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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 01.09.2026**# **CNR No. DLHC010367692026**+ RC.REV. 275/2026, CM APPL. 52854/2026 (U/O 41 Rule 5),  
CM APPL. 52855/2026 (Ex. From filing the certified copies of  
annexures) & CM APPL. 52856/2026 (Addl.Doc)

SATYA BAGGA AND ORS .....Petitioners  
Through: Mr. Anshul Sharma and Mr.  
Abhishek, Advocates.  
versus

SUDHA SODHI AND ORS .....Respondents  
Through: Mr. Irfan Ahmed, Advocate for  
R-1.

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

% **JUDGEMENT (Oral)**

1. The present Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958**<sup>1</sup>, seeks to assail the **Order dated 10.06.2026**<sup>2</sup>, passed by the **learned ACJ-cum-CCJ-cum-ARC, Patiala House Courts, New Delhi**<sup>3</sup>, in **Eviction Petition, being RC ARC 15/2023**<sup>4</sup>, titled “*Sudha Sodhi v. Satya Bagga & Ors.*”.

2. By way of the Impugned Order, the learned ARC dismissed the Application seeking leave to defend filed by the Petitioners and, consequently, an Eviction Order came to be passed in favour of the Respondents with respect to tenanted premises, bearing no. **C-1**,

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<sup>1</sup> DRC Act

<sup>2</sup> Impugned Order

<sup>3</sup> Learned ARC

<sup>4</sup> Eviction Petition



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**Local Shopping Centre, Mezzanine Floor, Vasant Vihar, New Delhi- 110057<sup>5</sup>.**

**SUBMISSIONS ON BEHALF OF THE PARTIES:**

3. Learned counsel appearing on behalf of the Petitioners contends that the Impugned Order is vitiated by concealment of a material subsequent development by Respondent No.1, after the institution of the Eviction petition, which bears directly upon the question of *bona fide* requirement.

4. Learned counsel for the Petitioner, elaborating on the aforesaid contention, submits that a **Shop, bearing No. F-43, First Floor, Triveni Complex, Community Centre, Sheikh Sarai-I, New Delhi<sup>6</sup>**, which was specifically disclosed by Respondent No.1 in the Eviction Petition as one of her properties, was, during the pendency of the proceedings before the learned ARC, alienated by way of Sale Deed dated 14.11.2025 by Respondent No.1.

5. Learned counsel submits that the concealment lies in the fact that the aforesaid sale was neither brought to the notice of the learned ARC before the arguments on the Application seeking leave to defend were heard nor before the Impugned Order came to be passed on 10.06.2026. It is also submitted that the Petitioners assumed knowledge of the said alienation only after the passing of the Impugned Order.

6. Learned counsel for the Petitioners submit that the said concealment is of significance since F-43 had itself been relied upon by Respondent No.1 as part of the pool of properties available to her,

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<sup>5</sup> Subject premises

<sup>6</sup> F-43



while seeking to demonstrate that she had no reasonably suitable alternative accommodation. It is, therefore, contended that the subsequent alienation of F-43, without the same being brought to the notice of the learned ARC, constitutes a material circumstance which ought to have been before the learned ARC, while determining the *bona fides* of the requirement pleaded, and thereby disclosing a triable issue.

7. In support of the aforesaid submission, learned counsel places reliance upon the decision of this Court in ***Subhash Chand & Anr. v. Ravi Chand Garg***<sup>7</sup>, particularly Paragraph No. 32 thereof. It is submitted that this Court, in the said case, found a triable issue to arise where the tenant had specifically disclosed properties alleged to be available with the landlord, the landlord had not specifically dealt with their status, and the learned ARC had, in turn, failed to return specific findings in respect thereof. The relevant observations of this Court read as under:

