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

Date of decision: 05.11.2026

\# **CNR No. DLHC010523032026**

\+ RC.REV. 416/2026, CM APPL. 75195/2026 (Stay) & CM APPL. 75196/2026 (Ex.)

RAJDHANI HANDICRAFT THROUGH PROPRIETOR, MR. AJAY JAIN .....Petitioner

Through: Mr. Bharat Gupta, Mr. Varun Tyagi, Mr. Ishan Srivastava, Mrs. Snigdha Jena and Mr. Prashant Verma, Advocates.

versus

ANITA GOLA .....Respondent

Through: Mr. Ankur Mahindro and Mr. Shubham Agarwal, Advocates.

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**[1], seeks to assail the **Order dated 14.10.2026**[2], passed by the **learned Additional Rent Controller, Central District, Tis Hazari Court, Delhi,**[3] in the **Review Application bearing No. Misc. SCJ 242 of 2026**[4] as well as the **Order dated 24.04.2026**[5], passed by the learned ARC in Eviction

[1] DRC Act
[2] Review Order
[3] learned ARC
[4] Review Application
[5] Impugned Order

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Petition, being **RC/ARC No. 39/2026**[6], titled "*Anita Gola vs. Rajdhani Handicraft"*.

2. Admittedly, the Petitioner herein did not file an application seeking leave to defend in the aforesaid eviction proceedings. The reason for such non-filing has been set out in paragraph nos. 4 and 5 of the present Petition in the following terms:

> "4. That though the notice/summon of the said eviction petition issued by the Learned ARC vide order dated 22.01.2026 was never served upon the Petitioner lawfully, however, since the Petitioner had acquired notice of the petition, he got his representation recorded before the Learned ARC through Counsel on 02.04.2026 and sought time to file application seeking leave to defend the said petition. True copy of order dated 22.01.2026 passed by Learned ARC is annexed hereto and marked as **Annexure-P-4** and true copy of order dated 02.04.2026 passed by Learned ARC is annexed hereto and marked as **Annexure-P-5** respectively.
>
> 5. That, however, Counsel for the Petitioner did not apprise Petitioner about the mandatory requirement of filing the leave to defend application within a period of 15 days from the date of service, and therefore, leave to defend application was never filed, and hence, on 24.04.2026, the Learned ARC heard and adjudicated the said eviction petition ex-parte and allowed the same in favour of the Respondent and against the Petitioner."

3. Learned counsel for the Petitioner submits that the service of summons upon the Petitioner was not effected "lawfully" and, therefore, the statutory period prescribed for filing the leave to defend application could not have commenced. He submits that the Petitioner has placed the relevant grounds in this regard on record along with the present Petition.

4. Learned counsel further submits that, upon becoming aware of the proceedings, the Petitioner had entered appearance through counsel before the learned ARC and had sought time to file the leave

[6] Eviction Petition

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to defend application. However, the said application could not be filed within the prescribed period.

5. He, therefore, contends that the learned ARC erred in proceeding on the premise that the Petitioner had failed to file the leave to defend application and, consequently, in invoking the deeming provision contained in Section 25-B(4) of the DRC Act.

6. ***Per contra***, learned Counsel appearing on behalf of the Respondent, who appears on advance service, submits that the Impugned Order as well as the Review Order do not suffer from any infirmity warranting interference by this Court in exercise of its revisional jurisdiction.

7. He submits that the learned ARC has rightly proceeded in accordance with the statutory scheme governing proceedings under Section 25-B of the DRC Act and has correctly applied the consequence contemplated under Section 25-B(4) thereof upon the Petitioner's failure to file the leave to defend application within the prescribed period.

8. Learned counsel further submits that the grounds urged in the present Petition merely seek to reiterate the submissions already advanced before the learned ARC and do not disclose any jurisdictional error, material irregularity or perversity in the orders impugned herein.

9. He, therefore, contends that such re-agitation of the merits of the matter is impermissible within the limited scope of revisional jurisdiction under Section 25-B(8) of the DRC Act and that the present Petition is liable to be dismissed.

10. This Court has heard the learned counsel for the parties and,

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with their able assistance, perused the material available on record, including the Impugned Order and the Review Order.

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 25-B(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.***[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 25-B(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.***[10], and ***Sanjeev Hiranandani v. Sunny Grover***[11].

14. 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,

[7] (1998) 8 SCC 119
[8] (2014) 9 SCC 78
[9] (2022) 6 SCC 30
[10] 2024:DHC:9322
[11] 2025:DHC:11285

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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."

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 25-B(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 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

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arrive at an independent conclusion on the merits of the dispute. Interference would be warranted only where the Impugned Judgment 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 by the learned counsel on behalf of the Petitioner against the Impugned Order and Review Order are required to be examined.

