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

Date of decision: 11.08.2026

CNR No. DLHC010163022025

+ RC.REV. 101/2025, CM APPL. 17789/2025 (Stay), CM APPL. 23026/2026 (Early Hearing), CM APPL. 51820/2026 (Seeking permission to place on record certain documents) & CM APPL. 51821/2026 (Ex.)

ASHOK KUMARPetitioner
Through: Mr. Vivek Singh & Mr. Aman
Jain, Advocates.
versus

HOTEL ZODIAC PVT LTDRespondent
Through: Mr. Ajay Gupta, Advocate.

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CNR No. DLHC010163032025

+ RC.REV. 102/2025, CM APPL. 17791/2025 (Stay), CM APPL. 22421/2026 (Early Hearing), CM APPL. 51823/2026 (Seeking permission to place on record certain documents) & CM APPL. 51824/2026 (Ex.)

ASHOK KUMAR AND ANR.Petitioners
Through: Mr. Vivek Singh & Mr. Aman
Jain, Advocates.
versus

HOTEL ZODIAC PVT. LTD.Respondent
Through: Mr. Ajay Gupta, Advocate.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

% **JUDGEMENT (Oral)**

1. The present Petition, being RC.REV. 101/2025, filed under



Section 25-B(8) of the **Delhi Rent Control Act, 1958**¹, assails the Judgment dated 14.10.2024 passed by the **learned CCJ-cum-ARC, Central District, Tis Hazari Courts, Delhi**², in Eviction Petition No. RC ARC 201/2019, titled “*Hotel Zodiac Pvt. Ltd. v. Ashok Kumar*”, whereby the Application filed by the Petitioner seeking leave to defend came to be dismissed and an Order of eviction was consequently passed, with respect to one shop at ground floor, in the property bearing Municipal No. 7A/5, WEA, Karol Bagh, in favour of the Respondent.

2. The present Petition, being RC.REV. 102/2025, filed under Section 25-B(8) of the DRC Act, assails the Judgment dated 14.10.2024 passed by the learned ARC in Eviction Petition No. RC ARC 200/2019, titled “*Hotel Zodiac Pvt. Ltd. v. Ashok Kumar Pradeep Kumar*”, whereby the Application filed by the Petitioners seeking leave to defend came to be dismissed and an Order of eviction was consequently passed, with respect to one shop at ground floor, in the property bearing Municipal No. 7A/5, WEA, Karol Bagh, in favour of the Respondent.

3. Although the present Petitions arise from two separate **Eviction Petitions, being RC ARC 201/2019 and RC ARC 200/2019**³, and the **respective Judgments dated 14.10.2024**⁴ passed therein, the matters are substantially identical in their factual and legal background. Both Eviction Petitions concern **shops situated on the ground floor of the same property bearing Municipal No. 7A/5,**

¹ DRC Act

² Learned ARC

³ Eviction Petitions

⁴ Impugned Judgements



WEA, Karol Bagh, Delhi⁵, and eviction was sought on the same ground of *bona fide* requirement. The grounds urged by the respective Petitioners in their Applications seeking leave to defend are also substantially common, and the findings returned by the learned ARC in the Impugned Judgments are, *mutatis mutandis*, identical.

4. It is also relevant to note that, during the course of hearing, learned counsel appearing for the parties have agreed to and addressed their submissions collectively with reference to both the Impugned Judgments. In view of the aforesaid commonality of facts, pleadings, issues, submissions and findings, both the present Petitions are being considered together and are disposed of by this common Judgment.

5. At this juncture, this Court takes note of the fact that the present matter was heard substantially on 07.08.2026 and after having advanced arguments for a considerable period of time, learned counsel appearing on behalf of the Petitioners submitted that he would seek instructions only with regard to the time within which the Petitioners would vacate the subject premises.

