



2026:DHC:7509



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

Date of decision: 03.09.2026

CNR No. DLHC010839332018

+ RC.REV. 112/2018, CM APPL. 11254/2018 (Stay), CM APPL. 52152/2025 (Dir.), CM APPL. 46105/2026 (For placing on record the response to the alleged 'Subsequent Events' by Petitioner) & CM APPL. 59592/2026 (For taking on record Written synopsis by Respondent)

ANIL DIDWANIA

.....Petitioner

Through: Mr. Alok Kumar, Sr. Advocate with Ms. Manisha Agrawal Narain, Mr. Amit Kumar Singh, Mr. Varun Maheshwari, Mr. Manan Soni, Ms. Kavita Bardia and Ms. Suhani Jain, Advocates

versus

AMARJIT SINGH

.....Respondent

Through: Mr. Rajeev Saxena, Senior Advocate with Mr. R. K. Bedi and Ms. Megha Saxena, Advocates with Respondent in Person

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

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JUDGEMENT (Oral)

1. The present Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, assailing the **Order dated 22.09.2017²** passed by the **Learned CCJ-cum-ARC, Central**

¹ DRC Act

² Impugned Order



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District, Tis Hazari Courts, Delhi³, in Eviction Petition bearing No. E.175/2017⁴, titled “*Sh. Amarjit Singh v. Sh. Anil Didwania*”, whereby the application seeking leave to defend preferred by the Petitioner herein was dismissed and an Eviction Order came to be passed against him.

2. Learned Senior Counsel appearing on behalf of the Petitioner limits his challenge to the Impugned Order to two aspects. Firstly, he submits that there was concealment on the part of the Respondent insofar as the Respondent had failed to bring to the notice of the learned ARC that he was running his business from premises bearing No. 217-B, Bhai Parmanand Colony, Delhi. To further buttress his contentions, learned Senior Counsel has placed reliance upon the Judgment rendered by a Coordinate Bench of this Court in ***North Delhi Municipal Corporation v. Kusum Lata Jain*⁵**, to submit that since the Respondent had not approached the learned ARC with clean hands, the learned ARC erred in proceeding to pass an Eviction Order in his favour.

3. The second aspect sought to be canvassed by learned Senior Counsel for the Petitioner is with regard to the availability of the aforesaid premises bearing No. 217-B, Bhai Parmanand Colony, Delhi as an alternative suitable accommodation. It is his submission that the Respondent was already carrying on his business from the said premises, which, according to him, is substantially larger in area than the subject premises in respect of which eviction is sought. No other submission has been advanced on behalf of the Petitioner.

³ Learned ARC

⁴ Eviction Petition

⁵ 2016 SCC OnLine Del 764



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4. **Per contra**, learned Senior Counsel appearing on behalf of the Respondent submits that there has been no concealment whatsoever on the part of the Respondent. He further submits that, as is apparent from the Impugned Order itself, the learned ARC has, at the very outset, taken note of the case set up by the Respondent, including the fact that the premises bearing No. 217-B, Bhai Parmanand Colony, Delhi was a residential property. He submits that the *bona fide* requirement projected by the Respondent was for the purpose of carrying on and expanding his commercial activities relating to photography, *inter alia*, washing and developing negatives, preparation of photographs and installation of computers and other equipment necessary for the said purpose. It is, therefore, submitted that the subject premises being commercial in nature, as opposed to being residential in nature, was required to fulfil the aforesaid *bona fide* commercial requirement of the Respondent.

5. Learned Senior Counsel, therefore, submits that the contention regarding alleged concealment is wholly misconceived and the Judgment relied upon by learned Senior Counsel for the Petitioner has no application to the facts of the present case.

6. Adverting thereafter to the second aspect sought to be canvassed by learned Senior Counsel for the Petitioner, learned Senior Counsel for the Respondent submits that the question regarding the availability and suitability of alternative accommodation has been considered in detail by the learned ARC. He submits that in the limited revisional jurisdiction exercised by this Court under the proviso to Section 25-B(8) of the DRC Act, no occasion arises for this Court to interfere with the findings returned by the learned ARC in the



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Impugned Order. He, therefore, submits that the present Petition is liable to be dismissed.

