



2026:DHC:6318



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 05.08.2026**# **CNR No. DLHC010120832025**

+ RC.REV. 83/2025, CM APPL. 13998/2025 (Stay), CM APPL. 38991/2025 (Summoning of record of arbitration petition) & CM APPL. 39027/2025 (For placing fresh material on record)

MASIHI SAHITYA SANSTHA

.....Petitioner

Through: Mr. Sanjay Dewan, Sr. Adv.,
Mr. Qayam-Ud-Din, Adv., Mr.
Navneet Chaudhary, Mr. Anish
Dewan, Adv., Mr. Aayush
Dawar, Adv., Mr. Nikhil Goel,
Adv.

versus

ABSTERGE REAL ESTATE PVT. LTD.

.....Respondent

Through: Mr. Rajesh Yadav, Senior
Advocate with Mr. Aditya
Chandra, Mr. Vikas Sharma
and Ms. Durga Dass Vashist,
Advocates.

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

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JUDGEMENT (Oral)

1. The present Revision Petition has been filed under Section 25B
(8) of the Delhi Rent Control Act, 1958, seeking the following reliefs:

“a) summon the entire record of the Eviction Petition bearing No. RC ARC 14/23 titled as Absterge Real Estate Pvt. Ltd. Vs. Masihi Sahitya Sanstha and peruse the same and consequently set aside the impugned order dated 24.12.2024 passed by Shri Ashwani Panwar, ACJ/CCJ/ARC, New Delhi District, Patiala House Courts, New Delhi passed in said Eviction Petition bearing No. RC ARC 14/23 titled as Absterge Real Estate Pvt. Ltd. Vs. Masihi Sahitya Sanstha and allow the present revision petition with costs throughout;



b) Pass any such other and further order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the present case in favour of the petitioner and against the Respondent."

2. Learned Senior Counsel appearing on behalf of the Petitioner would submit that the Impugned Order dated 24.14.24¹ warrants the interference of this Court since the learned ARC has failed to deal with various averments and challenges raised by the Petitioner herein refuting the alleged *bona fide* requirement as averred by the Respondent in this Eviction Petition.

3. Learned Senior Counsel appearing on behalf of the Petitioner would firstly submit that the learned ARC has not considered the aspect of whether or not there was in fact a *bona fide* requirement that existed and for which the property was required.

4. Learned Senior Counsel appearing on behalf of the Petitioner would further submit that there was a specific denial of the Work Order dated 03.04.2023 relied upon by the Respondent for evincing the plea of *bona fide* requirement. It would be contended that the genuineness and evidentiary value of the said work order were specifically disputed before the learned ARC.

5. Learned Senior Counsel would further submit that the learned ARC has failed to consider the various contentions raised by the Petitioner in respect of availability of alternate suitable accommodation with the Respondent.

6. In pursuance thereof, it would be submitted that a specific plea had also been raised regarding the availability of the second floor of the very same property, which, according to the Petitioner, constituted

¹ Impugned Order



an alternate suitable accommodation. He would submit that the said contention has not been adverted to by the learned ARC while passing the Impugned Order.

7. Learned Senior Counsel would also submit that the Respondent's plea that the second floor was residential in nature and, therefore, unavailable for commercial use, was specifically disputed by the Petitioner in its pleadings. It would be contended that the learned ARC has not returned any finding on the said aspect.

8. Learned Senior Counsel would lastly submit that there is absolutely no discussion about any of the aforesaid objections and aspects in the order impugned herein.

9. **Per contra**, learned Senior Counsel appearing on behalf of the Respondent would submit that the learned ARC has duly considered the issue of *bona fide* requirement as well as the question of alternate suitable accommodation in paragraph 11.2 of the Impugned Order. It would be contended that the reasoning assigned therein sufficiently addresses the objections raised by the Petitioner and does not warrant the interference of this Court. He would therefore submit that the reasoning accorded by the learned ARC is sufficient for the present purposes.

