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

Date of decision: 13.10.2026

CNR No. DLHC010231222025

+ RC.REV. 138/2025, CM APPL. 24101/2025 (Stay), CM APPL. 24102/2025 (Ex.) & CM APPL. 24103/2025 (Ex. From filing entire TCR record)

G.SELVI & ORS.

.....Petitioners

Through: Mr. Rishabh Kapur and Ms. Priyanshi Goel, Advocates.

versus

RAMESH CHAND SHARMA

.....Respondent

Through: Mr. G.P. Sharma and Mr. Kartikaiya Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **JUDGEMENT (Oral)**

1. The present Rent Control Revision Petition has been filed under Section 25B(8) of the Delhi Rent Control Act, 1958, seeking the following reliefs:

“(i) Set aside the Impugned Judgment dated 26.11.2024 passed by the Ld. ACJ-cum- CCJ- cum- ARC, South-West District, Dwarka Courts, New Delhi in ‘Ramesh Chand Sharma v G. Selvi & Ors., RC ARC 17/2023 for the reasons stated hereinabove; and

(ii) pass any other order or direction as this Hon’ble Court may deem fit and appropriate in the facts and circumstances of the present case.”

Signature Not Verified

Signed By: HARVINDER KAUR BHATIA
RC.REV. 138/2025
Signing Date: 21.10.2026
15:04:30



2. Learned counsel appearing for the Petitioner confines his challenge to the judgment to the following:

I) Learned counsel for the Petitioner submits that as is apparent from the legal notice dated 18.01.2023, the monthly rent of the premises, which is stated to be the ground floor and first floor, when taken collectively, exceeded the limit of Rs. 3,500/- as has been prescribed for the **learned Rent Controller**¹ to assume jurisdiction.

He submits that the bifurcation of the two floors was *mala fide* and was only for the purpose of ensuring that the same does not fall foul of the provisions of the DRC Act.

II) Secondly, he submits that the *bona fide* requirement of the Petitioner is not made out since the *bona fide* requirement, as stated in the eviction petition, encompasses both residential and commercial need and such a mixing of the two stated requirements cannot be done in an eviction petition.

III) He further submits that the Respondent has an alternate accommodation, as he owns another property in Janakpuri. He submits that this alternate accommodation is evident from the affidavit that is filed in support of the eviction petition. He submits that the stated premises situated at WZ-76, Possangi Pur Village, Janak Puri, New Delhi-110058, comprises a four-storey building and, therefore, constitutes sufficient and suitable alternate accommodation, which has not been disclosed by the

¹ Learned RC



Respondent herein.

3. ***Per contra***, learned counsel appearing for the Respondents submits that there is no infirmity in the judgment passed by the learned RC.

4. It is further submitted that the grounds that are sought to be raised before this Court pertaining to the jurisdiction of the learned RC as well as the alternate suitable accommodation were never raised in the application for leave to defend or the affidavit in support thereof; therefore, he submits that these cannot be raised today as grounds for challenging the impugned judgment. He further submits that the challenge raised pertaining to the *bona fide* requirement is identical to the one raised before the learned RC and the same has been dealt with and suffers from no infirmity and therefore, the Impugned Order does not merit any interference.

5. It is apposite to note herein that no further grounds were urged by the parties and were only confined to the grounds recorded hereinabove.

ANALYSIS AND CONCLUSION:

6. This Court has heard learned counsel for the parties and, with their able assistance, perused the material on record along with the Impugned Judgement.

7. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioner, it would be apposite to advert to the scope and ambit of the revisional jurisdiction vested in this Court under the *proviso* to Section 25B(8) of the DRC Act.

8. The contours of the aforesaid jurisdiction are well settled. The Hon'ble **Supreme Court**, in ***Sarla Ahuja v. United India Insurance***



*Co. Ltd.*², *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*³, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁴, 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.

9. 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.*⁵, and *Sanjeev Hiranandani v. Sunny Grover*⁶.

10. In *Abid-Ul-Islam* (supra), the Hon'ble Supreme Court, while elucidating the legislative intent 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.

