



2026:DHC:6156



\$~41

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

Date of Decision: 31.07.2026

CNR No. DLHC010344502026

+ RC.REV. 256/2026, CM APPL. 49672/2026 (Stay), CM APPL. 49673/2026 (Ex. From filing certified copies of the annexures) & CM APPL. 49674/2026 (Delay of 54 days in Re-filing the petition)

NAVJIWAN CLOTH HOUSE (PROP. NEERAJ KUMAR GUPTA)Petitioner

Through: Mr. Nikhil Singhvi and Mr. Sanyam Kumar, Advocates.

versus

SANDEEP BAJAJ KARTA OF INDERJEET BAJAJ HUF

.....Respondent

Through:

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**¹ assails the **Order dated 28.02.2026**² passed by the Court of **Learned ARC-02 (Central), Tis Hazari Courts, Delhi**³ in the **Eviction Petition, being RC ARC No. 803/2025**⁴, filed by the Respondent under Section 14(1)(e) read with Section 25(B) of the DRC Act, titled "*Sandeep Bajaj Karta of Inderjeet Bajaj (HUF) v.*

¹ DRC Act

² Impugned Order

³ Learned ARC

⁴ Eviction Petition



2026:DHC:6156



Navjeeewan Cloth House (Prop. Neeraj Kumar Gupta) ”.

2. Learned counsel appearing on behalf of the Petitioner submits that the principal challenge raised by the Petitioner before the learned ARC was to the alleged *bona fide* requirement set up by the Respondent for his son, Mr. Vidhur Bajaj.

3. It is submitted that a specific plea had been taken that Mr. Vidhur Bajaj was already independently carrying on business from a timber shop situated at Kirti Nagar, Delhi and, therefore, the pleaded requirement for the tenanted premises was not *bona fide*.

4. Learned counsel further submits that the aforesaid *plea* had been specifically raised not only in the leave to defend application but was also reiterated in the rejoinder. However, the learned ARC has failed to advert to or consider the said contention while passing the Impugned Order.

5. **Per contra**, learned counsel appearing on behalf of the Respondent submits that the learned ARC has duly considered the issue of *bona fide* requirement and has rightly held that Mr. Vidhur Bajaj cannot be expected to remain idle.

6. It is further submitted that the learned ARC has also considered the issue regarding his employment and business activities before arriving at the findings recorded in the Impugned Order.

7. This Court has heard the learned counsel appearing for the parties and, with their able assistance, perused the material placed on record.

8. 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



2026:DHC:6156



proviso to Section 25B(8) of the DRC Act.

9. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*⁵, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*⁶, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁷, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

10. 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.*⁸, and *Sanjeev Hiranandani v. Sunny Grover*⁹.

11. 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:

⁵ (1998) 8 SCC 119

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30

⁸ 2024:DHC:9322

⁹ 2025:DHC:11285



2026:DHC:6156



“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.”

12. 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.

13. 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



2026:DHC:6156



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.

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

15. Applying the aforesaid principles to the facts of the present case, this Court finds that the specific plea raised by the Petitioner regarding Mr. Vidhur Bajaj already carrying on an independent business from Kirti Nagar does not appear to have received any consideration in the Impugned Order.

16. The said plea goes to the very root of the Respondent's assertion of *bona fide* requirement and, therefore, required a specific adjudication by the learned ARC. The absence of any discussion on such a material plea renders the decision-making process susceptible to interference in exercise of the limited revisional jurisdiction vested in this Court under the *proviso* to Section 25B(8) of the DRC Act.

17. In view of the aforesaid, this Court is of the considered opinion that the Impugned Order cannot be sustained. Accordingly, the same is set aside and the matter is remanded to the learned ARC for a fresh consideration of the leave to defend application after taking into account all the pleadings and material placed on record by the parties.

18. It is clarified that this Court has not expressed any opinion on the merits of the rival contentions and all questions are left open for consideration by the learned ARC.

19. The learned ARC is requested to endeavour to dispose of the



2026:DHC:6156



leave to defend application as expeditiously as possible and preferably within a period of six (06) months.

20. The parties shall appear before the learned ARC on 10.08.2026.

21. The present Revision Petition, along with the pending Application(s), stands disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.
JULY 31, 2026/nm/dj