



2026:DHC:8859



\$~20

* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 07.10.2026**# **CNR No. DLHC010287672026**

+ RC.REV. 216/2026, CM APPL. 42404/2026 (Stay), CM APPL. 42405/2026 (Ex. From filing certified copy of annexures) & CM APPL. 42406/2026 (Ex.)

SIYA RAM SINGH AND ANR

.....Petitioners

Through: Mr. Sajeev Sagar, Senior Advocate along with Mr. Atul Kumar Sharma, Mr. Kamal Sagar and Mr. Nitin Kumar, Advocates.

versus

SH. VIJAY KUMAR FARSHWAL(DECEASED) THROUGH LEGAL HEIRS

.....Respondent

Through: Dr. R.K. Sharma, Mr. Rakesh Joshi and Mr. Sakshi Mehra, Advocates.

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

%

JUDGEMENT (Oral)**CAV 299/2026**

1. Since appearance has been entered on behalf of the Respondent, the Caveat stands discharged.

RC.REV. 216/2026

2. The present Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, seeks to assail the **Order dated**

¹ DRC Act



2026:DHC:8859



17.04.2026² passed by the learned SCJ-cum-RC, Central District, Tis Hazari Courts, Delhi³ in the Eviction Petition, being RC ARC No. 790/2023⁴, titled “Sh. Vijay Kumar Farshwal (since deceased) through LRs vs. Sh. Siya Ram Singh & Anr.”.

3. By way of the Impugned Order, the Application seeking leave to defend filed by the Petitioners came to be dismissed and, consequently, the Impugned Order came to be passed in favour of the Respondent, with respect to the **tenement comprising of ground floor, first floor and second floor, admeasuring 290 square feet approximately, in property bearing No. 9333, Katra Ganga Bishan, Begh Raoji, Gaushala Marg, Kishan Ganj, Delhi - 110006**⁵.

4. Learned Senior Counsel appearing on behalf of the Petitioners submits that the learned RC has erred in failing to consider that the Subject Premises were, in fact, situated in an area to which the provisions relating to the **Slum Areas (Improvement and Clearance) Act, 1956**⁶, applied and, consequently, the Eviction Petition itself was not maintainable.

5. He further submits that no project plan could have been prepared without the issue of the Subject Premises falling within a slum area being duly considered and the requisite permission having been obtained.

6. *Secondly*, he submits that Khasra No. 502 has been wrongly shown as forming part of the project plan. *Thirdly*, he submits that the

² Impugned Order

³ learned RC

⁴ Eviction Petition

⁵ Subject Premises

⁶ Slum Act



2026:DHC:8859



learned RC has failed to return any finding regarding the financial capability of the Respondent to undertake the development of the Subject Premises, as pleaded by him in the Eviction Petition.

7. **Per contra**, learned counsel appearing on behalf of the Respondent submits that, insofar as the issue regarding the applicability of the provisions relating to slum areas is concerned, the same has been duly considered by the learned RC and, in view of the limited scope of revisional jurisdiction, no ground for interference is made out.

8. With respect to the other two grounds urged by learned Senior Counsel appearing on behalf of the Petitioners are concerned, he submits that neither of these issues was raised by the Petitioners before the learned RC and, in any event, he submits that, the said issues are purely factual in nature and cannot be adjudicated upon in the exercise of the limited revisional jurisdiction of this Court.

9. No other submissions were advanced by the counsels appearing for the parties.

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

11. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioners, 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***

Signature Not Verified

Digitally Signed
By: HARVINDER KAUR
BHATIA
Signing Date: 10/10/2026 11:27:07
RC.REV. 216/2026



2026:DHC:8859



*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, 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

⁷ (1998) 8 SCC 119

⁸ (2014) 9 SCC 78

⁹ (2022) 6 SCC 30

¹⁰ 2024:DHC:9322

¹¹ 2025:DHC:11285



2026:DHC:8859



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 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 RC 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



2026:DHC:8859



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 Petitioners against the Impugned Order are required to be examined.

18. Before advertng to the individual grounds urged by the Petitioners, it would be apposite to note the consideration accorded by the learned RC to the objections raised by the Petitioners in their application seeking leave to defend. The relevant findings of the learned RC, insofar as they pertain to the aforesaid objections, are reproduced hereinbelow:

“16. Respondents have further contended that the present petition is not maintainable as the tenanted premises is in a slum area and petitioner has not obtained permission from concerned Slum Authority. The argument that permission from the Slum Authority has not been taken is also not tenable since it is a settled law that in a petition u/s 14(1)(e) of the DRC Act, permission from the concerned Slum Authority is not required to be taken.

17. Respondents have claimed that the petitioner has not filed correct site plan as he has not disclosed the shops and space available at the ground floor and the first floor of the property concerned. The present petition is filed seeking possession of the tenanted premises and same is depicted in red in the site plan of the petitioner. Any other space apart from the tenanted premises, is not the subject matter of the present eviction petition and therefore, nondepiction of the same in the site plan of the petitioner raises no triable issue.