10. This Court has heard learned Senior counsel for the parties and, with their able assistance, perused the relevant material available on record.

11. 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.

12. The contours of the aforesaid jurisdiction are well settled. The



Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*², *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*³, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁴, 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.

13. 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.*⁵, and *Sanjeev Hiranandani v. Sunny Grover*⁶.

14. 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.

² (1998) 8 SCC 119

³ (2014) 9 SCC 78

⁴ (2022) 6 SCC 30

⁵ 2024:DHC:9322

⁶ 2025:DHC:11285



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.”

15. 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.

16. 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.

17. 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.

18. At this stage, this Court deems it appropriate to reproduce the relevant portion relating to a *bona fide* need and availability of alternate suitable accommodation, which is contained in paragraph 11.2 of the Impugned Order, which reads as follows:

“11.2 It is important to note here that none of the above assertions made by respondent have been supported by any document. It is also pertinent to note that respondent has not denied the need stated by the petitioner and has just emphasized on the issue that petitioner has sufficient and suitable alternative accommodation to fulfill his need. Here it is important to quote the following observation made in "Shri Satish Chand Vs. Girdhar Gopal Gupta decided on 10.01.2023:-

".....21. In the present petition there is no plea challenging the finding of the Trial Court with respect to the bona fide need of the landlord and his son addressed during the arguments. It is not disputed that Sh. Amit Gupta, son of the landlord is carrying on business and therefore the contention of the landlord that he needs the tenanted premises for his son's business stands sufficiently established on record.

22. As per Section 14(1)(e) of the DRC Act, the landlord/landlady, is required to prove his/her bona fide need for the tenanted premises as well as that he/she has no other reasonably suitable accommodation, to satisfy their requirement. However, recently the Supreme Court in *Abid-Ul- Islam (Supra)* has held that in an eviction petition filed under Section 14(1)(e) of the DRC Act, the Court is concerned only with the requirement of a bonafide need and that the plea of alternative accommodation is 'incidental one' at best. The relevant paragraph of the said judgment read as under:

"29. Section 14(1)(e) deals with only the requirement of a bona fide purpose. The contention regarding alternative accommodation can at best be only an incidental one. Such a requirement has not been found to be incorrect by



the High Court, though it is not even open to it to do so, in view of the limited jurisdiction which it was supposed to exercise. Therefore, the very basis upon which the revision was allowed is obviously wrong being contrary to the very provision contained in Section 14(1)(e) and Section 25B(8)."

The word 'incidental' as defined in the Oxford dictionary, sixth edition, refers to 'occurring as something casual or of secondary importance'. This would mean that availability of alternate accommodation should not become the decisive or pivotal factor in eviction proceedings. Therefore, in view of the law laid down by the Supreme Court in the aforesaid decision, once a landlord/landlady has sufficiently established his/her plea of bona fide need, the mere availability of alternate accommodation at the disposal of the landlord/landlady is but a secondary factor and not a primary one and therefore the same cannot become the sole basis for permitting the tenant to retain the tenanted accommodation to the peril of the landlord/landlady, particularly once the other factors entitling him/her to recovery the premises have been established. The landlord/landlady having duly disclosed the alternate available accommodation and having reasonably explained that the same are not adequately suitable for his/her requirement, the fact that tenant contends that the said alternate accommodation is suitable cannot detain the Court from passing the eviction order.

The Court will reject the explanation offered by the landlord/landlady with respect to the unsuitability of the alternate accommodation only if it is perverse, however the Court need not substitute the preference for tenanted premises shown why landlord/landlady with the dictates of the tenant. The preference shown by landlord/landlady for the possession of the tenanted premises vis-à-vis another alternative accommodation available to him/her cannot be rejected on the say-so of the tenant so as to set at naught the salutary purpose of Section 25B of the DRC Act. [The Technological Institute of Textiles and Sciences v. M/s Shree Nath Ji Developers, RC. REV, 174/2020]..."

