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

Date of decision: 05.11.2026

\# **CNR No. DLHC010093232019**

\+ RC.REV. 58/2019

N C MITTAL .....Petitioner

Through: In person through video-conferencing.

versus

M/S MADHUMALA PROPERTIES PVT LTD .....Respondent

Through: Mr. Amit Sharma, Advocate.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% JUDGMENT (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 03.08.2018**[2] passed by the learned **Additional Rent Controller, Pilot Court, Central District, Tis Hazari Courts, Delhi**[3], in the **Eviction Petition, being E-923/17**[4], titled *"Madhumala Properties Pvt. Ltd. v. Naharchand Mittal"*.

2. By way of the Impugned Order, the learned ARC dismissed the Application seeking Leave to Defend filed on behalf of the Petitioner and, consequently, passed an Eviction Order, in respect of the tenanted premises, being **one room on the ground floor, measuring 190 sq. ft., of Property No. 4606/13, Ansari Road, Darya Ganj, New Delhi-**

[1] DRC Act
[2] Impugned Order
[3] ARC
[4] Eviction Petition

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110002[5].

PREVIOUS PROCEEDINGS BEFORE THIS COURT:

3. At the outset, this Court considers it appropriate to place on record the circumstances in which the present Judgment is being pronounced. When the matter was taken up on 02.11.2026, learned counsel appearing for both parties had addressed arguments in their entirety, whereupon this Court proceeded to dictate the Judgment in open Court. In the course of such dictation, learned counsel then appearing for the Petitioner sought some time to obtain instructions from his client with regard to the period for which the Petitioner may be permitted to retain the Tenanted Premises. The dictation was, accordingly, deferred at his request.

4. When the matter was next taken up, learned counsel who had been appearing for the Petitioner informed this Court that the Petitioner had sought his discharge and intended to engage new counsel. The matter was, therefore, re-notified to afford an opportunity to either the counsel or the Petitioner himself to appear before this Court. The Petitioner has appeared in person today through video-conferencing. However, instead of addressing the aspect on which instructions had earlier been sought, he has submitted that he wishes to engage new counsel and have the matter argued afresh.

5. This Court is unable to accede to the aforesaid request. The matter had been heard at length, and the dictation of the Judgment had commenced in open Court when learned counsel for the Petitioner sought time. Significantly, the time so sought was confined to obtaining instructions as to the period for which the Petitioner might

[5] Tenanted Premises

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be permitted to retain the Tenanted Premises; no request was made to advance any further submissions on the merits of the matter. The conclusion of arguments cannot be rendered inconsequential merely by a subsequent change of counsel, nor can such a change, by itself, furnish a basis for reopening a hearing which has already been concluded. To permit the matter to be argued afresh in these circumstances would result in an unwarranted prolongation of the present Petition, which has remained pending before this Court since 2019, during which period the Petitioner has continued to avail the protection afforded by the interim Order.

6. In view of the foregoing, this Court proceeds to decide the present Petition on the basis of the submissions advanced by learned counsel for the parties at the hearing held on 02.11.2026.

SUBMISSIONS ON BEHALF OF THE PARTIES:

7. Learned counsel appearing on behalf of the Petitioner confines the challenge to the Impugned Order to three aspects: *first*, the discrepancy between the site plans filed by the parties before the learned ARC and the parity sought with the Order dated 16.07.2018 passed in the case of another tenant of the **Property No. 4606/13, Ansari Road, Darya Ganj, New Delhi-110002**[6]; *second*, the *bona fide* requirement of the Respondent, in light of the alleged residential character of the Subject Property; and *third*, the alleged concealment by the Respondent of the other properties available to it.

8. In regards to the *first aspect*, learned counsel for the Petitioner submits that the site plan filed by the Respondent with the Eviction Petition does not correctly depict the Tenanted Premises. He submits

[6] Subject Property

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that the Petitioner had also filed the site plan before the learned ARC, which shows the actual portion in his possession, and that the two site plans are at variance with each other, which raises a triable issue warranting grant of Leave to Defend.