Requirement of premises bonafide by the petitioner for himself and for members of his family dependent upon him and non-availability of any other reasonably suitable accommodation:

18. Respondents have claimed that the project plan of the educational Institute filed by the petitioner has not been approved by any Government authority and therefore, same does not establish bonafide need of the petitioner. The above contention is found to be devoid of merit for the reason that the petitioner is not expected to obtain approval of the project plan for setting up aforesaid Institute when eviction petitions seeking possession of property/area wherein the same is to be established, are yet to be decided. In other words, when the petitioner has not yet obtained eviction orders qua the space/area wherein said Institution is to be

Signature Not Verified

Digitally Signed
By: HARVINDER KAUR
BHATIA
Signing Date: 10/10/2026 11:27:07
RC.REV. 216/2026



2026:DHC:8859



set up, he cannot be expected to make visits to the concerned authorities to obtain approval of its project plan. The requirement of applying for such approval will arise only after petitioner has got possession of the property concerned. Therefore, at this stage, the above contention raises no triable issue.

19. It is pertinent to mention here that petitioner has annexed the proposed building plan, detailed estimate of cost of proposed construction, time schedule for completion of said construction as well as a project report for setting up the educational Institute. The filing of above documents by the petitioner go on to substantiate his averment that he requires the tenanted premises for bonafide need of enabling his daughter-in-law to set up an educational Institute therein and run the same. Therefore, court finds no reason to doubt the bonafide need of the petitioner as averred in the present petition.”

19. A perusal of the aforesaid findings makes it evident that the objection regarding the applicability of the provisions of the Slum Act was specifically raised before and considered by the learned RC.

20. The learned RC rejected the said objection upon holding that permission from the concerned Slum Authority was not required for maintaining a petition under Section 14(1)(e) of the DRC Act. The contention of the Petitioners, therefore, cannot be characterised as one which was left unconsidered by the learned RC.

21. It is noted that the aforesaid finding of the learned RC is in consonance with the law laid down by the Hon’ble Supreme Court in **Shafait Ali v. Shiva Mal (Dead) by LRs.**¹², wherein it has been held that, in view of the special procedure contained in Chapter III-A of the DRC Act, the provisions of the Slum Act stand rendered inapplicable to the extent of any inconsistency and, consequently, no prior permission of the Competent Authority under Section 19(1)(a) of the Slum Act is required before instituting proceedings for eviction under Section 14(1)(e) of the DRC Act.

¹² (1987) 3 SCC 728



2026:DHC:8859



22. The objection raised by the Petitioners on this score, therefore, does not disclose any error in the Impugned Order warranting interference in the exercise of the limited revisional jurisdiction of this Court.

23. Insofar as the objection regarding the project plan is concerned, the learned RC has also specifically considered the contention that the project plan had not been approved by any Government Authority, and found that, since the Respondent herein was yet to obtain possession of the premises from which the proposed educational institute was to be established, he could not be expected to obtain approval of the project at that stage.

24. The aforesaid findings cannot, in the considered view of this Court, be said to suffer from any jurisdictional error, perversity or manifest illegality. The learned RC has considered the material placed before it and has returned findings on the objections which were specifically raised in the application seeking leave to defend.

25. The other two grounds urged before this Court, *namely*, that Khasra No. 502 has been wrongly shown as forming part of the project plan and that there is no finding regarding the financial capability of the Respondent to undertake the proposed development, do not appear to have been raised before the learned RC. The application seeking leave to defend, as noticed in the Impugned Order, raises objections regarding the approval of the project plan and the availability of alternate accommodation, but does not disclose either of these specific grounds.

26. In these circumstances, this Court cannot be called upon, in exercise of its limited revisional jurisdiction under the proviso to



2026:DHC:8859



Section 25-B(8) of the DRC Act, to undertake an examination of factual objections which were not urged before the learned RC in the first instance. Therefore, no error can be attributed to the Impugned Order on account of the learned RC not having returned findings on grounds which were never placed before it for adjudication.

27. The challenge raised by the Petitioners, insofar as it pertains to the Slum Act objection, therefore, does not disclose any infirmity in the decision-making process of the learned RC. The said objection was expressly considered and rejected. The remaining objections, having not been raised before the learned RC in the manner now sought to be urged, cannot furnish a basis for interference in the present revision.

28. The learned RC further took note of the proposed building plan, detailed estimate of the cost of construction, time schedule and project report filed by the Respondent and, on that basis, found no reason to doubt the *bona fide* requirement projected in the Eviction Petition.

29. This Court agrees with the contention of the learned counsel appearing on behalf of the Respondent that factual issues which were never even raised before the learned RC cannot form the subject matter of the contestation in the revision petition.

30. The findings returned by the learned RC are founded upon the material available on record and cannot be said to be either perverse or so unreasonable as to warrant interference in 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 Act.

31. Consequently, the present Petition, being *sans* merit, is

Signature Not Verified

Digitally Signed
By: HARVINDER KAUR
BHATIA
Signing Date: 10/10/2026 11:27:07
RC.REV. 216/2026



2026:DHC:8859



dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 07, 2026/tk/jk

Signature Not Verified

Digitally Signed
By: HARVINDER KAUR
BHATIA
Signing Date: 10/10/2026 11:27:07
RC.REV. 216/2026