7. No other submissions were advanced on behalf of the parties.

8. This Court has heard learned Senior Counsel for the parties and, with their able assistance, gone through the relevant documents placed on record as well as the Impugned Order.

9. 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.

10. The contours of the aforesaid jurisdiction are well settled. 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 25B(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 25B of the

⁶(1998) 8 SCC 119

⁷(2014) 9 SCC 78

⁸(2022) 6 SCC 30

⁹2024:DHC:9322

¹⁰ 2025:DHC:11285



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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 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.



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14. 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.

15. 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 Judgment are required to be examined.

16. 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 RC in the Impugned Order are extracted hereinbelow:

“Bona fide requirement :-

19. As regards the *bona fide* requirement, the petitioner has averred that he requires the tenanted premises *bona fidely* as the petitioner is a photographer by profession and is presently doing the work of photography from his residential address at Bhai Parmanand Colony, Delhi and have no portion to carry out his commercial activities of photography of washing the negatives and preparing the photographs and to install the computers and other appliances. He has to outsource the said work which is causing loss to him.

20. *Per contra*, counsel for the respondent submits that the petitioner is already having a big business premises, i.e. 91.96 sq.



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mts, where the petitioner is carrying the business of photography at 217, First Floor, Bhai Parmanand Colony, Parmanand Chowk, Delhi-110009. The property is in the name of his wife Smt. Joginder Kaur, where petitioner is running the photography shop in the name and style of CPC Photography. In rebuttal, counsel for the petitioner states that the flat no. 217-B Bhai Parmanand Colony. It is a residential flat owned by Smt. Joginder Kaur, the wife of the petitioner, which was previously used for his son Amanpreet Singh, who after his marriage started working in USA. The said flat is residential situated on the first floor which is now under renovation as the other son of the petitioner is going to be married recently and no commercial activity is being carried out from the said property. It is submitted by the petitioner that he is carrying on his photography work from a small portion of his residential house bearing no. 128, Bhai Parmanand Colony, Delhi. Petitioner has also filed photocopy of various bills as well as his ITR record clearly showing the address of his jobwork to be of 128, Bhai Parmanand Colony, Delhi. Even otherwise, the said premises bearing no. 217-B, Dhakka is a residential accommodation at the first floor where no commercial activity can be carried out.

21. In *Tarsem Singh v. Gurvinder Singh* 173 (2010) DLT 379 it is observed that if the landlord wants to start his own business in the premises owned by him, then by no stretch of imagination it can be said that the requirement of the landlord for the premises is neither bonafide nor genuine. In *Ragavendra Kumar v. Firm Prem Machinery & Co.* AIR 2000 SC 534 it is held that landlord is the best judge of his requirement for residential or business purposes and he has got complete freedom in the matter. Further, the petitioner, being the landlord has sole prerogative to decide as to from where he wants to carry his business and the respondent/tenant cannot dictate terms upon the petitioner to do his business from residential accommodation when he has under his ownership accommodation on the ground floor, i.e. the tenanted premises, which is more suitable for him. In *Sarla Ahuja v. United India Insurance Company Ltd.* (1998) 8 SCC 119 it has been held that Rent Controller shall not proceed on the presumption that the requirement of the landlord is not bona fide and that when the landlord shows *Prima facie* case, a presumption that the requirement is bona fide is to be drawn. Thus, the *bona fide* requirement of the petitioner qua the tenanted premises stands duly proved.

Availability of alternative suitable accommodation :-

22. It is averred by the respondent that the petitioner is having in his ownership various other properties which can be used by him for his bona fide requirement, if any. However, the respondent has



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failed to give any specific address or any other document to show that the petitioner is having availability of any alternative suitable accommodation which can be used by him for his *bona fide* requirement alongwith the leave to defend application.

