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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of Decision: 31.07.2026**# **CNR No. DLHC010192022023**+ **RC.REV. 138/2023 & CM APPL. 27172/2026 (Payments of arrears)****SHRI NARINDER KUMAR KHULLAR**PetitionerThrough: **Mr. Satish Sahai & Mr. Madhur Sapra, Advs.**

versus

SHRI RAJESH NARULA, & ORS.RespondentsThrough: **Mr. Sanmati Bir Singh, Mr. Sandeep Jain, Mr. Nikesh Jain & Ms. Veena Rupana, Advs.****CORAM:****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR****JUDGMENT (Oral)**% **31.07.2026**

1. The present Petition has been preferred under the proviso to Section 25B(8) of the **Delhi Rent Control Act, 1958¹**, assailing the **Order and Judgment dated 17.12.2022²** passed by the learned **SCJ-cum-ARC (South-East), Saket Courts, New Delhi³** in **Eviction Petition No. RC ARC 46/2019⁴**.

2. Learned counsel appearing on behalf of the Petitioner submits that the challenge in the present Petition is confined to a narrow compass. It is submitted that although several contentions were raised

¹ DRC Act

² Impugned Order

³ learned ARC

⁴ Execution Petition



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before the learned ARC, the principal grievance pertains to the failure of the learned ARC to consider the effect of the previous litigations between the parties while examining the Respondents' plea of *bona fide* requirement.

3. Elaborating the submission, learned counsel contends that the Petitioner had specifically pleaded that the Respondents had initiated several proceedings seeking eviction of the tenants and that the present eviction petition was merely another attempt in continuation of the earlier litigation.

4. It is submitted that the said circumstance constituted a material defence which had a direct bearing on the question of *bona fide* requirement and, therefore, required independent consideration while deciding the application seeking leave to defend.

5. Learned counsel further submits that although the aforesaid plea was specifically raised in the eviction petition, the learned ARC has neither analysed the effect of the previous litigations nor assigned any reasons for rejecting the said contention.

6. **Per contra**, learned counsel appearing on behalf of the Respondents supports the Impugned Order and submits that the learned ARC has rightly dismissed the application seeking leave to defend.

7. He submits that although the learned ARC has not undertaken a separate discussion on the previous litigations relied upon by the Petitioner, the same stands duly considered in Paragraph No. 29 of the Impugned Order, wherein the learned ARC has categorically held that none of the documents placed on record by the Petitioner raised any triable issue warranting grant of leave to defend.



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8. Learned counsel further submits that no elaborate discussion on the previous litigations was warranted, since the mere institution or outcome of earlier proceedings between the parties, by itself, has no bearing on the Respondents' plea of *bona fide* requirement. It is contended that the learned ARC rightly concluded that the material relied upon by the Petitioner was insufficient to disclose any triable issue and, therefore, no interference is called for in exercise of the limited revisional jurisdiction of this Court.

9. This Court has heard learned counsel appearing on behalf of the parties and, with their assistance, perused the material available on record, including the Impugned Order.

10. 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.

11. 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.

12. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in *Pankaj*

⁵ (1998) 8 SCC 119

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30



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Pahwa v. Prem Wati & Ors.⁸, and ***Sanjeev Hiranandani v. Sunny Grover***⁹.

13. 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.”

14. 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

⁸ 2024:DHC:9322

⁹ 2025:DHC:11285



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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.

15. 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.

16. 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.

17. The controversy involved in the present Petition lies within a narrow compass. The Petitioner does not invite this Court to adjudicate upon the merits of the Respondents' claim of *bona fide* requirement. The limited grievance that is raised before this Court is that a material defence specifically urged before the learned ARC by



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the Petitioner, *namely*, the effect of the previous litigations between the parties on the Respondents' alleged *bona fide* requirement, has not received any meaningful consideration in the Impugned Order.