18. Before adverting to the grounds of challenge, for the sake of completeness and clarity, this Court deems it apposite to reproduce the relevant findings returned by the learned ARC. The relevant portions of the Impugned Order read as under:

> "7. **Section 25-B (4) of the Delhi Rent Control Act provides** that *the tenant shall not contest the prayer for eviction unless they file an affidavit stating the ground on which they seek to contest the application for eviction and obtains leave from the controller. Such leave for contesting has to be sought within 15 days from service of summons*. Since such leave has not been sought within 15 days, the assertions made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the petitioner shall be entitled for an order for eviction on the said ground.
>
> 8. The respondents are, therefore, deemed to have admitted the relationship of landlord and tenant between the petitioner and the respondents. Further, respondents are also deemed to have admitted that the petitioner requires the tenanted premises for the bonafide need of his dependent son and that no other reasonably suitable accommodation is available to the petitioner. *It is also well settled law that a landlord is the best judge of his requirement and whether or not the tenanted premises is adequate for running of the business of the petitioner, is not for the tenant or even the court to*

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decide. In this regard the ratio of the Hon'ble High Court of Delhi in the case of **Tarun Kumar Vs. Parmanand Garg in RC. Rev. No. 56/2018 decided on 09.11.2023**, is to be noted where it was held as under :-

> *"52. The Hon'ble Supreme Court as well as this Court has repeatedly held that the Courts are not to sit in the armchair of the landlord and dictate as to how the available property of the landlord is to be best utilized by him. The landlord is the absolute owner of his property and the best person to decide which property is to utilized in what way is the landlord himself. In addition, the respondent also cannot dictate as to how the landlord is to utilize his property.*
>
> *53.The landlord possesses the prerogative to determine their specific requirements, exercising full autonomy in this regard. It is not within the purview of the court to impose directives on the landlord regarding the nature or quality of their chosen usage of the tenanted premises. Essentially, the courts should refrain from prescribing any standard or guidelines for the landlord's residential choices."*

9. 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."*

10. Therefore, the eviction petition u/s 14 (1) (e) of Delhi Rent Control Act is allowed and an eviction order is passed u/s 14 (1) (e) r/w Section 25-B of Delhi Rent Control Act in favour of the petitioner and against the respondents in respect of **tenanted premises i.e. shop and rooms in property bearing no.4485-4486, Dal Mandi Chowk, Shora Kothi, Paharganj, Delhi** more specifically shown in red colour in the site plan filed with the eviction petition. It is made clear that the petitioner shall not be entitled to get the eviction order executed before the expiry of six months running from today."

19. The relevant findings returned in the Review Order are also reproduced hereinbelow:

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"6. The power of review is a creation of statute and therefore, it must be exercised within the limits of statute. **In the present case, the review application has been pressed on the ground of error apparent on the face of the record.** However, bare perusal of the aforesaid submissions show that the said grounds do not amount any error or mistake on the face of record. It is trite to state that any error that requires a long drawn process of reasoning on points does not amount to an error apparent on the face of record. It is pertinent to note that no application for leave to defend was filed on behalf of the applicant before the court to controvert the submissions / pleadings made on behalf of petitioner. Section 25-B (4) DRC Act provides that a tenant shall not contest the prayer for eviction unless he files affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the court. Such a leave for contesting ought to be filed within 15 days from the day of service of summons upon the respondent. The respondent in the present case was served in the present case on 12.03.2026, however, no application for leave to defend was filed before the court within the statutory period of 15 days. As no such leave had been filed within the period of 15 days, the respondent is deemed to have admitted the relationship of landlord and tenant between himself and the petitioner. He is also deemed to have admitted that the petitioner requires the tenanted premises for his bonafide requirement and that the petitioner does not have any other reasonable suitable accommodation for the same. *The contention of the respondent that the petitioner failed to satisfy the ingredients of Section 14(1)(e) r/w Section 25B DRC Act is devoid of merits*.

7. Furthermore, it is no longer res integra that power of review is a creation of statute. Hence, the said power must be conferred by law either specifically or under necessary implication. Power of review is not inherent power and therefore, cannot be exercised by Additional Rent Controller. In this regard, reliance is placed upon observations of Hon'ble High Court of Delhi in ***Nand Kishore Vs. Vijay 2009 (1) RCR 296*** *whereby it was held that no power of review has been conferred upon ARC under Delhi Rent Control Act*. Accordingly, the present application for review of order is not maintainable.

8. **Thus, given the aforesaid observations and findings, present application application under Section 25(B) (9) DRC Act r/w Order 47 CPC r/w Section 14 CPC r/w Section 151 CPC for review of order dated 24.04.2026 stands dismissed."**

20. This Court also finds it apposite to refer to the decision of this

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Court in ***M/s Digjam Ltd. v. Nisha Arora***[12], wherein it has been held that where no application seeking leave to defend is filed, the tenant cannot thereafter contest the eviction proceedings as a matter of right. The scope of interference by this Court, in such circumstances, would nevertheless remain governed by the proviso to Section 25-B(8) of the DRC Act, which empowers this Court to call for the records of the case for the purpose of satisfying itself as to the legality and propriety of the order passed by the learned Rent Controller.