23. Even though in rejoinder it is submitted by the respondent that the petitioner is having various properties i.e. 2224/6, Chah Indra Market, Behind Jubilee Cinema, Bhagirath Place, Chandni Chowk, Delhi and that address is registered on the site of India Dot com, it also mentions the phone no. 9810007424. Similarly, the petitioner is having another shop at 7259/3A, Prem Nagar, Shakti Nagar, Delhi-110007 where on the board a mobile no. 9711999521 of the petitioner is written and 7259/2, Prem Nagar, Shakti Nagar, Delhi-110007 (Near Radhey Radhey Enterprises), Prem Nagar, Shakti Nagar, Delhi-110007. Copies of the site of India Dot Com saying that it is certified under Section 65B of the Indian Evidence Act and Photograph of shop no. 7259/3A, Prem Nagar, Shakti Nagar, Delhi-110007 is enclosed by the respondent with the rejoinder. It is submitted that the petitioner is having around 7 shops in the market where the shop of the respondent is situated, the details of the shops are as under:

(1) Two shops naming D & D1 at First Floor, 3/2793, Ashok Gali, Delhi-6. These shops are in possession with M/s Mahesh Tractor Industries (MTI).

(2) Two shops naming E & E1 at First Floor, 3/2793, Ashok Gali. These shops are in possession with M/s Perfect Auto Spares.

(3) Three shops naming X at ground floor and F & F1 at First Floor, 3/2793, Ashok Gali, Delhi-6. Shop naming X at Ground Floor are in possession with M/s J.J. Equipments and shop naming F & F1 at First Floor are in possession with M/s Pramod Tractors.

24. Further, the respondent, in his rejoinder cited certain case-laws ***Shiv Sarup Gupta v. Dr. Mahesh Chand Gupta, (1999) 6 SCC 222, S.M. Mehra v. D. D. Malik, Civil Appeal No. 120 of 1990 decided on 11.01.1990, Charan Dass Duggal v. Brahma Nand, (1983) 1 SCC, 301, Prahlad Rai Mittal v. Smt. Risa Devi 196 (2013) DLT 703*** stating that the Supreme Court in similar facts and circumstances held that the burden is placed on the landlord to prove that his need is a bonafide one, more so, when he has other alternate accommodations in his possession.

25. It is settled principle that the respondent cannot allege any new fact in his rejoinder as per the case law ***Prithipal Singh v. Satpal Singh (Dead) through his LR's, (2010) 2 SCC 15*** it has been held that:

"The statutory time period of 15 days for filing of leave to defend application is inflexible and whatever has to be stated in the leave to defend application with respect to the facts and events, which have happened prior to 15 days period, must be stated in the leave to defend application



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itself and not by way of subsequent affidavit or documents."

26. Even on merits the contention of the respondent is not tenable as mention of mobile number of the petitioner on the site of India dot com has to be certified through the representative of the service provider. Moreover the genuineness of the data given on the site of India dot com has not been verified by any authentic person. Similarly bald assertion regarding availability of another shop with the petitioner, on the board of which the mobile number of the petitioner is mentioned without any documentary proof is not tenable. No document has been produced by the respondent to show that the said mobile number belongs to the petitioner. Moreover, the name of the petitioner is no where mentioned on the said shop as seen from the photograph placed on record by the respondent. It is admitted by the respondent that the remaining seven shops are already under occupation of different tenants and hence, cannot be said to be the alternative suitable accommodation with the petitioner to carry on his work.

27. It is settled principle that no new ground can be raised in the rejoinder by the tenant as the landlord would not have any chance to rebut the same or otherwise a chance to rebut the same has to be given to the landlord petitioner which would definitely delay the disposal of the eviction petition under Section 25B of the Act which would be against its object. In **Ramesh Chand v. Uganti Devi**, 157 (2009) DLT 405, it has been held that:

"A tenant who alleges that landlord has at his disposal other accommodation has to place before the Ld. ARC some material to show that the landlord has a specific alternative accommodation at his disposal". Mere bald allegation with respect to availability of additional accommodation with the petitioner does not hold any basis and cannot be a basis to deny the petitioner of his right to vacate the tenanted premises for his bona fide requirement".