6. This Court also notes that, even earlier, on 27.03.2025, after substantial arguments had been advanced, the Petitioners had similarly sought time to vacate the subject premises. However, despite the aforesaid Order dated 27.03.2025, as also the subsequent Order dated 07.08.2026, both of which record the stand taken on behalf of the Petitioners with regard to vacating the subject premises, the Petitioners have, once again, sought to resile from the aforesaid position and now seek adjudication of the present Petitions on merits.

7. This Court is of the view that such conduct on the part of the Petitioners cannot be countenanced. The repeated seeking of time to

⁵ Subject premises



vacate the subject premises, in the facts of the present case, clearly indicates that the learned counsel for the Petitioner was not pressing the challenge itself and that the Petitioners were seeking an indulgence from this Court for the purpose of securing time to vacate the subject premises.

8. It is also significant to note that on the earlier occasion, *i.e.*, on 27.03.2025, a different counsel had appeared on behalf of the Petitioners, whereas on the present occasion, *i.e.*, on 11.08.2026, another counsel appears on their behalf. Thus, on two separate occasions, and through two different sets of counsel, a similar course of conduct has been adopted on behalf of the Petitioners. Such conduct is, to say the least, unfortunate and cannot be permitted to frustrate the proceedings before this Court.

9. In view of the aforesaid conduct, this Court is not inclined to grant any further indulgence to the Petitioners or to permit them to resile from the position which was repeatedly placed before this Court.

10. Nonetheless, this Court shall now proceed to consider the challenge raised in the present Petitions on merits, and dispose of these matters finally.

SUBMISSIONS ON BEHALF OF THE PARTIES ON MERITS:

11. The submissions advanced on behalf of the Petitioners primarily assail the finding of the learned ARC with respect to the *bona fide* requirement pleaded by the Respondent and the rejection of the triable issues raised in the Applications seeking leave to defend.

12. Learned counsel for the Petitioners submits that the Respondent-company had admittedly not been carrying on any business at the relevant time and had not placed before the learned ARC any concrete or contemporaneous material demonstrating the



nature, proposed manner or commercial basis of the business which it intended to commence from the subject premises.

13. It is contended that the mere assertion that the Respondent-company proposes to commence “*some business*” and may undertake one of several possible commercial activities cannot, in the facts of the present case, be treated as sufficient to establish a *bona fide* requirement, particularly when the Respondent itself, admittedly, had no existing business. Learned counsel for the Petitioners submits that absence of any definite business proposal, coupled with the multiplicity of business options pleaded by the Respondent, constituted a triable issue, and therefore material circumstance warranting an opportunity to contest the Eviction Petitions.

14. It is further contended that the learned ARC failed to appreciate the inherent inconsistency between the requirement pleaded by the Respondent and the relief sought in the individual Eviction Petitions. Having pleaded a requirement of approximately 4,000 sq. ft. on the ground floor, whereas the total area on the ground floor of the subject premises is not more than 3321.97 sq ft. only, and that the area of the two shops, which are the subject matter of the present Petitions, is much lesser. The learned ARC, instead of examining whether the subject premises could independently satisfy the requirement pleaded, treated the figure of 4,000 sq. ft. as a mere rough estimation and proceeded on the assumption that the Respondent would ultimately adjust itself upon obtaining possession of premises from other tenants.

15. Learned counsel for the Petitioners submits that this approach effectively permits the Respondent to establish its prospective *bona fide* requirement by aggregating future relief from separate Eviction Petitions and, therefore, raises a material issue as to whether the



subject premises, by itself, answers the requirement pleaded in the present Eviction Petition.

16. Learned counsel for the Petitioners further submits that the Respondent had other premises which could have been utilised for the alleged business sought to be commenced. Learned counsel submits that the particulars of such properties were placed before the learned ARC, and that the Respondent was required to explain why such premises did not constitute reasonably suitable alternative accommodation.

