



2026:DHC:6831



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 18.08.2026**# **CNR No. DLHC010383082026**+ **RC.REV. 286/2026, CM APPL. 55163/2026 (Interim Relief) &
CM APPL. 55164/2026 (Ex.)****M/S BHOLA NATH AND SONS**PetitionerThrough: **Mr. Naman Jain, Advocate.**

versus

VINAY SAHURespondent

Through:

CORAM:**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**% **JUDGEMENT (Oral)**

1. The present Rent Control Revision Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, assailing the **Order dated 11.11.2025²** passed by the **learned ARC-02 (Central), Tis Hazari Courts, Delhi³**, in **Eviction Petition, being RC ARC No. 801/2023⁴**, titled “*Sh. Vinay Kumar Sahu v. M/s Bhola Nath & Sons*”, whereby the Application filed by the Petitioner seeking leave to defend came to be dismissed and an Order of eviction was consequently passed under Section 14(1)(e) of the Act, with respect to

¹ Act

² Impugned Order

³ Learned ARC

⁴ Eviction Petition



One shop measuring 7'9" x 4'7" approx, forming part of property No. 1030(part) situated at Gali Teliyan, Tilak Bazar, Delhi-110006⁵[“hereinafter referred to as Property No. 1030(part)”].

SUBMISSIONS ON BEHALF OF THE PETITIONER:

2. Learned counsel appearing on behalf of the Petitioner, at the outset, fairly submits that the present Revision is confined to the finding returned by the learned ARC with respect to the availability of reasonably suitable alternative accommodation.

3. Learned counsel appearing for the Petitioner submits that the learned ARC has failed to properly appreciate the objection raised by the Petitioner in this regard. It is submitted that the Respondent himself had disclosed the existence of several properties belonging to him and his family members, and that the Petitioner had specifically raised the issue of such properties in the Application seeking leave to defend, thereby disclosing a triable issue as to the availability of reasonably suitable alternative accommodation. In this regard, learned counsel draws the attention of this Court to Paragraph No. 6 of the Leave to Defend Application, which reads as under:

“6. That the petitioner himself admitted to be the having several properties/shops in his name and in the name of father. Mother, brother and they all Hindu Undivided Family and having huge rental income from the said commercial properties. As per detail shared by the petitioner, the petitioner himself, father, mother and brother having more than 56 shops some on ground floor, first and second floor respectively with rental income.”

4. Learned counsel for the Petitioner further submits that, apart from the aforesaid properties, the Respondent himself disclosed that

⁵ Subject premises



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the first and second floors of the Property No. 1030(part), in which the subject premises is situated, are lying vacant. In this regards, learned counsel for the Petitioner draws the attention of this Court to Paragraph No. (iii) of the Eviction Petition, wherein the Respondent has stated as follows:

“(iii) That property no.1030 (part) situated at Gali Teliyan, Tilak Bazar, Delhi-110006 of which the petitioner is the owner consists of ground floor, first floor and second floor. There are two shop situated on the ground floor of the said property out of which one shop is in the tenancy of the respondent and other shop is in the tenancy of Sh. Manoj Goel. The first floor and second floor of the said property consist of one room on each floor and are lying vacant and are not at all suitable for any purpose in as much as no staircase has been constructed for going to the said floors and only temporary iron Ladders which too are in damaged condition have been installed for going to the upper floors of the said property.”

5. Learned counsel submits that the aforesaid averments, at the very least, disclose a triable issue as to the availability and suitability of the alternative accommodation. It is contended that, once the Respondent admitted that the first and second floors were lying vacant, the question whether the said portions were, in fact, incapable of being utilised for the requirement pleaded in the Eviction Petition could not have been conclusively determined merely on the basis of the Respondent’s assertion that there was no staircase and that the only available means of access were temporary iron ladders stated to be in a damaged condition.

6. Learned counsel, therefore, submits that the learned ARC failed to appreciate the aforesaid objection and Respondent’s assertion in its proper perspective and erroneously concluded that no triable issue arose with respect to alternative accommodation.



7. Learned counsel for the Petitioner, accordingly submits that the Impugned Order warrants interference and that the Petitioner ought to be granted leave to defend the Eviction Petition.

ANALYSIS:

8. This Court has heard the learned counsel appearing on behalf of the Petitioner and, with his able assistance, perused the material available on record.

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

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

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

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

⁶(1998) 8 SCC 119

⁷(2014) 9 SCC 78

⁸(2022) 6 SCC 30

⁹2024:DHC:9322

¹⁰ 2025:DHC:11285



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.”

13. 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 25-B(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/RC. 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.

14. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25-B(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 Orders suffer from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC/RC is wholly unreasonable or founded upon an erroneous premise of law.