9. Learned counsel for the Petitioner, in order to substantiate the aforesaid proposition, submits that the Respondent instituted separate eviction petitions against each of the tenants of the Subject Property and that these were heard together. It is submitted that, in one of those eviction petitions, between the Respondent and another tenant of the Subject Property, namely Sh. R.C. Chandiwala, the learned ARC granted leave to defend by Order dated 16.07.2018 on the ground of a discrepancy between the site plans filed by the parties therein. He submits that the learned ARC, having found such a discrepancy to raise a triable issue in that case, could not have taken a different view in the present case.

10. Elaborating upon the *second aspect*, learned counsel for the Petitioner submits that the requirement set up in the Eviction Petition by the Respondent was to commence a guest house business in the Subject Property, which according to him, was not permissible since the Subject Property is residential in nature. Learned counsel therefore submits that a need to put the Tenanted Premises to a use not permitted in law cannot be a *"bona fide"* need, and that the learned ARC could not have relied on the said requirement in passing the Impugned Order.

11. Insofar as the *third aspect* is concerned, learned counsel for the Petitioner submits that the Respondent concealed the other properties/alternate accommodations available to it and, therefore, did

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not come to the learned ARC with clean hands. In order to substantiate the said submission, learned counsel for the Petitioner places reliance upon the Balance-Sheet of the Respondent Company for the year ended 31.03.2015.

12. Learned counsel for the Petitioner, placing reliance upon the said Balance-Sheet, submits that the Respondent purchased the Subject Property in 1986 for Rs. 6.50 lakhs, however, the Balance-Sheet reflects property worth more than Rs. 22 lakhs, even after depreciation, which shows that the Respondent holds other properties.

13. ***Per contra*****,** Mr. Sanjay Dewan, learned Senior Counsel appearing on behalf of the Respondent, submits that insofar as the *first* aspect of challenge raised by the Petitioner is concerned, the same is devoid of merit since the variance in the other eviction petition, wherein Leave to Defend was granted by the learned ARC, concerned a discrepancy in the site plans as to the very number of rooms in the tenant's possession.

14. Learned Senior Counsel further submits that the premises which formed the subject matter of the Order dated 16.07.2018, sought to be relied upon by the Petitioner, and the Tenanted Premises are vastly different, and the said Order turned on it's own peculiar facts and circumstances, and therefore no parity can be drawn between them.

15. With regard to the other two aspects of challenge, learned Senior Counsel for the Respondent would draw the attention of this Court to various portions of the Impugned Order, to submit that the challenge now sought to be raised on behalf of the Petitioner had already been raised before the learned ARC, who has given due consideration to it and has returned reasoned findings thereupon.

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16. Learned Senior Counsel for the Respondent therefore submits that, in view of the foregoing submissions, the Impugned Order does not warrant any interference in exercise of the limited revisional jurisdiction of this Court.

17. ***In rejoinder submissions,*** learned counsel appearing on behalf of the Petitioner submits that the discrepancy in the present case is not confined to the description of the Tenanted Premises, but goes to their very extent. He submits that the Respondent, in the Eviction Petition and the accompanying site plan, has confined the Tenanted Premises to one room on the ground floor measuring 190 sq. ft. However, the site plan filed by the Petitioner shows that the portion in his possession also includes an additional space of about 5' x 5', adjoining the common verandah, used as a bathroom. Learned counsel would submit that the total area of the Tenanted Premises is, therefore, more than 190 sq. ft. as claimed by the Respondent. He submits that, as in the case of Sh. R.C. Chandiwala, the site plans filed by the parties are at variance as to the portion in the tenant's possession, and that this variance raises a triable issue warranting the grant of leave to defend.

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

ANALYSIS:

19. This Court has heard learned counsel for the parties and, with their able assistance, perused the material available on record, including the Impugned Order.

20. 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.

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21. 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.

22. 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].

23. 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,

[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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> 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."

24. 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.

25. 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

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unconsidered, or the decision-making process otherwise discloses an error apparent on the face of the record, exercise of revisional jurisdiction may be warranted.

26. 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.