17. It is submitted that the learned ARC failed to properly examine these objections and proceeded principally on the premise that the *“landlord is the best judge of its requirement”*. Learned counsel for the Petitioners, accordingly, submits that the question of suitability of the alternative premises raised a triable issue which could not have been conclusively rejected at the stage of consideration of leave to defend.

18. Learned counsel for the Petitioner also submits that the site plan relied upon by the Respondent does not correctly depict the physical configuration of the property, since the said site plan fails to disclose that the property comprises a superstructure of two floors, excluding the ground floor, which includes commercial spaces, whereas the site plan relied upon by it does not correctly reflect the same. It is submitted that the alleged incorrect depiction of the property assumes significance while determining the Respondent’s actual requirement and the availability and suitability of other portions of the property and, therefore, constitutes a triable issue.

19. Learned counsel for the Petitioners further submits that the Respondent, being a private limited company, is governed by its



constitutional and corporate documents. It is contended that the **Memorandum of Understanding**⁶ placed on record by the Respondent before the learned ARC was incomplete and did not disclose the complete range of business activities which the Respondent was authorised to undertake. Learned counsel for the Petitioners, accordingly, submits that the absence of the complete document assumes significance in assessing whether the business requirement pleaded in the Eviction Petition was genuine and whether the proposed activities could, in fact, be undertaken from the subject premises.

20. **Per contra**, learned counsel appearing on behalf of the Respondent supports the Impugned Judgments and submits that no interference is warranted in the present Revision Petitions.

21. It is submitted that the grounds urged by the Petitioners are, in substance, an attempt to re-agitate the very issues which were raised before and duly considered by the learned ARC. The Petitioners, under the guise of revisional scrutiny, seek a re-appreciation of the material and evidence on record, which is impermissible within the limited scope of jurisdiction exercised by this Court under the *proviso* to Section 25-B(8) of the DRC Act.

22. Learned counsel for the Respondents further submits that each of the objections now sought to be urged before this Court was available to, and was in fact raised before, the learned ARC. Upon considering the same, the learned ARC has returned findings thereon and rightly concluded that no triable issue was made out warranting grant of leave to defend. The present Petitions, therefore, disclose no error in the decision-making process warranting interference in

⁶ MoU



exercise of the revisional jurisdiction of this Court.

23. Learned counsel submits that the objections raised by the Petitioners do not disclose any substantial or *prima facie* defence which would disentitle the Respondent from obtaining an Order of eviction. It is submitted that the learned ARC has correctly applied the settled parameters governing grant of leave to defend and, upon finding that the Petitioners had failed to raise any triable issue supported by cogent material, rightly dismissed the Applications and proceeded to pass the Eviction Order.

ANALYSIS:

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

25. 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 25B(8) of the DRC Act.

26. 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.

27. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in ***Pankaj***

⁷ (1998) 8 SCC 119

⁸ (2014) 9 SCC 78

⁹ (2022) 6 SCC 30



Pahwa v. Prem Wati & Ors.¹⁰, and ***Sanjeev Hiranandani v. Sunny Grover***¹¹.

28. 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. 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.”

29. 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

¹⁰ 2024:DHC:9322

¹¹ 2025:DHC:11285



this Court is not expected to substitute or supplant its view for that of the learned ARC/RC. 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.

30. 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 Orders suffer from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC/RC is wholly unreasonable or founded upon an erroneous premise of law.

31. The relevant portion of the Impugned Order passed in RC.REV. 101/2025, whereby the learned ARC has rejected the Petitioner's applications seeking leave to defend, is reproduced herein below. The corresponding findings in the Impugned Order passed in RC.REV. 102/2025 are, *mutatis mutandis*, the same:

“8. In respect of bonafide needs, petitioner has clearly shown its requirement in the petition which is reproduced as under:

“6. That the tenanted premises is required to the Petitioner company for commercial business activity which can be run only at Ground floor and therefore Petitioner require the tenanted premises for bonafide need.