21. In the present case, the records are before this Court and the submissions advanced by learned Counsel for both parties have been duly considered. The principal grievance of the Petitioner is that the summons were not served upon him "lawfully" and, consequently, that the statutory period for filing the leave to defend application ought not to have commenced. However, this contention has to be examined in the context of the Petitioner's own case as set out in the present Petition.

22. The Petitioner himself states that, upon acquiring notice of the eviction proceedings, he entered appearance through counsel before the learned ARC on 02.04.2026 and sought time to file an application seeking leave to defend. It is, therefore, not a case where the Petitioner claims to have remained wholly unaware of the proceedings until after the eviction order had been passed. On his own showing, the Petitioner had acquired knowledge of the proceedings and had entered appearance before the learned ARC through counsel.

23. The subsequent failure to file an application seeking leave to defend within the statutory period is attributed by the Petitioner to the

[12] 2026:DHC:5781

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alleged failure of his counsel to apprise him of the mandatory requirement of filing such an application within fifteen days. However, the fact remains that no application seeking leave to defend was filed before the learned ARC within the period prescribed under Section 25-B(4) of the DRC Act. The learned ARC was, therefore, required to consider the statutory consequence flowing from such non-filing.

24. Section 25-B(4) of the DRC Act specifically provides that where the tenant fails to file an affidavit seeking leave to defend within the prescribed period, the statements made by the landlord in the eviction application are liable to be deemed to have been admitted.

25. The learned ARC, while passing the Impugned Order, proceeded on precisely this statutory basis and consequently treated the averments contained in the eviction petition as deemed to have been admitted. The Review Order, thereafter, also noticed that no application seeking leave to defend had been filed within the prescribed period and declined to interfere on the ground that the Petitioner herein had failed to demonstrate any error apparent on the face of the record.

26. The contention of the Petitioner that he ought to be granted an opportunity to file the leave to defend application by condoning the delay, also does not, on the material placed before this Court, disclose any ground warranting interference in exercise of the limited revisional jurisdiction. Even assuming that the Petitioner seeks condonation of the delay in filing the leave to defend application, the principles governing such consideration would necessarily require the Petitioner to demonstrate circumstances which prevented him from

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taking the requisite steps within the prescribed period.

27. In this regard, the decision of the Hon'ble Division Bench of this Court in ***Director, Directorate of Education & Anr. v. Mohd. Shamim & Ors.***[13], assumes relevance. The Petitioner, however, has not specifically demonstrated any circumstance beyond his control which prevented him from filing the leave to defend application within the prescribed period. His own case is that he had acquired notice of the proceedings, appeared through counsel on 02.04.2026 and sought time to file the application. The explanation thereafter is confined to the alleged failure of counsel to apprise him of the requirement of filing the application within fifteen days.

28. In the absence of any further circumstance demonstrating why the statutory requirement could not be complied with despite the Petitioner having entered appearance, the requisite foundation for seeking such indulgence has not been established.

29. The Review Order also cannot be faulted merely because the learned ARC declined to revisit the matter on the basis of the grounds urged by the Petitioner. The power of review is a creature of statute, and the learned ARC, while considering the Review Application, examined whether the grounds urged disclosed an error apparent on the face of the record. Having found that the grounds required a re-examination of the matter and did not disclose such an error, the learned ARC declined to exercise the power of review.

30. The Review Order further recorded that the leave to defend application had not been filed within the statutory period and that, consequently, the statutory consequences under Section 25-B(4) of the

[13] 2019 SCC OnLine Del 11490

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DRC Act followed.

31. What is sought before this Court, therefore, is essentially a re-examination of the circumstances in which the leave to defend application could not be filed and a reconsideration of the consequences that followed therefrom.

32. The Impugned Order and the Review Order, disclose that the learned ARC has considered the relevant statutory provisions and has proceeded on the admitted position that no application seeking leave to defend was filed within the prescribed period. The Orders cannot, therefore, be said to suffer from any absence of adjudication. Nor has the Petitioner demonstrated any jurisdictional error, material irregularity, perversity or manifest illegality in the decision-making process warranting interference by this Court.

33. The findings returned by the learned ARC are founded upon the statutory consequences contemplated under Section 25-B(4) of the DRC Act and the material placed before it. This Court, in exercise of its limited revisional jurisdiction, finds no ground to hold that the Impugned Order or the Review Order suffers from any error warranting interference.

34. Consequently, the present Petition, being sans merit, is dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 05, 2026/tk/jk

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