27. Before adverting to the facts of the present case, and for the sake of completeness and clarity, this Court deems it apposite to reproduce the findings returned by the learned ARC on the aspects of challenge raised on behalf of the Petitioner. The relevant portions of the Impugned Order read as under:

> "**21.** In order to substantiate his contentions, the petitioner has placed on record certain photographs to show that commercial activities are being run from the area where the suit property is situated. Perusal of said photographs shows that besides many other offices/companies, the building of "Navbharat times", "Arihant Book", Office of LIC, Standard Book Agency, Dalmia Continental Pvt. Ltd., Orange Group, Manak Book, Hotel Tara Palace are situated on the same road where the tenanted premises is situated and they are running their offices there. The petitioner has also referred to the MPD 2021 to show that the street where the suit property is situated is covered under the list of commercial streets, mixed use streets, pedestrian shopping streets, etc. as per MPD 2021. On the other hand, the respondent has only placed on record an order of Sh. V. K. Jain, Ld. M. M. Patiala House Court, New Delhi to submit that the suit property is residential, however, the said order is dated 05.09.1994, whereas, the Ansari Road, where the suit property is situated is added in commercial streets in MPD 2021. Judicial notice can be taken of the fact that the property falls in category of mixed land use as per MPD 2021. Moreover, the property is being used for non residential purpose by the respondent himself, hence, the respondent is estopped from challenging the non residential usage of the property by the petitioner.
>
> **22.** Further, perusal of the record shows that the petitioner has filed its Articles of Association, wherein one of the object of the petitioner company is to carry on the business as proprietors, managers and consultants of hotel, restaurant, cafe, holiday camp, apartment house keeper. Hence, if the petitioner company wants to

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start his guest house from the entire suit property which is under its ownership, by evicting the tenants therefrom, for achieving its objectives, the respondent, being a tenant, cannot stop the petitioner company to do so. Moreover, 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 bonafide requirement of the petitioner qua the tenanted premises for starting a guest house from there stands duly proved.

Availability of alternative suitable accommodation:-

23. It is averred by the respondent that the petitioner has concealed the accommodation available with it, as the petitioner has purchased the present property from Dr. P. N. Behl for Rs. 6.50 Lakhs in the year 1986 and after depreciation as on date the property of the company has been shown over Rs. 22 Lakhs which clearly shows that the company has another property also. It is also averred by the respondent that the petitioner is having other various properties in Delhi and in around the NCR. On the other hand, the petitioner has denied the same stating that the petitioner company is not having any property other than the property in question. The respondent has also failed to file address or location of any such properties, which are alleged owned by the petitioner company and hence, the said contentions of the respondent remains to be a mere bald assertions without any substance. Moreover, in Ram Saroop v. Viney Kumar Mahajan dated 24th July, 2017 in RC Rev. No. 112/2016 and Lalta Prasad Gupta v. Sita Ram dated 2nd August, 2017 in RC Rev. No. 352/2017, it has been held that leave to defend application has to be treated differently from a written statement and on the basis of simple denial of averments in the petition for eviction or by merely making vague averments, leave to defend cannot be obtained and that if the same were to be permitted there would be hardly any case where leave to defend would be refused in as much as the Advocates with their skilful drafting would be able to take pleas in the application for leave to defend irrespective of whether there is any merit therein or not. Section 25 (B) 5 of the Delhi Rent Control Act requires the tenant to, in the application for leave to defend, disclose facts as would dis-entitle the landlord from obtaining an order of eviction under Section 14 (1) (e) of the Rent Act. If the facts disclosed, even though disputed by landlord, even if believed, would not dis-entitled the landlord from obtaining an order of eviction under Section 14 (1) (e), then also, no leave to defend has to be granted. Only if the facts disclosed in the application for leave to defend are such which though are disputed by the landlord but on trial if proved would dis-entitle the landlord from obtaining an order of eviction under Section 14 (1) (e) of the Act, can leave to defend be

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granted. When the tenant does not produce anything at all before the Court on the basis whereof there is any chance of the tenant proving what he has stated, the only inference is that the facts disclosed are not capable of being proved and/or not capable of disentitling the landlord from obtaining an order of eviction under Section 14 (1) (e) of the Rent Act.