7. That presently petitioner company does not have any business as whatsoever business petitioner company starts to do the same could not be continue for the reason that all the corners and front of the building / property in question has been occupied by various tenants as the same has been categorically shown in the site plan attached.



2026:DHC:6738



9. That the Petitioner Company could have run the business by way of display of their goods i.e. refrigerator, LED screen and other Electric Gazettes as the premises in question is situated at most suitable and at prime location at main road of Karol Bagh which is also the hub of electronic goods.

12. That the petitioner company could have also run the business of departmental store as the suit premises in question is situated in busy vicinity of Karol Bagh and various residents are also residing therein but again the condition hurdle before the Petitioner is better façade and more space in the building. As submitted hereinabove the building is situated in busy vicinity of Karol Bagh and in case Petitioner open consumer store of various items such as fruits, cosmetics, grocery, general- merchant, wearing apparels, etc. then Petitioner could have run its business smoothly as all the residents of Karol Bagh and Walled City will purchased those items from the petitioner company which will be not only helpful for the promotion of the business of the petitioner but also for the residents of the locality.

14. That the Petitioner Company could have also run the business of selling electronics products such as Television, Electric Gazettes, Refrigerator, Washing Machine, VCD, Mobiles, etc. as the building in question is situated in busy vicinity of Karol Bagh which is one of the biggest markets of Delhi for sale of Television, Electric Gazettes, Washing Machine, etc.”

9. Apart from terming the need as malafide, illogical, not in-presentai etc., the respondent has not stated as to why a company cannot obtain vacant possession of its properties with a view to start any kind of business. Petitioner has clearly indicated several options which it can resort to for the purpose of business. Respondent does not claim that none of the business so mentioned in the petition can be run from the property. There may be chances that due to some government restrictions, some of the business may not be run but there is nothing on record to show that none of the aforesaid business can be run.

10. This court is further of the view that a petitioner is not required to provide details of nature of business. In **Balwant Singh Chowdhary vs Hindustan Petroleum Corporation Ltd.**, 2004 (1) RCR 487, it was held that “It is not necessary for the landlord to plead and prove the specific business he wants to set up, if the landlord wanted the premises for business purposes”. In **Gurcharan Lal Kumar vs Srimati Satyawati** 2013 (2) RCR



(Rent) 120 it was observed that “Merely because the exact nature of business has not been described would not take away their bonafide need to carry out a business”. In **Raj Kumar Khaitan v. Bibi Zubaida Khatun** (1997) 11 SCC 411, it was observed that “It was not necessary for the appellants-landlords to indicate the precise nature of the business which they intended to start in the premises. Even if the nature of business would have been indicated nobody would bind the landlords to start the same business in the premises after it was vacated”.

11. Then the respondent has tried to contend that total area of property is less than 4000 sq. ft. and as such, the need of the petitioner will not be fulfilled even after evicting everyone whereas even one shop no.11 is not under ownership of the petitioner which will further decrease the area and as such, the need of the petitioner becomes malafide. This court is of the view that respondent is trying give a very strict interpretation to the expression “4000 sq. fts.” mentioned in paragraph-16 of Annexure-A to the eviction petition. It is clearly a rough estimation and it is for the petitioner to accommodate itself in the space which it would be able to recover from several tenants. This court does not find any merit in the opposition raised by the respondent.

12. From the aforesaid, it is clear that the petitioner has been able to show the bonafide requirement whereas the respondent has not been able to demolish the same by any cogent material.

Alternate suitable accommodation:-

13. Coming then to the third ingredient which is availability of other suitable property. As regards the issue of availability of alternative accommodation, it is to be seen that the provisions of Section 14(1)(e) of the DRC Act have been provided with care by the legislature, not only is the accommodation to be ‘alternate’, but it is also required to be suitable. The Supreme Court in the **Shiv Sarup Gupta vs Dr. Mahesh Chand Gupta** AIR 1999 SC 2507 case has held that for an Eviction Petition to fail on the ground of availability of alternate suitable accommodation, the availability of another accommodation shall be suitable and convenient in all respects as the tenanted accommodation from which the landlord seeks eviction of the tenant.

