*) filed an Eviction Petition under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958 (*DRC Act*) seeking eviction of one shop situated on the rear side of the ground floor and another shop on the entire first floor of property bearing No.WZ-334, Nangal Raya, New Delhi-110 046 (*subject premises*) before the learned Additional Rent Controller (*learned ARC*). As per landlady, the respondent/ tenant was originally inducted as a tenant by her father, the erstwhile owner, Sh. Prahlad Singh Tanwar in the subject premises. It was her case that she had a *bona fide requirement* for the subject premises to start her own business by opening up a computer institute therein, for which, she had no suitable *alternative accommodation* with her.

2. Upon service, the tenant filed his application seeking leave to defend pleading that the landlady was already in possession of a shop on the front portion of the ground floor as well as the entire second floor,

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both in the same property wherein the subject premises was situated, as also, that she was also the owner of *three* other properties. Therefore, as per him, she had an *alternative accommodation* available with her. It was also his case that since the landlady had not specified the space necessary for running the proposed computer institute and had also failed to establish any experience in the field of computer training, her *bona fide requirement* was not genuine.

3. The learned ARC allowed the leave to defend application of the tenant observing that the tenant had raised a triable issue on two counts, *firstly*, regarding the occupational status of the landlord, and *secondly*, regarding since there was an *alternate accommodation* available with her.

4. After trial and hearing learned counsel for both parties, the learned ARC proceeded to pass the judgment dated 30.04.2014 (*impugned judgment*) dismissing the Eviction Petition of the landlady since she failed to prove her *bona fide requirement* to open a computer institute, as also since the tenant succeeded in establishing that there was reasonably suitable *alternate accommodation* available with the landlady in the very same property wherein the subject premises was situated.

5. Hence, the landlady filed the present petition seeking setting aside of the said impugned judgment dated 30.04.2014 of the learned ARC.

6. Though the landlady has raised various grounds, Mr. S.C. Singhal, learned counsel for the landlady primarily asserts that the findings rendered by the learned ARC qua the landlady having suitable *alternative accommodation* is wrong, more so, since it was an admitted position before the learned ARC that the landlady sought eviction of the subject premises, which included one shop situated at the rear of the ground floor



and another shop on the entire first floor of the same property, and that she only had the front portion of a shop on the ground floor and the entire second floor available to her. The learned counsel submits that the learned ARC has wrongly concluded that the space available to the landlady within the very same property was sufficient for a start-up enterprise of that nature, despite the landlady's claim to the contrary. The learned counsel then submits that the learned ARC wrongly held that since the landlady failed to specify about "... ..*what was her exact requirement of space to run the institute... ..*" as also that "... ..*she was unable to prove her work experience with the firm or her brother-in-law... ..*", she had failed to substantiate her *bona fide requirement* to set up a computer institute.

7. Mr. S.C. Singhal, learned counsel also submits that though the learned ARC has given a finding in favour of the very same landlady *qua* the alternative accommodations being WZ-456, WZ-457 and WZ-1656-A, the learned ARC went on to wrongly hold that the tenant had "... ..*succeeded in establishing reasonably suitable alternate accommodation being available to the petitioner in the premises in question only i.e. property bearing No. W-334, Nangal Raya, New Delhi-110 046... ..*" as also that the landlady was "... ..*unable to establish a bona fide requirement for the tenanted shops under the possession of the respondent within the meaning of Section 14 (1) (e) of the Act.*".

8. In support thereof, Mr. S.C. Singhal, learned counsel relies upon ***Kanahaiya Lal Arya v. Md. Ehshan & Ors.***: AIR 1999 SC 100, ***Vijay Sharma vs. Namita Aggarwal*** being RC Rev. no. 422/2017 and ***Shiv Sarup Gupta vs Dr. Mahesh Chand Gupta***: (1999)6 SCC 222 to submit



that the findings rendered by the learned ARC are liable to be set aside.

9. *Per Contra*, Mr. Jayant Pawar, learned counsel for the tenant, supporting the findings rendered by the learned ARC, and further relying upon ***Abid-Ul-Islam vs. Inder Sain Dua***: (2022) 6 SCC 30, ***Hindustan Petroleum Corporation Ltd. vs. Dilbahar Singh***: (2014) 9 SCC 78 and ***Sarla Ahuja vs. United India Insurance Co. Ltd.***: (1998) 8 SCC 119, submits that there is hardly a scope for interference by this Court in the present revisional jurisdiction, particularly, since the findings rendered by the learned ARC in the impugned judgment are well-reasoned.