24. The respondent has also disputed the site plan filed by the petitioner and filed his own site plan. However, perusal of both the site plans shows the respondent has shown one room and one bathroom in his possession, whereas, the petitioner has shown only one room in possession of the respondent. The petitioner is seeking eviction of the respondent/tenant with respect to the tenanted premises, i.e. one room on the ground floor of the suit property, as shown in red colour in the site plan. The respondent has not disputed the description of the tenanted premises. Further, the respondent has nowhere stated in the leave to defend application that he is also in possession of one bathroom and as per the site plan of the respondent himself the said bathroom is lying in the common veranda/ passage. The respondent has only shown the bathroom in the site plan and hence, the site plan filed by the petitioner seems to be not correct.

25. The other contention raised by the respondent is that the intention of the petitioner is to raise multi storey commercial complex and to again let out the same on higher premium. However, the said contention of the respondent is also without any substance as even if the petitioner company try to do such acts, the respondent is very well protected u/s 19 (2) of the DRC Act, for taking re-possession of the suit premises.

26. Thus, from the discussion made above, respondent has failed to raise any triable issue, which requires evidence to be proved. The petitioner, on the other hand, has clearly established its bonafide requirement regarding tenanted premises. Hence, the application for leave to defend filed by the respondent is ordered to be dismissed. Consequently, eviction order is passed against the respondents u/s Section 25 B (4) of the Act. The petitioner is held entitled for recovery of the tenanted premises, i.e., Room situated at ground floor measuring 190 sq. ft. of property bearing No. 4606/13, Ansari Road, Darya Ganj, New Delhi-110002, as shown in red in the site plan annexed alongwith 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. In the facts & circumstances of the case, no order as to costs."

(Emphasis supplied)

28. Adverting to the facts of the present case, insofar as the *first*

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ground is concerned, the Petitioner seeks parity with the Order dated 16.07.2018 passed by the same learned ARC in Eviction Petition No. E-925/17, titled *"Madhumala Properties Pvt. Ltd. v. R.C. Chandiwala"*. The reasoning upon which the Leave to Defend was granted in that case is contained in Paragraph Nos. 15 and 16 of the said Order, which read as under:

> "**15.** The respondent has also disputed the site plan filed by the petitioner stating that the same is incorrect and filed his own site plan in order to contradict the site plan filed by the petitioner. Perusal of both the site plans shows disparity between the two site plans. In both the site plans, the portion shown in red colour, which is occupied by the respondent, is totally different. The respondent has shown two rooms under his possession clearly showing the dimensions, on the other hand, the petitioner has shown only one portion as office in red colour in occupation of the respondent. Thus, triable issue is raised with regard to correct description of the tenanted premises as the portion under the occupation of the respondent is shown differently in the two site plans filed by the petitioner and the respondent.
> **16.** Thus, in view of the triable issue raised, the leave to defend application filed by the respondent is allowed. The respondent is granted leave to contest the present eviction petition."

29. A bare perusal of the aforesaid paragraphs shows that Leave to Defend was granted to the tenant in that case because the two site plans showed entirely different premises as being in the tenant's occupation. That tenancy was of premises on the second floor measuring 300 sq. ft., and the tenant there claimed two rooms against the one portion shown by the landlord. The very identity of the tenanted premises was therefore in dispute. The position in the present case is, however, materially different, as would be evident from the pleadings and the site plans filed by the parties before the learned ARC.

