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

**Date of decision: 31.07.2026**

# **CNR No. DLHC010344742026**

+ **RC.REV. 257/2026, CM APPL. 49737/2026 (Stay) & CM APPL. 49738/2026 (Ex.)**

**GIRIJA SHANKER DUBEY** .....Petitioner  
Through: **Mr. Arun Kumar Tripathi and**  
**Mr. Suraj Bhan, Advocates.**  
versus

**JAIPURWALA AND SONS HUF** .....Respondent  
Through: **None.**

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

% **JUDGMENT (Oral)**

1. The present Petition, under Section 25-B (8) of the **Delhi Rent Control Act, 1958<sup>1</sup>**, seeks setting aside of the **Impugned Order and Judgment dated 16.04.2026<sup>2</sup>** passed by the learned **CCJ-cum-ARC (Central), Tis Hazari Courts, Delhi<sup>3</sup>**, in Eviction Petition being Eviction Petition No.752/2019.

2. At the outset, learned counsel appearing on behalf of the Petitioner fairly confines the challenge in the present Petition to the findings returned by the learned ARC on the issue of availability of suitable alternate accommodation.

3. He submits that the learned ARC failed to appreciate the

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<sup>1</sup> DRC Act

<sup>2</sup> Impugned Order

<sup>3</sup> learned ARC



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material placed on record demonstrating that the Respondent possessed reasonably suitable alternate accommodation and sufficient material had been produced to show that two rooms situated on the second floor of property bearing No.336-337, Naya Katra, Chandni Chowk, Delhi, were lying vacant and were available to the Respondent.

4. He further submits that the Respondent was also in possession of properties bearing Nos. B-72 and C-12, C.C. Colony, opposite Rana Pratap Bagh, Delhi-110007 and that the learned ARC erred in discarding the said plea and failed to appreciate that the existence of the aforesaid properties itself constituted a triable issue warranting grant of leave to defend.

5. This Court has heard learned counsel appearing on behalf of the Petitioner and, with his assistance, perused the material available on record, including the Impugned Order.

6. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioner, it would be apposite to advert to the scope and ambit of the revisional jurisdiction vested in this Court under the proviso to Section 25B(8) of the DRC Act.

7. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*<sup>4</sup>, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*<sup>5</sup>, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*<sup>6</sup>, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B(8) of the DRC Act is supervisory

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<sup>4</sup> (1998) 8 SCC 119

<sup>5</sup> (2014) 9 SCC 78

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



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and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

8. 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>7</sup>, and ***Sanjeev Hiranandani v. Sunny Grover***<sup>8</sup>.

9. In ***Abid-Ul-Islam*** (supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25B 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 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.”

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<sup>7</sup> 2024:DHC:9322

<sup>8</sup> 2025:DHC:11285



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10. 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 25B(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. 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.

11. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25B(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 Order suffers from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC is wholly unreasonable or founded upon an erroneous premise of law. Equally, where a material plea has been left unconsidered, or the decision-making process otherwise discloses an error apparent on the face of the record, exercise of revisional jurisdiction may be warranted.

12. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged on behalf of the Petitioner against the Impugned Order are required to be examined.

13. The sole grievance raised by the Petitioner before this Court pertains to the findings returned by the learned ARC on the issue of



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availability of reasonably suitable alternate accommodation. Since the challenge is confined to the said aspect alone, it would be apposite to reproduce the relevant findings recorded by the learned ARC while dealing with the Petitioner's contention:

**“C. AVAILABILITY OF SUITABLE ALTERNATE ACCOMMODATION:**

21. With respect to the third ingredient of availability of other suitable alternate accommodation, it is to be noted that to entail denial of the claim of the landlord, an alternate accommodation must be reasonably suitable, in comparison with the tenanted premises in question. The Hon’ble Supreme Court in ***Shiv Sarup Gupta v. Dr. Mahesh Chand Gupta***, AIR 1999 SC 2507, has held that for an eviction petition to fail on the ground of availability of alternate suitable accommodation, the availability of another accommodation must be suitable as well as convenient in all respects as the tenanted accommodation from which the landlord seeks eviction of the tenant.

22. In the leave to defend application, it is contended by the respondent that the petitioner has the following suitable alternative accommodation at its disposal:

**A. Two rooms situated at second floor of the property bearing No. 336, Naya Katra, Chandni Chowk, Delhi.**

23. It has been submitted that earlier, the said two rooms were occupied by the tenants namely Mr. Ram Chander Mishra and Mr. Rampher Mishra, but the same have been vacated in the year 1988-89, and since then, the same are lying vacant. Two photographs of the alleged two rooms are annexed with the leave to defend application. In reply to the leave to defend application, it has been denied that the rooms on the second floor are lying vacant and it has been submitted that the photographs filed on record do not pertain to the property in question. It has been further mentioned that the entire second floor is occupied by different tenants (see paragraph No. 3(vi) of the reply to the leave to defend application).