² (1998) 8 SCC 119

³ (2014) 9 SCC 78

⁴ (2022) 6 SCC 30

⁵ 2024:DHC:9322

⁶ 2025:DHC:11285



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.”

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

12. 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 Judgment 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 jurisdiction may be warranted.

13. 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.

14. At the outset, this Court notes that the first contention advanced on behalf of the Petitioner, premised on the legal notice dated 18.01.2023 and the alleged collective rent of ₹4,900/- in respect of the ground floor and the first floor, does not find mention either in the grounds pleaded in the present Revision Petition or in the application for leave to defend or the affidavit filed in support thereof before the learned RC. The Petitioner, therefore, seeks to assail the Impugned Judgment on a ground which was neither pleaded in the present proceedings nor urged before the learned Rent Controller at the appropriate stage.

15. Insofar as the first contention, pertaining to the alleged discrepancy between the rent stated in the legal notice dated 18.01.2023 and the manner in which the two floors of the subject premises have been treated for the purposes of the eviction proceedings, is concerned, this Court finds that no such objection was raised before the learned Rent Controller in the application for leave to defend. Neither is there a whisper about the same in the present Revision Petition. In the absence of any such plea having been raised at the appropriate stage, the Petitioner cannot seek to introduce the same for the first time through oral submissions before this Court, particularly when the contention involves an examination of the factual circumstances surrounding the letting of the premises and the



institution of the eviction proceedings.

16. It is pertinent to note that Section 25B(4) of the DRC Act contemplates the disclosure, by the tenant, of the facts on which the tenant seeks to contest the eviction petition, through an application for leave to defend supported by an affidavit. The statutory scheme, therefore, requires the tenant to specifically disclose the grounds on which the landlord's claim for eviction is sought to be contested. A ground which was neither raised before the learned RC nor pleaded in the present Revision Petition cannot ordinarily be permitted to be introduced at the stage of oral arguments, particularly when its consideration would entail an examination of factual issues that did not form part of the controversy before the learned RC.

17. Now, turning to the second contention urged on behalf of the Petitioner, concerning the alleged absence of *bona fide* requirement on the ground that the premises were stated to be required for both residential and commercial purposes, this Court deems it appropriate to extract hereinbelow the reasoning rendered by the learned RC while dealing with the challenge raised pertaining to the *bona fide* requirement of the Respondent, which reads as under:

“Bonafide Requirement

44. The petitioner, a retired government employee, has asserted that the premises are required for his own residence after his superannuation. He currently does not have any suitable accommodation where he can reside comfortably with his family. The law recognizes that the retirement of a landlord often necessitates the requirement of premises for personal use, as a retired individual's income and lifestyle undergo significant changes, making it imperative to utilize owned properties optimally.

45. The petitioner has also emphasized that the premises are in a



dilapidated condition, requiring urgent repairs and renovation. The petitioner has substantiated this claim with photographic evidence and communications with concerned authorities. The need to repair and renovate the premises to make it habitable aligns with his claim of bonafide requirement. A landlord is entitled to reside in a premises that is safe, functional, and conducive to their needs, and this entitlement strengthens the petitioner's case.

46. The petitioner has further submitted that he intends to use the premises for starting a business in building raw materials to augment his income post-retirement. It is well-settled law that a landlord is entitled to seek eviction for premises required for business purposes, provided that the requirement is bonafide. The petitioner's claim in this regard appears genuine, as there is no evidence suggesting any ulterior motive or pretext to evict the respondents.

47. The petitioner has successfully demonstrated that the premises are required for his bonafide use. His requirement is genuine, immediate, and not tainted by malafide intent. The respondents have failed to raise any triable issue that could negate the petitioner's claim of bonafide requirement. Therefore, this court finds that the petitioner's need for the premises is legally valid, reasonable, and deserving of protection under Section 14(1)(e) of the Delhi Rent Control Act, 1958."