30. The Respondent, in Column No. 8 of the Eviction Petition, described the Tenanted Premises in the following terms:

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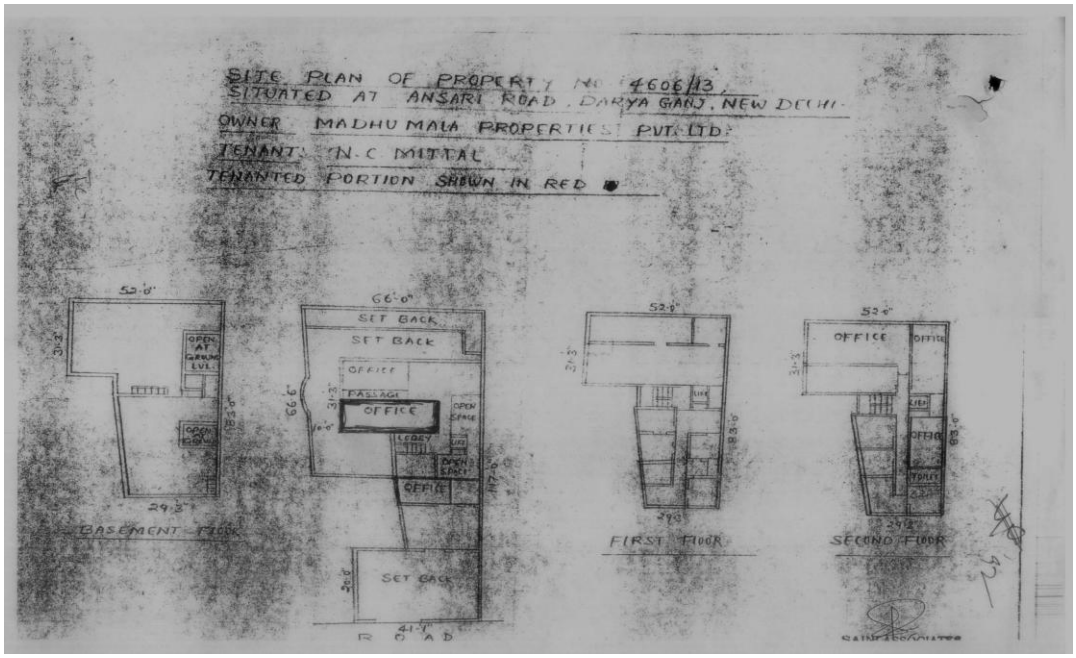
"08	Details of accommodation available together with particulars as regards ground area, garden and out-houses, if any (plan to be attached)	Room situated at Ground Floor measuring 190 sq. ft. of Property bearing No.4606/13, Ansari Road Darya Ganj, New Delhi-110002 as duly shown in red colour in the site plan attached."

31. The site plan filed by the Respondent along with the Eviction Petition is reproduced hereunder:



32. As against the aforesaid, the Petitioner, in Paragraph Nos. 3 and 7 of the Affidavit filed in support of the Application seeking Leave to Defend, pleaded as under:

> "**3.** That on plain reading of the petition it is clear that the petition filed by the petitioner is full of ambiguity, as nothing is clear from the contents of annexure-A that from which portion is situated in which property is required by the petitioner, as alleged in the petition. Since the petition is itself ambiguous one and the same deserves to be dismissed with exemplary cost as the petition filed by the petitioner is nothing but to sheer misuse of process of law.
>
> xxx xxx xxx

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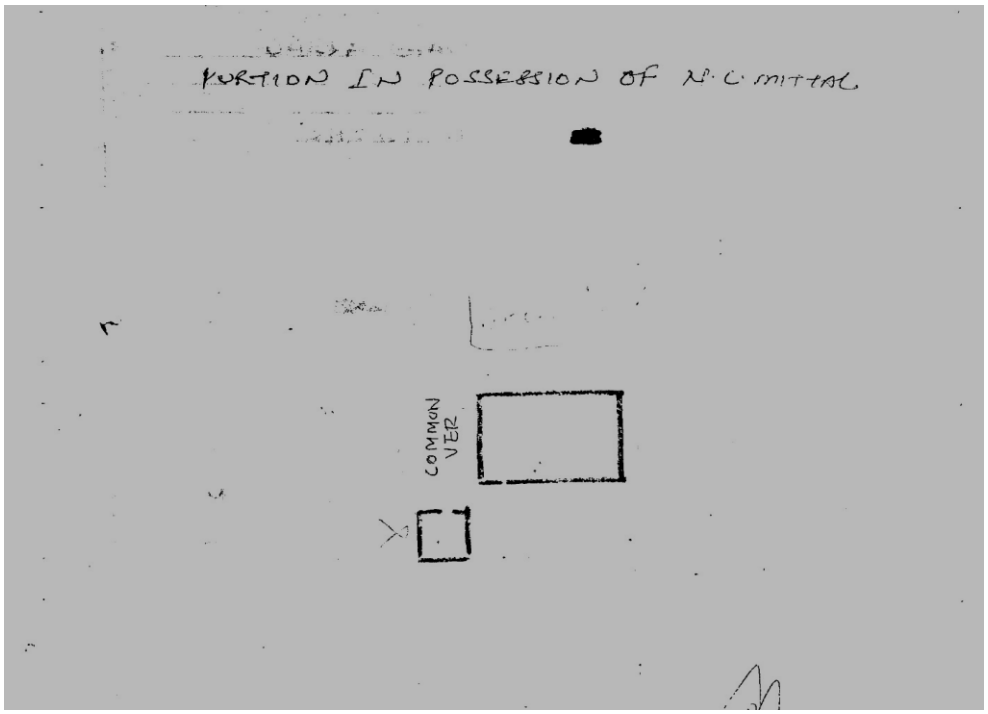
> **7.** That the Site Plan filed by the petitioner is absolutely false, incorrect and the petitioner has deliberately filed a false, misleading and incorrect Site Plan which does not depict the correct and existing property/structure. However, the respondent/applicant is filing the correct Site Plan which itself will show that the petitioner is guilty of suppressing the true, correct and material fact from this Hon'ble Court with a view to mislead this Hon'ble Court, therefore, on this score alone, the petitioner is not entitle for the relief."
>
> ***(Emphasis supplied)***

