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

Date of decision: 05.10.2026

CNR No. DLHC010247772019

+ **RC.REV. 339/2019 & CM APPL. 54055/2019**

MADHU MANAK TALA

.....Petitioner

Through: **Ms. Madhu Moolchandani,**
Advocate.

versus

BHIM SEN

.....Respondent

Through: **Mr. Vishwa Johri, Advocate.**

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

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JUDGEMENT (Oral)

1. The present Revision Petition, filed under 25-B(8) of the **Delhi Rent Control Act, 1958¹**, seeks quashing and setting aside of the **Judgment dated 11.04.2019²**, passed by the learned **Additional Rent Controller, South District, Saket Court, Delhi³** in Eviction Petition, bearing No.6217 of 2016.

2. By way of the Impugned Judgement, the learned ARC rejected the Petitioner's claim of *bona fide* requirement, after a full-fledged trial, in respect of the tenanted premises, being **Private Shop No. 2 in Property No. B-106, Ground Floor, Malviya Nagar, New Delhi⁴**, principally on the ground that the Petitioner had other portions of the **Property No. B-106, Ground Floor, Malviya Nagar, New Delhi⁵**

¹ DRC Act

² Impugned Judgement

³ ARC

⁴ Subject Premises

⁵ Property B-106



available to her and had failed to satisfactorily explain the necessity of seeking possession of the Subject Premises.

SUBMISSIONS ON BEHALF OF THE PARTIES:

3. Learned Counsel appearing on behalf of the Petitioner submits that the Impugned Judgement suffers from a material irregularity inasmuch as the learned ARC has failed to consider the undisputed and admitted circumstance that the Subject Premises had remained sealed by the **Municipal Corporation of Delhi**⁶ since the year 2010. She submits that, consequently, the Subject Premises have remained out of use and occupation of either party for all these years. She submits that this aspect assumes significance while examining the *bona fide* requirement projected by the Petitioner, particularly when the Petitioner has also not received any rent or other amount in respect of the premises since the same came to be sealed.

4. Learned counsel for the Petitioner further submits that the Petitioner had specifically pleaded that the Subject Premises had been sealed by the MCD pursuant to the enforcement of the applicable restrictions concerning use of the Subject Premises, and the Respondent himself had pleaded before the learned ARC that he had been out of possession of the Subject Premises since April, 2010 on account of such sealing. He further submits that, notwithstanding the aforesaid factual position emerging from the pleadings and evidence, the learned ARC proceeded to examine the *bona fide* requirement primarily from the perspective of the availability of other portions of the Property B-106, of which the Subject Premises was also a part, and the alleged conduct of the Petitioner, without examining the effect which the continued sealing of the Subject Premises had on the rival

⁶ MCD



claims of the parties.

5. Learned counsel for the Petitioner submits that the question whether the Respondent was, in fact, carrying on any commercial activity from the Subject Premises, whether the premises continued to be capable of such use, and the circumstances in which the premises came to be sealed, were also material aspects requiring consideration while adjudicating the *bona fide* requirement projected by the Petitioner. He, therefore, submits that the failure to consider these aspects has materially affected the adjudication of the issue and, therefore, warrants interference with the Impugned Judgement.

6. ***Per contra***, learned counsel appearing on behalf of the Respondent submits that the Respondent has been unable to use the Subject Premises not by choice but on account of the actions attributable to the Petitioner herself. He submits that it was the Petitioner who had made complaints to the MCD regarding the Subject Premises and that, pursuant thereto, the Subject Premises came to be sealed. He submits that the Respondent thereafter made repeated attempts to have the Subject Premises de-sealed, but was unable to secure restoration of possession.

7. Learned counsel for the Respondent, therefore, submits that the circumstance of the Subject Premises having remained sealed cannot be relied upon by the Petitioner to advance her case of *bona fide* requirement when the Respondent's inability to use the Subject Premises is itself attributable to the Petitioner's actions. It is submitted that this aspect was also specifically pleaded by the Respondent before the learned ARC, who asserted that the Subject Premises had remained sealed and that he had been out of possession since April, 2010.



8. Learned Counsel further submits that the allegation regarding non-payment of rent cannot furnish any ground for interference with the Impugned Judgement, particularly when no Application seeking recovery of arrears of rent was filed by the Petitioner before the learned ARC. He submits that the present proceedings arise out of the Eviction Petition founded on *bona fide* requirement and cannot be converted into proceedings for recovery of rent. He, however, does not dispute the factual position that the Subject Premises have remained sealed since the year 2010.

ANALYSIS:

9. This Court has heard the learned counsel appearing on behalf of the parties and, with their able assistance, perused the material available on record.

10. 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.

11. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***⁷, ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***⁸, and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***⁹, 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.