10. Mr. Jayant Pawar, learned counsel further submits that since the landlady failed to give any cogent reasoning *qua* the vacant premises available with her in the same property wherein the subject premises was situated, the Eviction Petition filed by the landlady has rightly been dismissed and the impugned judgment is liable to be upheld.

11. Heard learned counsel for the parties, as also carefully gone through the documents and pleadings on record and the judgments cited by then at the Bar.

12. The law regarding interference in ***Abid-Ul-Islam (supra)***, ***Hindustan Petroleum Corp. Ltd. (supra)*** and ***Sarla Ahuja (supra)*** to the effect that this Court must test whether the impugned judgment suffers from any arbitrariness, perversity, illegality, impropriety or the like, and it is only when there is something of that nature that this Court should invoke its powers under revisional jurisdiction is well-settled, needs no reckoning.

13. Taking note of the same, it is imperative for this Court to reproduce the findings rendered by the learned ARC in the impugned judgment as



under:-

“21. Having perused the affidavit of the petitioner, it emerges that there are two aspects to the evidence of the petitioner qua her stated bonafide requirement to run a computer institute. The petitioner (PW 1) firstly filed certain documents to reflect, her qualifications in the field of computer education (Ex. PW1/C-1 to C-4). The authenticity of these documents was not challenged by the counsel for the respondent during cross examination. It is thus held as proved that the petition possesses the qualifications of Bachelor of Commerce, Training in Windows 1998, a Quality Management Program at NIIT and a MCA degree as reflected from documents Ex. PW1/C-1 to C-4 respectively.

22. Since the last of the above qualifications was obtained in the year 2007 and the present petition was filed in the year 2012, it was also incumbent upon the petitioner to highlight the immediate background to her stated intention to open a computer institute. The second aspect of her evidence addressed this requirement. PW 1 attempted to perform this exercise by deposing in her affidavit in evidence that she had worked with her brother in law namely Vikas Rajput (PW 2) who is CEO of M/S E. Tech Services Pvt. Ltd before filing the present petition. She deposed that practical experience had thus been gained by her for opening the computer institute where she would perform work outsourced by M/S E. Tech Services Pvt. Ltd i.e. providing training to the newly recruited employees of the said company.

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24. The evidence of her brother in law (PW 2) was also cited by the petitioner. PW 2 deposed in his affidavit that the petitioner had joined his firm after her marriage in 2008. This assertion was again in contradiction with the statement of PW 1 that she had worked with her brother in law before filing the present petition. Since the petition was filed in the year 2012 the varying accounts of PW 1 and PW 2 with respect to the year of PW 1 having worked with the company of PW 2 cannot be reconciled. PW 2 also admitted that he had neither produced the record of his employees in court nor filed any experience certificate issued by his company in favour of PW 1. The court concludes on the preponderance of probabilities that the petitioner never worked at the firm of PW 2 for the purpose of



gaining experience in the field of computer training. Consequently, the bonafides of the petitioner remain not proved.

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29. The first relevant alternate accommodation was the premises in question itself i.e. WZ-334, Nangal Raya, New Delhi-110046. PW 1 had filed a site plan of this property (Ex. PW1/A). The side plan itself suggests that the frond portion of the shop on the ground floor and the entire second floor is available with the petitioner. Notably, the area of the shop on the font side of the ground floor is 10'0" x 20'6" whereas the portion on the second floor measures 10'0" x 50'6". This area, taken together, would form a considerable amount of office space. The petitioner did try to explain this aspect by filing a business plan (Ex. PW1/D) qua the premises in question which reflected varies usage for the entire property viz the ground, first and second floors. The court finds the business plan to be a contrived document, filed only to satisfy the apprehension expressed in the order granting leave to defend inter alia that the petitioner had not disclosed in her reply to the application for leave to defend as to what was her exact requirement of space to run the institute. Also, the court has disbelieved the stated bonafide requirement in the earlier part of the judgment where it was observed that the petitioner was unable to prove her work experience with the firm of her brother in law. The court would also note here the admission of the brother in law (PW2) during cross examination that he had thus far not outsources any work to any firm. If the petitioner never worked with PW 2 and PW 2 never outsourced work to any other person, it is inconceivable that the petitioner is earnest in operating a computer institute for doing outsourced work, ostensibly to be provided primarily by PW 2. Resultantly, the business plan Ex. PW1/D is a castle in the air.

