



2025:DHC:695



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

Date of Decision: 24.01.2025

+ RC.REV. 294/2024 & CM APPL. 4607/2025

MUNNI DEVI

.....Petitioner

Through: Mr. Samrat Nigam, Sr. Advocate with
Mr. Ghulam. Adv.

versus

M/S OLIVE EXIM PVT. LTD. & ORS.

.....Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

CM APPL. 4606/2025 [Exemption from filing certified copies]

1. Allowed, subject to all just exceptions.
2. The Application stands disposed of.

REVIEW PET. 37/2025

3. The present Petition has been filed seeking to challenge an order dated 18.12.2024 passed by this Court whereby the Revision Petition filed by the Petitioner was dismissed.

4. Learned Senior Counsel for the Review Petitioner submits that the only ground that has been taken by the Petitioner in the Review Petition is that the issue as to whether a company is entitled to invoke the provisions of Section 14(1)(e) of the Delhi Rent Control Act, 1958 [hereinafter referred to as the "DRC Act"] has not been placed before the Court which is also the



subject matter of a reference before the Division Bench of this Court in RC. REV. 18/2016 captioned ***K.S. Bhandari v. International Security Printers Pvt Ltd.*** It is contended by Learned Senior Counsel for the Petitioner that this aspect of the matter was not brought to the notice of the Court during arguments and thus, the Order dated 18.12.2024 is required to be reviewed.

5. Learned Senior Counsel for the Petitioner, however fairly submits that there was no objection taken as to the maintainability of the Eviction Petition under Section 14(1)(e) of the DRC Act before the learned Trial Court.

6. The issue as to whether the pendency of a similar matter in a larger bench would preclude a Court from dealing with the issue on merits has been dealt with by the Supreme Court in the case of ***P. Sudhakar Rao v. U. Govinda Rao***¹. It has been held that the pendency of a matter before a larger bench would not preclude a Court from dealing with the matter on merits. The Supreme Court observed as under:

“55. Be that as it may, the pendency of a similar matter before a larger Bench has not prevented this Court from dealing with the issue on merits. Even on earlier occasions, the pendency of the matter before the larger Bench did not prevent this Court from dealing with the issue on merits. Indeed, a few cases including Pawan Pratap Singh [(2011) 3 SCC 267 : (2011) 1 SCC (L&S) 481] were decided even after the issue raised in Asis Kumar Samanta [(2007) 5 SCC 800 : (2007) 2 SCC (L&S) 262] was referred to a larger Bench. We, therefore, do not feel constrained or precluded from taking a view in the matter.”

7. In addition, the specific issue which is sought to be challenged by the Review Petitioner has also been dealt with by a Coordinate Bench of this Court in ***Bhaskar Refractories & Stoneware Pipes (P) Ltd. v. Ishwar***

¹ (2013) 8 SCC 693



*Industries Ltd.*², where the view of the Supreme Court has been followed and it has been held that an entity/Company is entitled to maintain a Petition under Section 14(1)(e) of the DRC Act. The relevant extract of the *Bhaskar Refractories & Stoneware Pipes (P) Ltd.* case is reproduced below:

“50. Firstly, this Court is in agreement with the contention of the learned counsel for the Respondent that pendency of a similar matter in reference to a larger Bench, would not preclude the Court from dealing with the issue on merit. The observations made in the judgment of Coordinate bench in WhatsApp LLC (Supra) is clear on the said issue. The relevant extract of the said judgment reads as under:

31. Similarly, in *P. Sudhakar Rao v. U. Govinda Rao* [*P. Sudhakar Rao v. U Govinda Rao* (2013) 8 SCC 693], the Supreme Court observed that the pendency of a similar matter before a larger Bench did not prevent the Supreme Court from dealing with the issue on merit.

32. The Division Bench of this Court in *Union of India v. V.K. Vashisht* [*Union of India v. V.K. Vashisht* 2012 SCC OnLine Del 6312] has also observed on the question of effect of a reference to the larger Bench as under:

“14. With regard to the contention that a similar matter is pending before a larger Bench of the Supreme Court, it would be suffice to state that reference to larger Bench does not lead to an inescapable conclusion that such matters be kept in abeyance. In a recent case *Ashok Sadarangani v. Union of India* [*Ashok Sadarangani v. Union of India* (2012) 11 SCC 321 : AIR 2012 SC 1563], the Supreme Court has observed:

‘19. As was indicated in *Harbhajan Singh v. State of Punjab* [*Harbhajan Singh v. State of Punjab* (2009) 13 SCC 608], the pendency of a reference to a larger Bench, does not mean that all other proceedings involving the same issue would remain stayed till a decision was rendered in the reference. The reference made in *Gian Singh v. State of Punjab* [*Gian Singh v. State of Punjab* (2010) 15 SCC 118] need not, therefore, detain us. Till such time as the decisions cited at the Bar are not modified or altered in any way, they continue to hold the field’.”

33. Though the abovementioned judgments are in relation to issues

² 2023 SCC OnLine Del 3517



pending before the larger Bench of the Supreme Court, in my opinion, they show that even during such pendency, the other courts may and should continue to decide the cases and applying the law as it then prevails. This is so, as mere pendency of a reference before the larger bench does not denude the other courts of their jurisdiction to decide on the lis before them. Similarly merely because of the pendency of the above proceedings before the Supreme Court and before this Court, Respondent 1 cannot be said to be bound to necessarily hold its hands and not exercise the jurisdiction otherwise vested in it under the statute. Maybe, it would have been prudent for Respondent 1 to have awaited the outcome of the abovereferred petitions before the Supreme Court and before this Court, however, merely for its decision not to wait, the impugned order cannot be said to be without jurisdiction or so perverse so as to warrant to be quashed by this Court in exercise of its extraordinary jurisdiction.

51. The law as it stands today recognises the right of a corporate entity to maintain a petition under Section 14(1)(e) of the DRC Act, for its bona fide need. In this regard, it would relevant to refer to the decision of the Coordinate Bench of this Court in Ravinder Kumar Verma v. Laxmi Narayan Mandir Nirman Sabha, 2016 SCC OnLine Del 6024.”

[Emphasis Supplied]

8. A Coordinate Bench of this Court in the case of **Rajhans Realtors (P) Ltd. v. Rajinder Kumar Goyal**³, has held that Section 22 of the DRC Act does not bar the filing of an eviction petition, on the ground of bona fide requirement of the landlord/company.

9 This Court has already examined the matter on merits in view of the settled legal position, and by its order dated 18.12.2024 in RC.REV. 294/2024, found the Petition to be devoid of merits.

10. It is well settled that a party is not entitled to seek review of judgment/order merely for the purpose of re-hearing for a fresh decision on the same. The application for review is entertained only under the grounds

³ 2024 SCC OnLine Del 7690



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mentioned in Order XLVII Rule 1 of the Code of Civil Procedure, 1908 including on account of a mistake or an error apparent on the face of the record may apply for a review of the said judgment. A review proceeding cannot be equated with an original hearing unless there is a glaring omission or similar grave error which leads to a miscarriage of justice, the power cannot be exercised.

11. No such error has been shown to the Court which would require this Court to exercise jurisdiction under its powers for review, given the settled law as discussed above.

12. The Review Petition and pending Applications are accordingly dismissed.

13. The parties shall act based on a digitally signed copy of the order.

TARA VITASTA GANJU, J

JANUARY 24, 2025/pa

Click here to check corrigendum, if any