12. The aforesaid principles have also been reiterated and relied

⁷ (1998) 8 SCC 119

⁸ (2014) 9 SCC 78

⁹ (2022) 6 SCC 30



upon by Coordinate Benches of this Court, *inter alia*, in **Pankaj Pahwa v. Prem Wati & Ors.**¹⁰, and **Sanjeev Hiranandani v. Sunny Grover**¹¹.

13. 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.”

14. 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

¹⁰ 2024:DHC:9322

¹¹ 2025:DHC:11285



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.

15. 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.

16. 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.

17. This Court, at the outset, notes that an undisputed circumstance arising from the record is that the Subject Premises have in fact remained sealed by the MCD since the year 2010. It is noticed that the Respondent himself had pleaded before the learned ARC that, on account of the sealing, he had remained out of possession of the Subject Premises since April, 2010. The Petitioner, on the other hand,



had also relied upon the factum of sealing in the context of the restrictions governing the use of the Subject Premises. Further, the learned counsel for both the parties fairly submit that this is an admitted position and has been raised by both the parties in their respective pleadings before the learned ARC.

18. This Court is of the considered view that the aforesaid circumstance was not merely incidental to the dispute between the parties. The fact that the Subject Premises had remained sealed for a prolonged period, and had consequently not been available for actual use by either party, was a circumstance arising directly from the record which required consideration while adjudicating the Petitioner's claim of *bona fide* requirement.

19. This assumes particular significance when the learned ARC was examining whether the Subject Premises, in their existing condition, could answer the residential requirement projected by the Petitioner and was also considering the competing claim for the impermissible commercial use of the premises.

20. Equally, the record reflects the Petitioner's assertion that she had not received rent in respect of the Subject Premises during the period for which the premises remained sealed. While the absence of any proceedings for recovery of rent may bear upon the extent to which such circumstance could independently furnish a ground for relief, the circumstance itself, particularly when arising in conjunction with the prolonged sealing of the premises, was not wholly extraneous to the controversy. It formed part of the factual setting in which the parties' respective stands regarding possession, use and continued occupation of the Subject Premises were required to be examined. The learned ARC, however, does not appear to have considered this aspect



while determining the *bona fide* requirement.

21. More importantly, the rival stands of the parties raised a connected factual issue as to the circumstances in which the Subject Premises came to be sealed and the nature and status of their use thereafter. The Respondent's case was that the premises had been used for commercial purposes and that, following their sealing, he had ceased to be in possession; the Petitioner's case, on the other hand, was that the commercial use of the premises had become impermissible and that the MCD had sealed the premises in the context of the applicable restrictions. The learned ARC was, therefore, required to consider these competing circumstances in their proper perspective, particularly when the Impugned Judgement proceeds, *inter alia*, on the premise that the Subject Premises were not fit for residential use in their existing form. The absence of any meaningful consideration of these circumstances; in the opinion of the Court constitutes an omission in the decision-making process, rather than a mere disagreement with the appreciation of evidence.

22. This Court is conscious that the learned ARC has recorded findings on the availability of other portions of the property and has, on that basis, questioned the Petitioner's requirement of the Subject Premises. However, the existence of such findings does not dispense with the obligation to consider other material circumstances which arise from the pleadings and evidence and which bear upon the statutory enquiry required under Section 14(1)(e) of the DRC Act. The revisional jurisdiction of this Court does not permit a re-weighing of the competing circumstances; equally, as discussed, it does not require the Court to overlook an omission to consider a material circumstance merely because other findings have been recorded by the learned



ARC.

23. In the considered view of this Court the peculiar aspects of the present matter, in particular, the inability of the Respondent herein to be able to continue to carry out any commercial/business venture in the premises considering the legal prohibition, coupled with the non-usage by either party and the premises lying locked and enuring to no-one's benefit, and keeping in mind the permissible residential use espoused by the Petitioner and the continued non-payment of a single rupee in respect of the Subject Premises merit re-consideration by the learned ARC.

24. This Court is not inclined, at this stage, to return any finding on the merits of the rival claims or to express any opinion as to whether the Petitioner has, in fact, established the ingredients of Section 14(1)(e) of the DRC Act. Any such finding would necessarily entail an appreciation of the material which, in the first instance, is required to be undertaken by the learned ARC. The appropriate course, therefore, is to remand the matter back for fresh consideration by the learned ARC on the basis of the existing record.

DECISION:

25. Accordingly, the Impugned Judgement is set aside. The matter is remanded to the learned ARC for *de novo* consideration, on the basis of the record already available, after duly considering the aforesaid aspects as well as the rival submissions of the parties.

26. The parties shall appear, in person or represented by their respective counsel, before the learned ARC on 27.10.2026.

27. Needless to observe, this Court has expressed no opinion upon the merits of the Eviction Petition, and any observation made hereinbefore shall have no bearing upon the adjudication of the



2026:DHC:8746



Eviction Petition.

28. The present Revision Petition, along with pending Application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 05, 2026/nd/DJ

Signature Not Verified

Digitally Signed
By: HARVINDER KAUR
BHATIA
Signing Date: 09.10.2026
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