18. A perusal of the reasoning recorded by the learned RC, as extracted hereinabove, reveals that the requirement pleaded by the Respondents was considered in the context of their post-retirement residential needs, the dilapidated condition of the subject premises and the stated intention to commence a business in building raw materials to augment their income after retirement. The learned RC has returned a finding that the requirement of the Respondents is genuine, immediate and not actuated by any *mala fide* intention. The mere fact that the landlord has disclosed more than one purpose for which the premises are required does not, by itself, render the requirement *bona fide* untenable. What is material is whether the requirement so pleaded



is genuine and whether the same has been considered by the learned RC in accordance with law. In the present case, the Petitioner has not demonstrated as to how the consideration of the residential and commercial requirements by the learned RC suffers from any jurisdictional error, manifest illegality or perversity. Neither has any material been brought to the attention of this Court to establish that the findings returned by the learned RC are contrary to the record or that the stated requirement is merely a pretext to secure the eviction of the Petitioner. In the absence of any such material, this Court cannot, in the exercise of its limited revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act, reappraise the evidence or substitute its own assessment of the Respondents' requirement for that of the learned RC merely because the Petitioner seeks to canvass a different interpretation of the stated need. Accordingly, this Court finds no infirmity in the findings returned by the learned RC on the aspect of *bona fide* requirement warranting interference.

19. The third contention, pertaining to the alleged availability of alternate accommodation at WZ-76, Possangi Pur Village, Janak Puri, New Delhi-110058, is similarly not borne out by the grounds pleaded in the present Revision Petition or by any objection raised before the learned Rent Controller in the application for leave to defend. The Petitioner seeks to rely upon the description of the aforesaid premises as a four-storey building and contends that the same constitutes suitable alternate accommodation. However, the said assertion, in itself, does not establish that the premises are available to the Respondents and are reasonably suitable for their alleged requirement. More importantly, no such specific challenge was placed before the



learned RC for consideration.

20. This Court is, therefore, not persuaded to undertake an inquiry into the suitability or availability of the aforesaid premises at the revisional stage. Such an exercise would necessarily require an examination of factual matters which were not made the subject matter of the proceedings before the learned RC and would be contrary to the limited scope of scrutiny contemplated under Section 25B(8) of the DRC Act.

21. Learned counsel for the Petitioner has also sought to contend that the eviction proceedings were initially instituted on a consolidated basis, whereafter the original petition was withdrawn and separate petitions came to be instituted in respect of the two floors. In response, learned counsel appearing on behalf of the Respondents submits that the earlier petition was withdrawn on account of technical defects and that the subsequent proceedings were instituted pursuant to the liberty granted by the Court.

22. In this regard, this Court notes that the Petitioner has not demonstrated that the aforesaid contention, similar to the others, was raised before the learned RC or that any specific challenge founded on this circumstance has been pleaded in the present Revision Petition. In the absence of such a challenge, and without any material demonstrating an error apparent on the face of the record or an infirmity in the decision-making process, this Court finds no occasion to examine the factual circumstances surrounding the institution and subsequent withdrawal of the earlier proceedings.

23. It bears reiteration that the revisional jurisdiction vested in this Court under the proviso to Section 25B(8) of the DRC Act is not an



appellate jurisdiction permitting the parties to enlarge the scope of the proceedings through oral submissions or to seek a fresh adjudication of factual issues which were not placed before the learned Rent Controller. The jurisdiction is intended to ensure that the decision-making process is in accordance with law and does not suffer from any patent illegality, jurisdictional infirmity or other error warranting interference within the parameters laid down by the Hon'ble Supreme Court.

24. In the present case, the contentions advanced on behalf of the Petitioner neither form part of the grounds pleaded in the present Revision Petition nor were they raised before the learned RC in the application for leave to defend. Further, no infirmity in the decision-making process adopted by the learned RC has been demonstrated so as to warrant interference by this Court in the exercise of its limited revisional jurisdiction. This Court, therefore, finds no merit in the grounds sought to be urged on behalf of the Petitioner.

25. Accordingly, the present Revision Petition, along with all pending applications, if any, stands dismissed.

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 13, 2026/v/va