14. Respondent has firstly contended that petitioner is in possession of some shops on the ground floor of the property. There is some dispute between the parties about the exact position, for example, respondent in rejoinder has stated that sale deed shows that shop no.8 and 14 are shown in possession of some persons but in the site plan, the same have been shown to be in possession of some other persons which could not have been possible. Respondent is



basically hinting that some shops are in possession of the petitioner and it is just trying to show possession of others.

15. However, when the petitioner's requirement goes somewhere to 4000 sq. ft. on the ground floor for starting its business, it is basically immaterial that it has some shops in its possession. It is not the case of the respondent that those shops are measuring about 4000 sq. ft. Therefore, respondent will not be able to take any benefit even if claim of possession of some shops is accepted.

16. It seems that petitioner has further recovered some shops through eviction petitions. However, instead of going against the petitioner, the same is favouring it because such eviction will show that petitioner is genuinely requiring the property for its business and the courts have accepted its bonafide.

17. Respondent then claims that petitioner has available space on upper floors of the same property. Petitioner has already indicated about the non suitability of first floor. So far as the second floor is concerned, there is some dispute between the parties about its exact status.

18. This court is of the view that a tenant cannot decide as to what would be suitable. It is for the landlord to take a decision. Hon'ble Delhi High Court in **Vandana Gupta vs Surender Kumar** dated 17.05.2024 has observed "It is no longer res integra that landlord is the best judge when it comes to deciding suitability of the premises available to him for his requirement. Neither the tenant nor even the court can dictate the landlord as to which of the premises available to him should be used to meet his requirement". Clearly therefore if the landlord says that first floor is not suitable, the same has to be accepted and the tenant cannot be allowed to dictate otherwise. If the landlord says that its requirement would be satisfied with the available options i.e. by claiming portions from the tenants of ground floor, court cannot compel it to use other floors. It is for the landlord to adjust in the property in any manner as it may wish and not for the tenant to say otherwise. This court is of the opinion that neither the court nor the tenant can sit in the armchair of the landlord and take a decision about the usage of property or its practical requirements about total space.

19. It may be noted that in paragraph-10 of the Annexure-A providing grounds for eviction, petitioner have specifically stated that ground floor is always suitable in all manner. It is a common knowledge that business on the ground floor will attract more customers and will be more beneficial than that on upper floors (see **Dhannalal vs Kalawatibai** (2002) 6 SCC 16, **Uday Shankar Upadhyay vs Naveen Maheshwari**, (2010) 1 SCC 503, **ViranWali vs Kuldeep Rai Kochhar** 174 (2010) DLT 328). In



such circumstances, a tenant cannot compel the landlord to opt for upper floors and allow him to utilize the ground floor.

20. Respondent has also enlisted some properties to show that the petitioner has alternate accommodation. Respondent claims that property no.6A/8, 42A, 28/35, 7/23, 29 on different locations are available to the petitioner. Respondent has also stated that first floor of regal building is available to the petitioner. However, in reply, the petitioner has denied the claim and has stated that it has no concern with such property. Respondent has not brought any material to show that these properties belong to the petitioner let alone availability of vacant possession. It appears that respondent is labouring under some kind of misconception due to the fact that some of the properties might be under ownership of directors of the petitioner company or some sister concerns. Present petition has been filed by a private limited company which has juristic existence separate from its directors and also from any sister concern. In such circumstances, these properties cannot be treated as available to the petitioner which is a separate entity.

21. Respondent has then claimed that property no. 7A/47 was purchased by the petitioner company. Petitioner has denied having any concern with this property. Respondent in the rejoinder has relied upon sale deeds which actually show that this property was purchased by the petitioner. It however appears from the rejoinder of the respondent itself that this property was sold by the petitioner in the year 2003. Instant petition was filed in the year 2019 and therefore, this court is of the view that a property which was disposed of in the year 2003 cannot be treated as available to the petitioner nor can it show any malafide on the part of the petitioner.