33. The site plan filed by the Petitioner along with the Application seeking Leave to Defend, depicting the portion stated to be in his possession, is reproduced hereunder:



34. It was only in the Rejoinder filed to the Reply of the Respondent that the Petitioner, for the first time, laid claim to an additional space being used as a bathroom. Paragraph No. 3 of the said Rejoinder reads as under:

> "**3.** That the petitioner has in his para 3 of the counter affidavit has again failed to remove ambiguities and furnish correct specific

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details about the rented portion in possession of the respondent on the Ground Floor of the residential property No.4606/13, Ansari Road, Daryaganj, Delhi-110002 and has also not commented on the correct site plan filed by the respondent thus meaning thereby that the correct position has been filed by the respondent and is admitted by the petitioner. It may be seen from the site plan of the respondents that the premises in possession are actually more than what has been shown in the site plan filed by the petitioner, beside the premises the respondent also is in exclusive possession of additional space measuring 5'X5'being used as bath-room which was constructed by the respondent out of its own funds as per mutual compromise between the parties and these terms were accepted by the petitioner in terms of its letter dated 27.11.2002. The copies of letter from Dr.P.N.Behl dated 16.06.2000 the then owner of the 4606/13, Ansari Road, Daryaganj, New Delhi-2 and letter dated 27.11.2002 are enclosed herewith. Thus these erroneous submissions by the petitioner make the present petition as non-maintainable and liable to be dismissed."

(Emphasis supplied)

35. A comparison of the aforesaid pleadings and site plans bears out the finding returned by the learned ARC. In the Affidavit filed in support of the Application seeking Leave to Defend, the Petitioner did no more than make a bare allegation that the site plan filed by the Respondent was false and incorrect, without specifying in what respect it failed to depict the Tenanted Premises. As rightly noticed by the learned ARC, the Petitioner did not dispute the description of the Tenanted Premises as one room on the ground floor. The only point of difference between the two site plans was a bathroom, which, on the Petitioner's own site plan, lies in the common *verandah*/passage. The Petitioner did not even claim it in the Application for Leave to Defend; the claim surfaced for the first time in the Rejoinder to the Reply.

36. It may also be noticed that the concluding sentence of Paragraph No. 24 of the Impugned Order records that *"the site plan filed by the petitioner seems to be not correct"*. Read in the context of

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the preceding sentences of the very same paragraph, all of which are directed against the tenant, it is evident that the reference to *"petitioner"* is an inadvertent error, and that the learned ARC intended to refer to the site plan filed by the respondent before it, *i.e.*, the Petitioner herein. The said error does not detract from the finding, which is otherwise clearly borne out from the pleadings and site plans reproduced hereinabove.