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31. The other properties cited by the respondent were property bearing No. WZ-1656-A, Nangal Raya, New Delhi, WS-340, Nangal Raya, New Delhi and B-70, Phase-I, New Palam Vihar, Gurgaon, Haryana. In this regard, the Court would observe that the onus was upon the respondent to establish that these properties were under the ownership of the petitioner and also available on account of being vacant. However, the respondent failed to even utter a whisper regarding these three properties in his affidavit in evidence. A bland



assertion was only made regarding the properties bearing No. WZ-456 and WZ-457 Nangal Raya, New Delhi being available as commercial/residential properties. These two properties have already been excluded for consideration by the court. The respondent did not offer any proof regarding the ownership and availability of three properties under consideration. In fact, it was stated in the application for leave to defend itself that property bearing No. WZ-1656- A, Nangal Raya, New Delhi had been let out to another organization. This property can thus not be considered as alternate available accommodation. Moreover, the petitioner (PW 1) furnished the original sale deeds with respect to this property executed by her in favour of her mother and brother on 28.06.2007 and 18.07.2007 (Ex. PW1/I-1 and Ex. PW1/I-2). There is no evidence to contradict the finding that property bearing No. WZ-1656-A, Nangal Raya, New Delhi is not available to the petitioner for running a computer institute.

32. Though the petitioner failed to tender any admissible document regarding property No. WZ-340, Nangal Raya as Ex. PW1/J-1 and Ex. PW1/J-2 were only copies and thus not admissible in evidence, the respondent did not lead any evidence to establish this property to be available to the petitioner either. The court reaches the finding that the availability of this property to the petitioner as alternate accommodation remains not proved.

[Emphasis supplied]

14. The aforesaid reflects that the learned ARC has gone into the aspect of “... ..exact requirement of space to run the institute... ..” of the landlady, her “... ..previous work experience... ..” as also observing that it is inconceivable that the landlady is “... ..earnest in operating a computer institute for doing outsourced work... ..”. In effect, the alleged basis of the learned ARC was beyond the scope and requirements for the landlady to portray in her Eviction Petition. None of the above could have been taken to be *pre-requisites* of an eviction proceedings initiated under Section 14(1)(e) of the DRC Act, and as held by this Court in **Shehzad Ali (Deceased) Thr Lrs vs. Babu Ali** [2025:DHC:11046], it was/ is nowhere



required for the landlady to furnish details or disclose the nature, purpose, or particulars of the proposed business for which the subject premises are needed. It was, thus, not incumbent upon the landlady, to plead and/ or establish the precise business strategy she intend to adopt. The learned ARC is not to assume jurisdiction by spreading his wings beyond his scope of flight.

15. Further, in view of the settled position of law by the Hon'ble Supreme Court in **Baldev Singh Bajwa vs. Monish Saini** MANU/SC/0264/2025, **Ragavendra Kumar vs. Firm Prem Machinery:** AIR 2000 SC 534 and **Kanahaiya Lal Arya vs. Md. Ehshan & Ors.:** AIR 1999 SC 100, since there was no contravention on merits regarding the *bona fide requirement* of the landlady by the tenant being whimsical, imaginary and/ or fanciful, there was no reason for the learned ARC to conclude otherwise, more so, since the landlady was the sole and best judge of her own *bona fide* need.

16. Regarding availability of a suitable *alternate accommodation*, though the landlady had categorically pleaded that there was none of that kind for fulfilling her intended *bona fide* requirement, to which there was no meaningful contravention by the tenant in any form, the learned ARC has disregarded the same by controverting the business plan as also by going into the suitability of the same. As held in **Yodh Raj, Satya Prakash & Sons [Firm] & Anr. vs. Narain Kumar & Sons [HUF]:** 2016 SCC OnLine Del 267 as also by this Court in **Harbans Singh vs. Anand Tyagi** [2025:DHC:9375], which has been upheld by the Hon'ble Supreme Court in *SLP No(s). 34530-34532/2025*, it is the prerogative of the landlord to assess his requirements, needs, necessities, purpose, sufficiency and



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suitability *qua* the starting of a business in the subject premises, on which the tenant has no say, especially, whence there were nothing but bald assertions before the learned ARC. Even after trial, the same is the position in eviction proceedings under *Section 14(1)(e)* of the DRC Act.

17. Thus, in light of the aforesaid analysis, this Court is of the opinion that there are manifest errors in the impugned judgment dated 30.04.2014.

18. Accordingly, the present revision petition is allowed and the impugned judgment dated 30.04.2014 passed by the learned ARC is set aside.

19. Consequently, an eviction order is passed in favour of the landlady in respect of one shop situated on the rear side of the ground floor and another shop on the entire first floor of property bearing No.WZ-334, Nangal Raya, New Delhi-110 046. However, in view of *Section 14(7)* of the DRC Act, the tenant be granted the benefit of *six months'* period from today to vacate and handover peaceful physical possession to the subject premises to the landlady.

SAURABH BANERJEE, J.

DECEMBER 8, 2025/Ab