24. I am of the considered view that the photographs placed on record are not of any help to the respondent since the property number is nowhere visible in the photograph. Only two doors and a window are visible in the photographs without any identification of the premises where the same are situated. Accordingly, from the said photographs, it cannot be ascertained as to whether the same pertain to the demised premises. The petitioner has specifically stated that the said photographs do not pertain to the property in question in the reply to the leave to defend application. It is settled law that the onus is upon the respondent to show that an alternative accommodation exists with the petitioner. However, since the



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photographs placed on record are not identifying the property in any manner, the respondent has not been able to prove the existence of any vacant portion available with the petitioner in the property in question.

25. Therefore, the aforesaid property cannot be categorized as a suitable alternate accommodation.

**B. Property bearing No. B-72 and C-12, CC Colony, opposite Rana Pratap Bagh, Delhi 110007.**

26. The petitioner has specifically denied owning the said properties (see paragraph No. 3(xii) of the reply to the leave to defend application). Further, the respondent has not placed on record any documentary material to show that the said properties belong to the petitioner. Therefore, apart from a bald assertion, no material has been placed on record to show that the aforesaid properties are available with the petitioner. In any case, it is the case of the respondent that the aforesaid properties have been let out on rent and the petitioner is receiving handsome amount of rent from the said properties (see paragraph No. 3(xii) of the leave to defend application). Therefore, when the respondent has himself stated that the said properties are already on rent, the same cannot be categorized as an alternate accommodation available with the petitioner.

27. Lastly, it is pertinent to note that the Hon'ble Supreme Court has repeatedly held that the landlord is the best judge of the nature, extent and manner of their requirement, and that they cannot be thrust with the opinion of the tenant or the Court (see *Prativa Devi v. T.V. Krishnan* (1996) 5 SCC 353, *Shiv Sarup Gupta v. Dr. Mahesh Chand Gupta* (1999) 6 SCC 222, *Ragavendra Kumar v. Firm Prem Machinery & Co.* (2000) 1 SCC 679 and *Siddalingamma v. Mamtha Shenoy* (2001) 8 SCC 561). The principles established in the aforesaid judgments were succinctly summarized in *Dharampal v. Chaudhary Ram Chander*, 2017 SCC OnLine Del 12980, in the following manner:

(a) the landlord is the best judge of his requirement; (b) he has complete freedom in the matter; (c) it is no concern of the Courts to dictate to the landlord how and in what manner he should use his property or to prescribe a standard therefor; (d) there is no law which deprives a landlord of beneficial enjoyment of his property; (e) the Court would permit the landlord to satisfy the proven need by choosing the accommodation which the landlord feels would be most suited for the purpose; (f) the Court will not thrust its own wisdom upon the choice by the landlord by holding that not one but the other accommodation must be accepted by the landlord to satisfy his need; (g) the Judge, should place himself in the place of the landlord and then answer whether the bona fide requirement is



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outcome of a sincere, honest desire, instructed by realities of life; and, (h) the law does not command or compel the landlord to squeeze himself and dwell in lesser premises so as to protect the tenant's continued occupation.

28. Accordingly, the tenant cannot dictate to the landlord that they should commence their business from properties which are already on rent.

**29. Therefore, in light of the aforesaid discussion, the respondent has not been able to raise any triable issue with respect to the issue of suitable alternate accommodation.”**

14. A perusal of the aforesaid extracted portion of the Impugned Order reveals that the learned ARC has independently considered each of the properties relied upon by the Petitioner while examining the plea of alternate accommodation.

15. Insofar as the alleged vacant accommodation situated on the second floor of property bearing No.336-337, Naya Katra, Chandni Chowk, Delhi is concerned, the learned ARC has recorded cogent reasons for holding that the photographs relied upon by the Petitioner did not establish the existence of any vacant premises available with the Respondent.

16. It was also recorded by the learned ARC that the photographs neither disclosed the property number nor contained any identifying feature linking them to the property in question and, therefore, could not be relied upon to substantiate the plea raised by the Petitioner.

17. Likewise, with regard to properties bearing Nos. B-72 and C-12, C.C. Colony, opposite Rana Pratap Bagh, Delhi-110007, the learned ARC has taken note of the specific denial of ownership by the Respondent as well as the absence of any documentary material produced by the Petitioner to establish either the ownership or availability of the said properties.

18. The learned ARC has further noticed that, according to the



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Petitioner's own case, the aforesaid properties had already been let out to tenants. In such circumstances, the conclusion that the said properties could not constitute reasonably suitable alternate accommodation cannot be said to suffer from any infirmity.

19. It is noted that the learned ARC, in his findings, has applied the settled principles governing the concept of alternate accommodation, as enunciated in the decisions of the Hon'ble Supreme Court, while reiterating that the landlord is the best judge of his requirement and cannot ordinarily be compelled to utilise another property merely because the tenant considers it to be suitable. The said principle is too well settled to warrant any further elaboration.

20. Therefore, this Court is of the considered opinion that the learned ARC has not rejected the Petitioner's defence in a summary or mechanical manner. Instead, each of the objections raised with respect to the alleged alternate accommodation has been specifically examined and answered by cogent reasons and cannot be said to suffer from any jurisdictional error, patent illegality, perversity or material irregularity.

21. In view of the aforesaid discussion, this Court finds no ground warranting interference with the Impugned Order.

22. Accordingly, the present Petition, along with pending application(s), if any, stands dismissed.

**HARISH VAIDYANATHAN SHANKAR, J.**  
**JULY 31, 2026/nm/jk**