“32. Perusal of the aforesaid averments would show that petitioners in their leave to defend application had disclosed certain properties which were under the occupation and possession of the respondent, and it was alleged that same were concealed by him. The respondent in response to the same, stated that he, along with the eviction petition, had filed complete sets of documents and disclosed all material facts as would be required for adjudication of the eviction petition, and no concealment has been made in the matter. However, no specific denial was made by the respondent with respect to the properties mentioned in the paragraph 48 of the affidavit filed by the petitioners along with the application seeking leave to defend, to rebut or deny the fact, whether the same were not in occupation and possession of the respondent. The respondent had also not made any averment with respect to the status of the said properties. Perusal of the findings returned by learned ARC with respect to alternate suitable accommodation shows that the aforesaid properties mentioned by the petitioners in their application seeking leave to defend were just referred to but not

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<sup>7</sup> 2016:DHC:4565



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dealt with in the impugned order, and nor any specific findings have been given regarding the said properties by learned ARC. The averments made on behalf of the petitioners in their leave to defend application, with respect to availability of the properties enlisted, as noted hereinbefore, in view of the vague response made on behalf of the respondent, will be a triable issue.”

8. Learned counsel for the Petitioners submits that the principle emerging therefrom is that where the availability and suitability of alternative accommodation constitute a material aspect of the adjudication of *bona fide* requirement, the correct status of such accommodation cannot be left unaddressed, particularly where a subsequent event materially alters the factual position placed before the Rent Controller.

9. Learned counsel for the Petitioner submits that the aforesaid subsequent alienation assumes greater significance when considered in conjunction with the prior *mala fide* conduct attributed to Respondent No.1 in respect of another premises.

10. Learned counsel for the Petitioners, therefore, submits that the Impugned Order is also assailed on the ground of the alleged *mala fide* conduct of Respondent No.1, which contention, according to him, was duly raised before the learned ARC but was not duly appreciated.

11. Learned counsel for the Petitioners, elaborating on the aforesaid second limb of challenge, submits that, on an earlier occasion, possession of another premises was obtained and, thereafter, the very same premises was re-let at a substantially enhanced rent. It is contended that the subsequent sale of F-43, when viewed alongside the aforesaid prior conduct, cannot be regarded in isolation and furnishes a circumstance which lends support to the Petitioners’ plea that the requirement pleaded in the present proceedings is not



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genuinely intended for the use asserted, but is actuated by an intention to secure possession of the subject premises and thereafter commercially exploit the same.

12. **Per contra**, learned counsel appearing on behalf of Respondent No.1 submits that the allegation of concealment is misconceived. He points out that F-43 was specifically disclosed in the Eviction Petition and its status was fully placed before the learned ARC. It had been stated to be lying vacant, but was categorically pleaded to be unsuitable for the requirement of Respondent No.1, *inter alia*, on account of its being situated on the first floor and there being no lift facility. In this regard, reliance was sought to be placed upon Paragraph No. 13 of the Amended Eviction petition filed before the learned ARC.

13. Learned counsel for the Respondent No. 1, accordingly, submits that the subsequent alienation of F-43, even if taken into consideration, does not detract from the findings returned by the learned ARC, upon considering the material placed before it, that F-43 does not constitute as a reasonable suitable alternative accommodation for the requirement on which the Eviction of the Petitioners was sought.

14. Learned counsel for the Respondent No. 1 further controverts the allegation of *mala fide* conduct and submits that the Petitioners seek to draw an adverse inference from a transaction concerning another premises without demonstrating any nexus between such transaction and the *bona fide* requirement pleaded in the present proceedings.

15. Learned counsel for the Respondent No. 1 contends that the



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Petitioners are, in substance, seeking a re-appreciation of the material and factual conclusions already considered by the learned ARC, an exercise which falls outside the limited revisional jurisdiction of this Court. No jurisdictional error, material irregularity, manifest illegality or perversity, it is submitted, is demonstrated in the Impugned Order so as to warrant interference under the proviso to Section 25-B(8) of the DRC Act.

**ANALYSIS:**

16. This Court has heard learned counsel appearing for the parties at length and, with their able assistance, perused the material on record as also the Impugned Order.

17. 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 25-B(8) of the DRC Act.

18. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*<sup>8</sup>, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*<sup>9</sup>, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*<sup>10</sup>, 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.

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

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

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

<sup>10</sup> (2022) 6 SCC 30



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***Pahwa v. Prem Wati & Ors.***<sup>11</sup>, and ***Sanjeev Hiranandani v. Sunny Grover***<sup>12</sup>.