22. Respondent has pointed towards a property no. B-101 situated in Rajasthan. This court is however of the opinion that the petitioner company since wants to start business in Delhi, a property in Rajasthan cannot be treated as alternate accommodation for the purpose of Section 14 of DRC Act.

23. It is clear that respondent has not been able to show that the petitioner has any kind of alternate suitable accommodation to satisfy its bonafide need.

24. Ld. Counsel for respondent has relied upon numerous judgments. However, this court is of the view that de-hors the factual position, any judgment cannot be applied. On the factual score, the respondent has not been able to dispute the need of the petitioner company about starting a business. A company will always want to do some or the other business for making or enhancing its profits. Such profit is the basis of existence of any private company and therefore, no one can be allowed to create any type of interference in the goal of a company. If a private company



wants to make profit, it will certainly need some space to run its business which may be of any kind. It is of no concern of any tenant as to what business the company would run or in what manner. Once a company owns an immovable property, it will have a right to enjoy the property and make profit therefrom in the manner it desires. Simply because some portion of the property is in occupation of a tenant, the company cannot be interdicted from achieving its goal. Unless the tenant is able to show that company can fulfil its purpose of business from some alternate site under its ownership, fundamental right of business cannot be curtailed on flimsy grounds. In the instant case, the factual position is clear that respondent has not been able to show the availability of alternate accommodation. This court does not find any help from the judgments relied upon by the respondent.

25. Respondent has also tried to say that petitioner just wants to get the property so that it can reconstruct and sale/re-let the same. This court is of the opinion that such claim is hardly material. A landlord who seeks eviction on a particular bonafide needs has to possess the vacated property for the same need and cannot rent it out again nor can sale the same. If it does so, the tenant will be entitled to re-enter the property with the help of Rent Controller through Section 19 of DRC Act. Remedy against any future mischief being available in law, the apprehension of tenant cannot be a ground for putting the landlady at present to go for a full dress trial.

26. In the case in hand, the landlord has clearly established all the necessary ingredients for getting an order of eviction on the ground of bonafide needs. Hon'ble Supreme Court in **Inderjeet Kaur vs Nirpal Singh** (2001) 1 SCC 706, has specified that the Leave to Defend to a tenant cannot be granted on mere asking or in a routine manner as it will defeat the very object of the special provisions contained in Chapter III-A of the Act and what has to be seen while granting leave to defend is that there is a strong prima facie case against the landlord who is seeking eviction. Herein, the tenant has not been able to show any prima facie case. He cannot be granted any leave.

27. In view of the aforesaid discussion, leave to defend application is rejected. Eviction petition is consequently allowed and it is directed that the tenant shall handover the vacant possession of tenanted premises i.e. **One Shop, situated at Ground Floor, in property municipal No. 7A/5, Situated at WEA Karol Bagh, New Delhi**, as shown in the red colour in the site plan, to the landlord. There shall be no order as to costs. In view of the provisions of Section 14 (7) DRC Act, 1958, this order for recovery for possession shall not be executed before expiration of a period of 6 months from this date.”



32. Adverting to the facts of the present case, the principal contention urged on behalf of the Petitioners is that the Respondent-company had not disclosed the precise nature of the business which it proposed to commence from the subject premises and that the reference to several possible commercial activities rendered its requirement vague and incapable of being regarded as *bona fide*. The submission, however, cannot be accepted.