In the case of **Mumtaz Begum v. Mohd. Khan** RC(R) No. 78 - 79/2005 decided on 12.01.2009 the Delhi High Court has held that a landlord is not required to disclose all his properties. Upon a plea with respect to other properties being taken by the tenant, the landlord is entitled to at that stage show that the same is not alternative suitable accommodation to him. Thus, the respondent has failed to prove the availability of any alternative suitable accommodation with the petitioner to do his work of photography. Hence, this averment of the respondent is without any substance and hence, cannot be relied upon.

28. Thus, from the discussion made above, respondent has failed to raise any triable issue, which requires evidence to be proved. The



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petitioner, on the other hand, has clearly established his *bona fide* requirement regarding tenanted premises. Hence, the application for leave to defend filed by the respondent is ordered to be dismissed. Consequently, eviction order is liable to be passed against the respondent u/s Section 25 B (4) of the Act. The petitioner is held entitled for recovery of the tenanted premises, i.e., Shop bearing no. 3/2793, Ground Floor, Ashoka Gali, Hamilton Road, Mori Gate, Delhi, as shown in red colour in the site plan annexed with the petition. However, the petitioner would not be entitled to initiate execution proceedings for recovery of possession of the tenanted premises before expiration of six months from today in view of provisions given in Section 14 (7) of the Act.”

17. Examining the first contention urged on behalf of the Petitioner within the aforesaid parameters, this Court finds no merit in the submission that the Respondent had concealed the fact regarding premises bearing No. 217-B, Bhai Parmanand Colony, Delhi. A perusal of the Impugned Order itself demonstrates that the learned ARC had taken into consideration the Respondent's case regarding the said premises and the explanation furnished by him in relation thereto. Merely because the Respondent was carrying out certain activities from a portion of his residential accommodation cannot lead to the conclusion that he had concealed the existence of an alternative suitable accommodation, particularly when the *bona fide* requirement projected by him was for a commercial premises for carrying out and expanding his photography business, including activities relating to washing and developing negatives, preparation of photographs and installation of computers and other necessary equipment. The same is also clearly set out in the Eviction Petition. The contention regarding concealment, therefore, does not merit acceptance.

18. Furthermore, insofar as the contention regarding the availability of alternative suitable accommodation is concerned, this Court finds



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that the same has been duly considered by the learned ARC. The learned ARC has taken note of the nature of premises bearing No. 217-B, Bhai Parmanand Colony, Delhi, and has returned a finding with regard to its residential character and its suitability *qua* the requirement projected by the Respondent.

19. The learned ARC has also duly considered the contention of the Petitioner regarding the availability of other properties as alternative suitable accommodation with the Respondent and has found that the Petitioner had failed to place any material on record to substantiate that any of the said properties constituted “reasonably suitable alternative accommodation” available to the Respondent to meet the *bona fide* requirement projected in the Eviction Petition. This Court finds no perversity or material irregularity in the aforesaid findings.

20. It is also significant to note that the *bona fide* requirement projected by the Respondent was specifically with regard to having a suitable commercial space for carrying out the activities forming part of his photography business, *inter alia*, washing and developing negatives, preparation of photographs and installation of computers and other equipment necessary for the said purpose. The learned ARC, upon considering the nature of the requirement so projected and the material placed on record, has returned a finding in favour of the Respondent.

21. The findings so returned cannot be said to be unsupported by the material placed on record or based on an erroneous premise. Merely because the Petitioner seeks to take a different view of the material considered by the learned ARC would not justify interference by this Court in exercise of its revisional jurisdiction.



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22. This Court is, therefore, of the considered view that no case for interference with the Impugned Order is made out. The conclusions arrived at by the learned ARC are based upon the material placed before it and the contentions urged by the Petitioner have been duly dealt with. There is nothing on record to demonstrate that the findings suffer from such illegality, perversity or material irregularity as would warrant the exercise of revisional jurisdiction under the proviso to Section 25-B(8) of the DRC Act.

23. In view of the aforesaid, this Court finds no merit in the present Petition and the same is, accordingly, dismissed.

24. Accordingly, the present Petition, along with pending application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 3, 2026/rk/ma