Further, it was held by the Hon 'ble High Court of Delhi in case titled **Rajender Kumar Sharma & Ors. Vs. Smt. Leela Wati & Ors.** that-

"Mere assertions made by a tenant in respect of landlord's ownership of other buildings and in respect alternate accommodation are not to be considered Sufficient for grant of leave to defend. If this is allowed, the whole purpose of Section 25-B shall stand defeated and any tenant can file false affidavit and drag a case for years



together in evidence defeating the very purpose of the statute. The rent Controller is does not precluded from considering the material place before it by the landlord in response to leave to leave to defend to show that the tenant's assertions and averments were totally false.””

(emphasis supplied)

19. A perusal of the Impugned Order indicates that while the learned ARC has ultimately returned findings in favour of the Respondent, the specific objections raised by the Petitioner pertaining to the Work Order dated 03.04.2023, the availability of the second floor of the suit property as an alternate suitable accommodation and the nature of the said accommodation do not appear to have been dealt with individually.

20. Paragraph 11.2, on which considerable reliance has been placed by the Respondent, records the conclusions arrived at by the learned ARC. However, the discussion preceding the conclusions does not sufficiently reflect an examination of the specific objections raised by the Petitioner or the reasons for their rejection.

21. It is well settled that an adjudicating authority is required to deal with the material contentions raised by the parties and record reasons while accepting or rejecting the same. The reasons constitute the sustainability of every judicial or quasi-judicial order. In the absence of reasons dealing with the principal objections raised by the petitioner, the decision-making process stands materially affected.

22. In view of the aforesaid judicial pronouncements and the well-settled parameters governing the exercise of revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act, this Court is of the considered view that the Impugned Order suffers from a material infirmity in the decision-making process. The learned ARC, while returning a conclusion in favour of the Respondent, has failed to



adjudicate upon material and specific contentions raised by the Petitioner, particularly those relating to the genuineness and evidentiary value of the Work Order dated 03.04.2023, as also the availability, nature and suitability of the second floor of the subject property as an alternate accommodation. These were not peripheral or collateral objections, but contentions directly bearing upon the statutory requirements under Section 14(1)(e) of the DRC Act. The mere recording of a conclusion, without dealing with the material objections which constituted the foundation of the challenge before the learned ARC, cannot be regarded as a proper adjudication of the issues arising for consideration. The omission to consider and return findings on such material contentions constitutes an error apparent on the face of the record and reflects a failure to adequately exercise the jurisdiction vested in the learned ARC. This Court, in interfering with the Impugned Order on this limited ground, is not undertaking any re-appreciation of the evidence or substituting its own view for that of the learned ARC, but is merely ensuring that the decision-making process conforms to the requirements of a reasoned and judicial determination, as mandated by the principles enunciated in the judicial precedents referred to hereinabove.

23. The Impugned Order, therefore, cannot be sustained and warrants interference in exercise of the limited revisional jurisdiction of this Court and is accordingly liable to be set aside, with the matter being remitted to the learned ARC for fresh consideration of the material contentions raised by the Petitioner, in accordance with law.

24. Accordingly, the present Petition is allowed and the Impugned Order is set aside. The matter is remanded to the learned ARC for fresh consideration on the basis of the pleadings, documents and



material already forming part of the record.

25. It is clarified that this Court has not expressed any opinion on the merits of the rival contentions. All rights and contentions of the parties are left open to be urged before the learned ARC, who shall consider the same independently and in accordance with law.

26. This Court, however, requests the learned ARC to accord his consideration and dispose of the matter as expeditiously as permissible.

27. In view thereof, the matter stands restored on the board of the learned ARC. Let the same be listed before the learned ARC on 21.08.2026.

28. Accordingly, the present Petition along with all pending Application(s), if any, stands disposed of.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 05, 2026/v/va