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

21. 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

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<sup>11</sup> 2024:DHC:9322

<sup>12</sup> 2025:DHC:11285



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.

22. 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 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.

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

24. In order to appreciate the challenge raised by the Petitioner, it would be appropriate to examine the findings returned by the learned ARC. The relevant observations of the learned ARC in the Impugned Order are extracted herein below:

“27) Further, it is contended that alternative accommodation is available with the petitioner in the form of the second floor, third floor and terrace of the subject premises, which is admittedly lying vacant. Further, it is stated that alternative accommodation is also



available in the form of a shop no. F-43, First floor, Triveni Complex, Community Centre, Shaik Sarai – 1, New Delhi. However, it is also pertinent to note that the Hon'ble Supreme Court in Abid-ul-Islam Vs. Inder Sain Dua, (2022) 6 SCC 30 has held for availing leave to defend a mere assertion by the tenant is insufficient. Section 14(1)(e) of the Act creates a presumption in favour of the landlord regarding bona fide need, which is rebuttable only with substantive material capable of raising a triable issue. It was further held that the burden of proof is on the tenant to demonstrate, with cogent evidence, that the landlord's requirement is not genuine. The Court also reiterated the settled principle of law that leave to defend should not be granted on mere asking but when the pleas and contentions raise triable issues.

28) The petitioner has admitted that the said shop no. F-43, which is situated on the first floor, as well as the upper floors of the subject premises, are lying vacant, but have categorically averred that the said properties do not have any lift facility. It is not disputed by the respondents in the entire pleadings that there is no lift in the Triveni complex as well as the subject premises. Further, the petitioner has categorically averred that the tenanted premises, which are situated on the mezzanine floor, only require a flight of 8-9 steps, whereas the shop F-43 at Triveni Complex on the first floor requires a flight of over 30 steps from the ground floor. The said assertions have not been repudiated by the respondents, nor any material to the contrary placed on record by the respondents. Furthermore, it is not in dispute that the second floor, third floor, as well as the hall on the terrace are situated after climbing further stairs from the tenanted premises situated on the mezzanine floor. Therefore, in comparison to the tenanted premises, the said purported alternatives have many more flights of stairs to be climbed before reaching the said premises.

**29)** Similarly, in the present matter, the tenant cannot dictate that the petitioner should climb 30 stairs or go to the second floor or third floor, when in comparison the tenanted premises are on the mezzanine floor with 8-9 stairs only. It is always the prerogative of the landlord that if he requires the premises in question for his bona fide use, then it is not for the respondent/tenant to dictate the terms and advise as to what and what not should the landlord do when he has other premises available. Reference is also made to the decision of the Hon'ble High Court of Delhi in the case of **M/s A.K. Woolen Industries and Ors. Vs. Shri Narayan Gupta RC Rev. 495/2017** dated 31.10.2017 in which the following was held:-

“19. The law to be applied in this regard has been laid down by the Supreme Court in Ragavendra Kumar Vs. Firm Prem Machinery & Co. (2000) 1 SCC 679, Sait Nagjee Purushottam & Co. Ltd. Vs. Vimlabai Prabhulal (2005) 8 SCC 252 and Anil Bajaj Vs. Vinod Ahuja (2014) 15 SCC 610. It has been held that even if the landlord has



other commercial premises available to him and even if the landlord is carrying on other businesses, if it is found that the landlord intends to use the premises in occupation of the tenant for carrying on his business therefrom, the landlord is entitled to an order of eviction and the Courts cannot intervene in the same.”

30) Further, in the case titled as **Ragavendra Kumar Vs. Firm Prem Machinery 2000 SC 534**, it was observed as under:-

“It is settled position of law that the landlord is best judge of his requirement for residential or business purpose and he has got complete freedom in the matter, (See: Prativa Devi (Smt.) v. T.K Krishnan, [1996] 5 SCC 353. In the case in hand the plaintiff- landlord wanted eviction of the tenant from the suit premises for starting his business as it was suitable and it cannot be faulted.””