18. Since the challenge is confined to the aforesaid aspect, the relevant observations contained in Paragraph no. 29 of the Impugned Order are reproduced hereinbelow:

“29. The respondent has claimed that leave to defend ought to be granted to him because the documents produced by the petitioner to show his bonafide need, have to be proved in evidence, and cannot be relied upon merely as assertions of the petitioner. By asserting so, the respondent is essentially turning the onus of proof on its head in application seeking leave to defend. It is for the respondent to show that he has material sufficient to non-suit the petitioner, if he is permitted to produce evidence in this regard or given an opportunity to cross examine the petitioner. Thus, the burden of proof, at this stage of deciding application seeking leave to defend, is not upon the petitioner to prove his documents, but upon the respondent to produce enough material to result in a trial, notwithstanding the documents produced by the petitioner. In the instant case, the respondent has produced some electricity bills, copy of the Delhi Bar Association Directory, copy of previous judgment passed in a litigation between father of petitioner and father of respondent, some photographs of the petitioner's vehicle and the demised premises, copy of house tax receipts and copy of Delhi High Court Bar Association Directory. None of the above said documents support the contention of the respondent that any triable issue has been raised in the present application seeking leave to defend. In absence of any triable issue the burden of proof cannot be shifted upon the petitioner to argue that it is for the petitioner to prove his documents in evidence before claiming eviction under Section 14(1)(e) DRC Act.”

19. A perusal of the aforesaid findings reveals that while the learned ARC has noticed the documents relied upon by the Petitioner, it has merely concluded that the said documents do not raise any triable issue. However, beyond recording the said conclusion, the Impugned Order does not disclose any discussion as to why the previous litigations between the parties were considered irrelevant or



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incapable of giving rise to a triable issue.

20. It is trite that every judicial or quasi-judicial authority is required to assign reasons while dealing with a material contention raised by the parties. It constitutes an integral facet of the decision-making process, as it also demonstrates due application of mind, facilitates effective judicial review and assures the litigating parties that their submissions have received due consideration. A mere conclusion, unaccompanied by reasons, cannot substitute a judicial determination.

21. The Hon'ble Supreme Court in *Kranti Associates (P) Ltd. v. Masood Ahmed Khan*¹⁰ has reiterated that recording of reasons is one of the fundamental principles governing the exercise of judicial power and that reasons constitute the heartbeat of every conclusion.

22. In the present case, this Court is not called upon to pronounce upon the correctness of the Petitioners' contention regarding the previous litigations, as it is a matter which must first be examined by the learned ARC as to whether the said litigations have any bearing upon the Respondents' plea of *bona fide* requirement.

23. However, what is evident from the Impugned Order is that although the contention has been noticed, no reasons whatsoever have been assigned while rejecting the same. Once such a contention specifically raised by a party is noticed but not meaningfully adverted to, the order cannot be sustained merely because the learned ARC has ultimately concluded that no triable issue arises. The conclusion must necessarily be supported by reasons reflecting due application of mind to the contention so raised.

¹⁰ (2010) 9 SCC 496



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24. In the absence of any such discussion, this Court is unable to effectively examine the legality or propriety of the Impugned Order within the limited contours of its revisional jurisdiction and is of the view that the same suffers from a material irregularity in the decision-making process, warranting interference by this Court in exercise of its jurisdiction under the proviso to Section 25B(8) of the DRC Act.

25. Consequently, the Impugned Order is set aside, and the matter is remanded to the learned ARC for fresh consideration of the application seeking leave to defend in accordance with law.

26. Further, having regard to the fact that the eviction petition is of the year 2019, the learned ARC is requested to dispose of the applications seeking leave to defend as expeditiously as possible, preferably within a period of eight (08) months from the date of first appearance of the parties.

27. The parties shall appear before the learned ARC on 24.08.2026.

28. Accordingly, the present Petition, along with all pending applications (s), stand disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.
JULY 31, 2026/v/jk