33. From a perusal of the afore-extracted discussion of the learned ARC, it is evident that the learned ARC has specifically dealt with this aspect and has rightly noticed that the law does not require a landlord seeking the premises for commencement of business to disclose, with precision, the exact nature of the business which would ultimately be undertaken. The requirement is to be examined in the context of the *bona fide* need pleaded and not by requiring the landlord to bind itself to a particular business activity at the inception. The Respondent has categorically pleaded that it requires the subject premises for commencing commercial activities and has also disclosed the nature of businesses which it may undertake therefrom. The mere fact that more than one possible business activity has been indicated cannot, by itself, render the requirement *mala fide*.

34. This Court is also unable to accept the submission that the Respondent's absence of an existing business, at the relevant time, detracts from the *bona fide* nature of its requirement. A landlord seeking premises for commencing a business cannot be expected to first establish the existence of that very business for which the premises are sought. The learned ARC has, therefore, correctly held that the Petitioners had not placed any material to demonstrate that the business activities proposed by the Respondent were inherently



incapable of being carried on from the subject premises or that the requirement pleaded was merely a pretext for seeking eviction.

35. The contention with respect to the area of approximately 4,000 sq. ft. also does not, in the considered view of this Court, give rise to a triable issue. The learned ARC has noticed that the reference to 4,000 sq. ft. was an estimation of the space required by the Respondent on the ground floor and was to be considered in the context of the Respondent's stated requirement to recover possession of portions of the property presently occupied by different tenants. The fact that the individual subject premises may not, by itself, admeasure the entire area of approximately 4,000 sq. ft. cannot, therefore, render the requirement pleaded in respect of the subject premises inherently contradictory or mala fide.

36. More importantly, the Petitioners have not been able to demonstrate how the aforesaid discrepancy, even if assumed to exist, would materially displace the Respondent's pleaded requirement for the subject premises. The objection essentially proceeds on a mathematical comparison between the estimated total area required and the area of the individual shop. Such an approach, particularly at the stage of consideration of leave to defend, cannot be permitted to defeat an otherwise specifically pleaded requirement where the Respondent has sought possession of portions of the same property occupied by different tenants. The learned ARC was, therefore, justified in declining to treat the aforesaid objection as constituting a triable issue.

37. The next submission concerns the availability of alternative accommodation. The Petitioners have relied upon various properties which, according to them, were available to the Respondent and could



have been utilised for the proposed business. The learned ARC, however, examined the properties so relied upon and found that the Petitioners had failed to place on record cogent material establishing either the ownership of the Respondent-company or the availability of vacant possession thereof.

38. The aforesaid finding is essentially one based upon the material placed before the learned ARC. No material has been shown before this Court which would demonstrate that the said finding suffers from any perversity, jurisdictional error or patent illegality. A private limited company possesses a juristic personality distinct from its directors and sister concerns. The learned ARC has, therefore, rightly examined whether the properties relied upon by the Petitioners were shown to be available to the Respondent-company itself.

39. Insofar as property bearing No. 7A/47 is concerned, the learned ARC has noticed that although the Petitioners relied upon documents showing that the property had at one stage been purchased by the Respondent, the material placed on record itself demonstrated that the property had subsequently been sold in the year 2003, whereas the Eviction Petition was instituted in the year 2019. A property which had ceased to belong to the Respondent long before institution of the Eviction Petition could not, in the absence of any material to the contrary, constitute reasonably suitable alternative accommodation available to it at the relevant time.

40. Likewise, the property bearing No. B-101 in Rajasthan could not, in the facts of the present case, be treated as an alternative accommodation merely because it may be owned by the Respondent. The requirement pleaded by the Respondent was for commencing business in Delhi and the learned ARC has rightly examined the



suitability of the alleged alternative accommodation in that context. The Petitioners have not demonstrated any error in the aforesaid approach.

41. The objection regarding the upper floors of the property also does not advance the case of the Petitioners. The Respondent had specifically pleaded that the ground floor was suitable for the proposed commercial activity, particularly having regard to its accessibility and commercial utility. The learned ARC has considered the said objection and accepted the Respondent's stated preference for the ground floor. The Petitioners cannot, merely by asserting that the Respondent could utilise the upper floors, compel the Respondent to alter the manner in which it proposes to utilise its own property.