**(Emphasis supplied)**

25. Further, this Court also takes particular note of the averment made in the amended Eviction Petition, filed by the Respondents before the learned ARC, and in particular Paragraph No. 13 thereof.

The same reads as under:

“13. That of all the properties mentioned in paragraph 10 of the present petition that belongs to the Petitioner, the subject premises is most suitable to open a boutique and the same would be apparent from the following table:-

| Sl.No | Description of the Property                                                                                    | Nature of property | Status of the property                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------|----------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.    | Shop No. F-43,<br>First Floor, Triveni<br>Complex,<br>Community Centre,<br>Sheikh Sarai-1,<br>New Delhi-110017 | Commercial         | This property is lying vacant. However, the same is situated on the first floor and the access is through a flight of over 30 steps from the ground floor, as such at the age of 73 years, the Petitioner would not be in a position to take the said flight of stairs for access to the shop on a daily basis and as such the same is not suitable for her requirement. The said property also does not even have any lift access and the access is not elderly friendly as such is not |



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| Sl.No | Description of the Property                                                                                                                                                                                                                                      | Nature of property | Status of the property                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                                                                                                                                                                                                                                                                  |                    | <u>suitable for the bona fide need of the Petitioner.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2.    | Shop No. 72, first floor, CSC No. 2, DDA Market, Rohini Sector-9, New Delhi-110085                                                                                                                                                                               | Commercial         | This property is already rented to one tenant Ms. Mini Mehta who is paying a monthly rent of Rs. 16,000/- (Rupees sixteen thousand only). Even otherwise the property is situated on the first floor which is accessible through a flight of approximately 20 steps and as such is not suitable for the bona fide need of the Petitioner.                                                                                                                                                                                                                                                                                                                                                                                          |
| 3.    | Co-owner of two shops on ground floor, one shop on mezzanine floor, second floor, third floor, terrace along with 50% undivided share in leasehold rights along with Respondent Nos. 4 and 5 in property bearing No. C-1, L.S.C. Vasant Vihar, New Delhi-110057. | Commercial         | The two shops on Ground Floor are already rented out to 1. Salad Chef @ monthly rent of Rs. 1,00,000/- (Rupees one lakh only) and 2. Mr. Sanjay Gupta and Mr. Manoj Gupta (running their business in the name of M/s Gupta Glass) are the tenants @ monthly rent of Rs. 4,500/- (Rupees four thousand and five hundred only). The aforesaid rents are being received by the Petitioner and Respondent Nos. 4 and 5 in the proportion of 1/3rd each. The rent from the said tenants also forms source of income for the Respondent Nos. 4 and 5. Mezzanine Floor is under the tenancy of the Respondent Nos. 1 to 3 and can be accessed through just about 8-9 steps and the same is easily noticeable as well as accessible by the |



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| Sl.No | Description of the Property                                                                    | Nature of property | Status of the property                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------|------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                                                                                                |                    | target customers of the Petitioner and as such the same is most suitable property for the bonafide need of the Petitioner. The Second Floor and Third Floor and a hall on Terrace are vacant, however, again there being no lift facility and even otherwise upper floors i.e. Second, Third or the small hall on Terrace level would not be suitable for the Petitioner for the purpose of her bona fide requirement. It is also for the reason that the target customers would not be inclined to come to a boutique if it is on the upper portions of the building. |
| 4.    | 40-C/1, upper ground floor, Gali No. 1, Govindpuri, New Delhi-110019                           | Residential        | Being a residential property let out to one Mr. Navneet Singh, Mr. Prince Keshari, Mr. Arman Patel and Mr. Pranjal Singh for residential purpose at a monthly rent of Rs. 13,500/-(Rupees thirteen thousand and five hundred only) the same is not suitable for the bona fide need of the Petitioner.                                                                                                                                                                                                                                                                  |
| 5.    | Right to reside in property No. 2/31, Kalkaji extension, new Delhi-110019 during her lifetime. | Residential.       | The Petitioner, as per arrangement with her sons i.e. Respondent Nos. 4 and 5, is residing in the said property with the family of Respondent No. 4 having merely the right to reside during her lifetime.                                                                                                                                                                                                                                                                                                                                                             |

**(Emphasis supplied)**



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26. Adverting to the facts of the present case, the grievance of the Petitioners is not that F-43 was concealed as a property, rather, it is that after institution of the Eviction Petition, F-43 was alienated by Respondent No.1 on 14.11.2025, and the said subsequent event was not brought to the notice of the learned ARC before the arguments on the Application seeking leave to defend were heard or before the Impugned Order was passed. The Sale Deed dated 14.11.2025 forming part of the record before this Court substantiates the factum of such alienation.