37. Even if the Petitioner's claim to the said bathroom is taken at its highest, it would, at best, bear on the precise extent of the tenancy. It would neither identify different premises nor have any bearing on the *bona fide* requirement of the Respondent, which extends to the Subject Property in its entirety. The same holds for the plea, raised in rejoinder, that the Tenanted Premises measure more than 190 sq. ft. As already noticed, the averment in the Eviction Petition as to the area of the Tenanted Premises was not denied in the Application seeking Leave to Defend. Each application for Leave to Defend has to be decided on the facts disclosed in the Affidavit of the tenant concerned. The grant of leave to another tenant on facts peculiar to that tenancy cannot, by itself, entitle the Petitioner to leave to defend. The first ground, therefore, does not merit acceptance.

38. Insofar as th*e second* ground is concerned, the learned ARC has, in Paragraph Nos. 21 and 22 of the Impugned Order, dealt with the contention that the Subject Property is residential and cannot be put to use as a guest house. On the basis of the photographs placed on record, the learned ARC noticed that several commercial establishments, including a hotel, operate on the same road. It further noticed that Ansari Road finds mention among the commercial/mixed-

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use streets under MPD-2021. As against this, the only material relied upon by the Petitioner was the Order dated 05.09.1994 passed by Sh. V.K. Jain, learned Metropolitan Magistrate, New Delhi, which predates MPD-2021.

39. In fact, the said order does not support the case of the Petitioner at all. It arose out of a complaint under Section 29(2) read with Section 14 of the Delhi Development Act, 1957 for running an office on the ground floor of the Subject Property. It records the stand of the Petitioner himself that the premises were *"a commercial property which they have taken on rent for commercial purpose"*, and the Petitioner and his firm were convicted for such use. A tenant who has himself put the Tenanted Premises to commercial use, and has asserted them to be commercial, cannot be permitted to contend that the commercial use proposed by the landlord is impermissible. The learned ARC was, therefore, justified in holding that the Petitioner is estopped from raising this plea.

40. The learned ARC has further noticed that the objects of the Respondent company include the business of hotels, restaurants and apartment housekeeping. On that basis, and on the presumption recognised in ***Sarla Ahuja*** *(supra*), it found the requirement of the Respondent to start a guest house in the Subject Property to be *bona fide.* It is not for the tenant to dictate to the landlord the manner in which its requirement is to be met. Whether any license or permission would be required for running a guest house is a matter between the Respondent and the concerned authorities, and does not give rise to a triable issue in proceedings under Section 25-B of the DRC Act. The second ground also, therefore, does not merit acceptance.

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41. Insofar as the *third* ground is concerned, the learned ARC, in Paragraph No. 23 of the Impugned Order, has rightly found the plea of concealment of alternative accommodation to be a bald assertion. The Petitioner did not disclose the address, location or particulars of any property allegedly available to the Respondent. In Paragraph No. 17 of the Affidavit filed in support of the Application for Leave to Defend, the Petitioner admitted that he was *"presently not in position to furnish the complete details of the property"*. No such details were ever furnished, either before the learned ARC or before this Court. The inference sought to be drawn from the book value of the Respondent's assets does not, by itself, establish the existence of any other property. The Respondent, on the other hand, stated on Affidavit that it owns no property other than the Subject Property. A plea of alternative accommodation which does not identify any alternative accommodation cannot give rise to a triable issue. The third ground also, therefore, fails.

42. The Impugned Order, therefore, does not suffer from any absence of adjudication. The learned ARC has considered each of the objections raised before it and has furnished reasons for concluding that they did not give rise to any triable issue. The grounds urged before this Court essentially seek a re-examination of the material already considered by the learned ARC. They do not demonstrate any jurisdictional error, material irregularity, perversity or manifest illegality in the decision-making process.

DECISION:

43. In view of the foregoing discussion, this Court finds no infirmity in the Impugned Order. The findings returned by the learned

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ARC are founded upon the material available on record and cannot be said to be either perverse or so unreasonable as to warrant interference in the exercise of the limited revisional jurisdiction of this Court. The Impugned Order, therefore, does not warrant any interference under the proviso to Section 25-B(8) of the DRC Act.

44. Consequently, the present Petition, being *sans* merit, is dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 05, 2026/tk/DJ

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