42. The next contention concerns the alleged incorrect site plan and the assertion that the Respondent had failed to disclose the existence of a two-floor superstructure containing commercial spaces. This objection too does not, in the facts of the present case, disclose a triable issue. The Petitioners have not demonstrated how the alleged discrepancy in the depiction of the property would establish either that the subject premises are not required by the Respondent or that some other reasonably suitable accommodation is actually available to it. A mere allegation that the site plan is not correctly depicted, unsupported by material demonstrating the consequence of such alleged discrepancy upon the Respondent's bona fide requirement, cannot by itself warrant leave to defend.

43. Similarly, the contention regarding the MoU does not disclose any substantial defence. The Petitioners seek to draw an inference against the *bona fide* requirement from the alleged incompleteness of the document and the absence of a complete enumeration of



permissible business activities. However, no material has been demonstrated to show that the Respondent is legally precluded from undertaking the commercial activities pleaded in the Eviction Petition or that the proposed use of the subject premises is impermissible under its governing documents. The objection, therefore, remains at the level of an assertion and does not disclose a triable issue.

44. What is significant is that the objections raised by the Petitioners are not founded upon any material which, if proved, would necessarily disentitle the Respondent from obtaining an Order of eviction. They principally seek a more detailed examination of the Respondent's proposed business, a re-assessment of the area required by it, a reconsideration of the suitability of various properties and a fresh examination of the site plan and corporate documents. Such an exercise would necessarily involve re-appreciation of the material on record, which is outside the limited revisional jurisdiction of this Court under the proviso to Section 25-B(8) of the DRC Act.

45. At the stage of considering an Application seeking leave to defend, the Court is not required to conduct a mini-trial or to finally adjudicate every assertion made by the tenant. What is required to be seen is whether the defence disclosed raises a real and *bona fide* triable issue, supported by such material as would warrant the matter proceeding to trial. In the present case, the learned ARC has considered each of the principal objections raised by the Petitioners and has recorded reasons for concluding that no such triable issue was made out. The Petitioners have not demonstrated that the said conclusions suffer from any manifest illegality, perversity or material irregularity.

46. It is also material that the learned ARC did not reject the



Applications seeking leave to defend merely on the basis of the Respondent being the landlord or by mechanically applying the principle that the landlord is the best judge of its requirement. The Impugned Judgments disclose consideration of the objections regarding the nature of the proposed business, the area required, the alleged alternative properties, the upper floors of the subject property and the other circumstances relied upon by the Petitioners. The findings returned thereon are based upon the material available before the learned ARC and cannot be characterised as suffering from an error apparent on the face of the record.

47. This Court is, therefore, of the considered view that the Petitioners have failed to demonstrate the existence of any triable issue which was either overlooked by the learned ARC or erroneously rejected in a manner warranting revisional interference. The grounds urged before this Court essentially invite a re-appreciation of the material already considered by the learned ARC, which this Court cannot undertake in exercise of the limited jurisdiction under the proviso to Section 25-B(8) of the DRC Act.

48. Consequently, this Court finds no infirmity in the Impugned Judgments dated 14.10.2024 passed by the learned ARC, whereby the Applications seeking leave to defend were dismissed and the Eviction Orders were consequently passed in favour of the Respondent.

DECISION:

49. Accordingly, the present Petitions, being devoid of any merit, stand dismissed.

50. The present Petitions, along with pending Application(s), stand disposed of in the above terms.

51. Considering the conduct of the Petitioner by seeking to resile



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from its stand of ascertaining the time required on two occasions, the Court deems it fit to impose costs of Rs. 10,000/- for each petition, making it a total of Rs. 20,000/- payable within a period of three (03) weeks from the date of judgment to the Delhi High Court Bar Association.

52. A photocopy of this Order be kept in connected matter.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 11, 2026/tk/DJ