27. The distinction is material. The learned ARC considered F-43 on the factual premise that it continued to constitute an available accommodation and examined its suitability by reference to its location, accessibility and absence of lift facility. The subsequent alienation of F-43, therefore, was not a matter which was considered by the learned ARC, because the record before it, as reflected in the Impugned Order, did not disclose the said subsequent event.

28. The question which consequently arises is whether such non-disclosure, by itself, is sufficient to vitiate the Impugned Order in exercise of the limited revisional jurisdiction of this Court.

29. In the opinion of this Court, the answer, in the facts of the present case, must be in the negative. The subsequent alienation of F-43 undoubtedly constitutes a subsequent circumstance which could have been brought to the notice of the learned ARC. However, the mere fact that a subsequent event was not placed before the learned ARC does not establish a manifest error in the adjudication already undertaken.

30. This Court is of the considered view that, in such



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circumstances, what must be demonstrated is that the subsequent event either renders a material finding of the learned ARC unsustainable, demonstrates that the learned ARC proceeded upon a fundamentally erroneous factual premise, or otherwise goes to the root of the decision-making process so as to warrant revisional interference.

31. In the present case, the finding of the learned ARC regarding the relative suitability of F-43 and the subject premises was based principally upon the physical characteristics of the two premises, particularly their respective accessibility and the absence of lift facility. The fact that F-43 was situated on the first floor and required more than 30 steps, whereas the subject premises was situated on the *mezzanine* floor and required only 8-9 steps, constituted the basis of the learned ARC's conclusion that the latter was more suitable for Respondent No.1, a senior citizen.

32. The subsequent sale of F-43 does not render those findings regarding its physical suitability erroneous. Nor does the fact of such sale, without further material, establish that the requirement pleaded by Respondent No.1 in respect of the subject premises was fabricated or that the learned ARC's assessment of the suitability of the subject premises was perverse.

33. The reliance placed by learned counsel for the Petitioners upon ***Subhash Chand*** (*supra*) also does not advance the case of the Petitioners. In that case, as is evident from Paragraph No. 32 thereof, the properties specifically disclosed by the tenant were not specifically dealt with by the landlord, and the learned ARC, in turn, merely referred to those properties without returning specific findings



regarding their availability or suitability. It was in that factual setting that this Court found the tenant's plea to constitute a triable issue.

34. The present case stands on a materially different footing. Here, F-43 was expressly disclosed by Respondent No.1; its alleged availability was not left unaddressed; its suitability was specifically considered by the learned ARC; and a reasoned finding was returned upon the comparative accessibility/ suitability of F-43 and the subject premises. The grievance of the Petitioners is, therefore, not one of absence of adjudication upon F-43, but that a subsequent event concerning F-43 was not brought before the learned ARC. **Subhash Chand** (*supra*) cannot, therefore, be read as laying down that every subsequent development concerning an alternative property, irrespective of its legal or factual impact upon the adjudication, automatically constitutes a triable issue or warrants interference in revision.

35. What has to be considered is whether the premises were in fact suitable for the purpose espoused. When the said alternate property sought to be pressed in service was not suitable, the sale of the same cannot in any manner be held to be fatal to the conclusion by the learned ARC.

36. Accordingly, the question before this Court that whether the alleged non-disclosure of alienation F-43 has rendered the decision-making process of the learned ARC so defective as to warrant interference under the *proviso* to Section 25-B(8) of the DRC Act. In view of the foregoing discussion and the material placed before this Court, this Court is unable to hold that the requisite threshold has been crossed.