15. Having delineated the scope of the revisional jurisdiction of this Court under the proviso to Section 25-B(8) of the DRC Act, it would be apposite to first advert to the relevant portion of the Impugned Judgment dealing with the issue of availability of reasonably suitable alternative accommodation. The relevant portion thereof is reproduced herein below for ready reference:

“8.9. Now regarding the availability of alternate accommodation, it is to be observed that the respondent has not stated even a single word about the alternate accommodation available with the petitioner for fulfillment of his requirement of the tenanted premises. As mentioned above, the petitioner has stated that he needs to get vacated the tenanted premises alongwith one other shop to start his own business. Again it is also not disputed on behalf of respondent that eviction order has been passed against the another tenanted as submitted by counsel for petitioner at the stage of arguments and therefore, petitioner has to use both the said shops including the subject premises for his business. Again petitioner himself has stated about the other properties owned by him that they are already let out to other tenants. Now, it is a settled preposition of law that tenant cannot tell the land-lord that which of the tenanted premises should be vacated.

8.10. Accordingly, I am duly satisfied that the petitioner needs the tenanted premises in question for purpose of starting of his own



business and I am further satisfied that the petitioner does not have any other alternate property available with him to fulfill the said requirement.

8.11. After analysis of the present factual situation in backdrop of the law discussed above, this Court is of the considered opinion that respondent has failed to raise any triable issue in respect of bonafide need of petitioner and alternate accommodation available with the petitioner.”

16. Adverting to the facts of the present case, a perusal of Paragraph No. 6 of the Leave to Defend Application, principally relied upon by learned counsel for the Petitioner, reveals that the objection raised therein is in the nature of a general assertion regarding the existence of several shops and properties stated to be owned by the Respondent, his father, mother and brother. The Petitioner has neither identified any particular premises owned by the Respondent and available for his use, nor stated as to how any such premises could reasonably and suitably fulfil the requirement pleaded in the Eviction Petition.

17. More importantly, the specific issue now sought to be raised with respect to the first and second floors of Property No. 1030 (part) was not raised before the learned ARC in the manner in which it is sought to be urged before this Court. The Leave to Defend Application does not identify the said floors as alternative accommodation or specifically controvert the Respondent’s assertion that, although lying vacant, the same were unsuitable on account of the absence of a staircase and the condition of the temporary iron ladders.

18. The Petitioner cannot, therefore, at the stage of Revision, introduce a fresh factual controversy concerning the availability and suitability of the first and second floors, which was neither specifically



pleaded nor urged before the learned ARC. The revisional jurisdiction under the proviso to Section 25-B(8) of the Act is supervisory in nature and cannot be invoked to supplement the pleadings or cure a lacuna in the Application for leave to defend by introducing a new ground requiring examination of facts.

19. In any event, the mere fact that the first and second floors of Property No. 1030 (part) are stated to be lying vacant does not, by itself, establish the availability of reasonably suitable alternative accommodation. The Respondent had, in the Eviction Petition, specifically explained the alleged unsuitability of the said floors, stating that no staircase had been constructed for access thereto and that the only available means of access were temporary iron ladders, stated to be in a damaged condition. Thus, the relevant enquiry is not confined to the mere vacancy of the premises but extends to whether the same constitute reasonably suitable accommodation for the requirement pleaded by the Respondent.

20. No specific material was placed by the Petitioner before the learned ARC to demonstrate that, notwithstanding the aforesaid circumstances, the said floors constituted reasonably suitable alternative accommodation. The general assertion contained in Paragraph No. 6 of the Leave to Defend Application regarding the existence of several properties cannot, in the absence of a specific factual foundation, be treated as sufficient to raise a triable issue in respect of the particular premises now sought to be relied upon.

21. It is also relevant that the learned ARC has considered the question of alternative accommodation in the context of the requirement pleaded by the Respondent. The learned ARC noted that



the Respondent required the subject premises along with the adjoining shop for commencing his business, that the other properties referred to by the Respondent were already let out, and that the Petitioner had failed to identify any alternative accommodation which could fulfil the requirement pleaded. On such consideration, the learned ARC concluded that the Respondent did not have any other alternate property available to fulfil the requirement in question.

22. The aforesaid conclusion cannot be said to be perverse, manifestly erroneous or unsupported by the material before the learned ARC. The Petitioner essentially seeks that this Court undertake a fresh assessment of the suitability of the vacant upper floors and arrive at a conclusion different from that reached by the learned ARC. Such an exercise would amount to substituting the view of this Court for that of the learned ARC, which is impermissible in the limited revisional jurisdiction available under the proviso to Section 25-B(8) of the Act.

23. The question before this Court is not whether another view could possibly have been taken on the material placed before the learned ARC, but whether the conclusion arrived at by the learned ARC suffers from such jurisdictional error, perversity, material irregularity or manifest illegality as would warrant interference in revision. This Court finds no such infirmity in the Impugned Order.

24. Consequently, the finding of the learned ARC that the Petitioner had failed to raise a triable issue with respect to the availability of reasonably suitable alternative accommodation does not warrant interference. The Impugned Order dated 11.11.2025 is, accordingly, found to be within the permissible bounds of the jurisdiction exercised



by the learned ARC.

DECISION:

25. This Court finds no merit in the present Rent Petition. The Impugned Order dated 11.11.2025 does not warrant interference in exercise of the revisional jurisdiction of this Court under the *proviso* to Section 25-B(8) of the Act.

26. Accordingly, the present Petition, being devoid of merit, is dismissed.

27. The present Petition, along with all pending Application(s), if any, stands disposed of in aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.

AUGUST 18, 2026/v/ma