37. The second limb of the challenge rests upon the allegation that Respondent No.1 had, on an earlier occasion, obtained possession of another tenanted premises and thereafter caused the same to be re-let at an enhanced rent. The Petitioners contend that this circumstance, read with the subsequent sale of F-43, demonstrates a course of conduct which casts doubt upon the *bona fides* of the present requirement.

38. The allegation, in its broad form, was indeed raised before the learned ARC, in Paragraph No. 11 of the Affidavit of Petitioner No.1 accompanying the Application seeking Leave to Defend. The said Paragraph reads as under:

“11. That the Petitioner is a rich landlady, who has been living and surviving only on rent. Her business is to get one shop vacated then re-let the same to another tenant after getting *pagri* /premium. and some time the rent is charged in excess and receipts are issued for lessor amount just to save House-tax, & Income Tax. The Respondent are . not admitted the Present petitioner as owner in any manner in the absence.”

39. What is significant, however, is that the Petitioners did not place before the learned ARC any documentary material in support of this allegation. The material concerning the earlier proceedings involving Ms. Manju Goyal, the subsequent re-letting of the ground-floor shop and the Order dated 17.12.2020 passed by this Court in CS(OS) 558/2019 has been relied upon before this Court as additional material. The Petitioners themselves acknowledge that such material was not filed with their original Leave to Defend application.

40. The position, therefore, is not that the Petitioners had never raised the plea of *mala fides* before the learned ARC. What was absent was the documentary material now sought to be relied upon in support of that plea.



41. Even assuming that the aforesaid material is taken into consideration for the limited purpose of examining the present challenge, it does not, without more, establish the requisite *nexus* between the earlier transaction and the *bona fide* requirement pleaded by Respondent No.1 in the present proceedings. The earlier transaction concerns a different premises and arose in a different factual context. The mere fact that a premises was re-let after possession had been obtained, even at a higher rent, cannot by itself establish that the present Eviction Petition is similarly actuated by an intention to commercially exploit the subject premises.

42. Equally, the fact that Respondent No.1 has other properties or derives rental income therefrom cannot, in isolation, negate a *bona fide* requirement. The learned ARC was required to consider whether the accommodation relied upon by the Petitioners constituted reasonably suitable alternative accommodation and whether the requirement pleaded in respect of the subject premises was *bona fide*. Those aspects were duly considered in the Impugned Order.

43. The Petitioners' challenge, in substance, therefore requires this Court to draw a different inference from a combination of circumstances, *namely*, the subsequent sale of F-43, the earlier re-letting transaction and the existence of other properties and rental income. Such an exercise would necessarily entail a re-appraisal of the factual matrix and a substitution of the assessment of this Court for that of the learned ARC.

44. This Court is conscious that, at the stage of consideration of an Application seeking leave to defend, the tenant is not required to conclusively establish the defence, but is only required to disclose



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facts which, if ultimately proved, would disentitle the landlord from obtaining an Eviction Order. At the same time, the material relied upon must be such as to disclose a genuine triable issue and not merely furnish an assertion, unsupported by material, which would require a roving factual inquiry at the revisional stage.

45. Tested on the aforesaid parameters, this Court is unable to discern any jurisdictional error, material irregularity, manifest illegality or perversity in the decision-making process adopted by the learned ARC.

46. The Petitioners have been unable to demonstrate an infirmity in the decision-making process of the learned ARC of the nature contemplated by the *proviso* to Section 25-B(8) of the DRC Act. What is sought, in substance, is for this Court to reassess the factual circumstances and arrive at a different conclusion regarding the *bona fides* and suitability of the accommodation. Such an exercise would amount to appellate re-appreciation, which, as discussed herein before, is impermissible in the Revisional jurisdiction exercised by this Court.

**DECISION:**

47. In view of the foregoing discussion, this Court finds no merit in the present Petition. The Petition is, accordingly, dismissed.

48. The present Petition, along with the pending Applications, if any, stands disposed of in the aforesaid terms.

**HARISH VAIDYANATHAN SHANKAR, J.**  
**SEPTEMBER 01, 2026/tk/DJ**