



2026:DHC:6893



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 19.08.2026**# **CNR No. DLHC010312732026**+ **RC.REV. 232/2026, CM APPL. 45897/2026 (Stay), CM APPL. 45898/2026 (EX.) & CM APPL. 45899/2026 (EX.)****SHARAD KUMAR BAGGA**

.....Petitioner

Through: **Mr. Apoorv Kurup, Senior Advocate with Mr. Kushagra Bansal, Advocate.**

versus

RAVI SHANKAR SAINI

.....Respondent

Through: **Mr. Irfan Ahmed, Advocate.****CORAM:****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR**

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JUDGEMENT (Oral)

1. The present Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, read with Section 151 of the Code of Civil Procedure, 1908,² challenging the **Judgment dated 05.02.2026³** passed by **learned SCJ-CUM-RC, (Central), Tis Hazari Courts, Delhi⁴**, in **Eviction Petition being RC-ARC No. 530/2022⁵**, titled "*Ravi Shankar Saini versus Sharad Kumar Bagga*", wherein the

¹ DRC Act

² CPC

³ Impugned Judgment

⁴ learned ARC



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learned ARC allowed the Eviction Petition filed on behalf of the Respondent and dismissed the Application for leave to defend filed on behalf of the Petitioner in respect of **one shop bearing no. 4316/14 situated on the Ground Floor of Property bearing no. 4316, Gali Bahuji, Bahadurgarh Road, Sadar Bazar, Delhi-110006⁶**.

2. Learned Senior Counsel appearing on behalf of the Petitioner, fairly and forthrightly submits that the principal issue that he seeks to raise while impugning the Judgment dated 05.02.2026 relates to the alleged *bona fide* requirement set up by the Respondent herein.

3. Learned Senior Counsel submits that the finding returned by the learned ARC, to the effect that the documents pertaining to proceedings in respect of other premises were not liable to be considered, is erroneous. He submits that the said documents had, in fact, been placed on record along with the Rejoinder filed by the Respondent herein.

4. Learned Senior Counsel further submits that the Eviction Petitions filed by the Respondent herein in respect of other premises were similarly worded and were, in substance, cyclostyled Petitions containing similar pleadings. It is submitted that these circumstances were relevant to the question of *bona fide* requirement and ought to have been considered by the learned ARC.

5. No other submission was made by the learned Senior Counsel.

6. This Court has heard the learned Senior Counsel at length, and with his able assistance, perused the material available on record.

7. Before proceeding to examine the grounds of challenge urged

⁵ Eviction Petition

⁶ Suit Property



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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.*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.

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.*¹⁰, and *Sanjeev Hiranandani v. Sunny Grover*¹¹.

10. 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

⁷ (1998) 8 SCC 119

⁸ (2014) 9 SCC 78

⁹ (2022) 6 SCC 30

¹⁰ 2024:DHC:9322



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.”

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 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.

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.

¹¹ 2025:DHC:11285



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 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 on behalf of the Petitioner against the Impugned Judgment are required to be examined.

14. At this juncture, before adverting to the discussion on merits of the present Petition, the relevant portions of the Impugned Judgment are reproduced herein below for ready reference:

“13. Respondent has raised the contention that petitioner has no bonafide need for the tenanted, premises and he has filed the present petition with the sole intention of extracting money from the respondent. It is further contended that the petitioner habitually files eviction petitions against his tenants and thereafter, he settles the matters with the tenants after enhancing the rent of the property concerned. In support of aforesaid contention, respondent has filed certain ordersheets to show that petitioner has withdrawn certain eviction petitions after settling the disputes with the tenants. Perusal of record shows that aforesaid ordersheets were filed by the respondent alongwith his rejoinder and not when he had filed his leave to defend application. Further, perusal of the case file reveals that neither any application was filed seeking permission to place those additional documents/ordersheets on record nor any such judicial order was passed thereby making such documents part of judicial record. Thus, court is of the concerned opinion that said ordersheets/documents cannot be considered for deciding the leave to defend application.

14. Even if the aforesaid documents/ordersheets filed by respondent at the stage of filing rejoinder are taken into consideration, same are not found to raise any triable issue. This is



for the reason that mere fact that petitioner withdrew certain petitions filed by him after settling the dispute cannot preclude him from pursuing the present eviction petition.

15. Proceedings further, petitioner has filed the present eviction petition for the bonafide need of his daughter *namely*, Ms. Shilpa Saini so that she may establish her office in the tenanted premises. Respondent has disputed the aforesaid bonafide need of the petitioner but has not brought any material on record to show that the projected need of the petitioner suffers from lack of bonafide. Petitioner has categorically averred that Ms. Shilpa Saini is practicing law since 2016 and the tenanted premises is required for establishing her office therein. Court has no reason to disbelieve the same.

16. In respect of the question of bonafide requirement, it is a settled law that the court must presume the bonafide requirement of the landlord and that the burden to refute the said presumption squarely lies on the tenant. A mere assertion on the part of the tenant is insufficient. It was held in **Sarla Ahuja v. United India Insurance Co. Ltd.**¹², that:

“When a landlord asserts that he requires his building for his own occupation the Rent Controller shall not proceed on the presumption that the requirement is not bonafide. When other conditions of the clause are satisfied and when the landlord shows a prima facie case, it is open to the Rent Controller to draw a presumption that the requirement of the landlord is bonafide.”

17. Similar observations made in case of **Baldev Singh Bajwa v. Monish Saini**¹³, are as under:

“A heavy burden lies on the tenant to prove that the requirement is not genuine. The tenant is required to give all the necessary facts and particulars supported by documentary evidence if available to prove his plea in the affidavit itself so that the Controller will be in a position to adjudicate and decide the question of genuine or bonafide requirement of the landlord; a mere assertion on the part of the tenant would not be sufficient to rebut the strong presumption in the landlord's favour that his requirement of occupation of the premises is real and genuine.”

¹² (1998) 8 SCC 119

¹³ (2005) 12 SCC 778



18. Proceeding further, respondent has claimed that petitioner is the owner of many properties and as such, has suitable alternative accommodation to meet his requirement. The availability of alternate accommodation with the petitioner, as alleged by the respondent, will now be discussed.

19. As per the respondent, petitioner has 13 commercial shops in property bearing no. 4360, ground floor, Gali Bahuji, Bahadurgarh Road, Sadar Bazar, New Delhi-110006, out of which 11 are in occupation of tenants but two shops, as shown in point 'K' and 'L' in the site plan filed by the respondent, are available to the petitioner. In support of aforesaid contention, respondent has filed a site plan showing various shops marked as 'A' to 'J'. The site plan filed by the respondent is in stark contrast to the site plan filed by the petitioner. Since respondent has filed a site plan different from that of the petitioner, he ought to have explained on what grounds and for what reasons, he wishes to counter the site plan of the petitioner by filing his own. However, in the entire leave to defend application, there is no averment to the effect that petitioner has filed a wrong site plan or that same does not depict the tenanted premises correctly. Further, the site plan of the respondent is bereft of any measurements and it also does not mention the exact and complete numbers of the two shops at point 'K' and 'L', which the respondent claims to be available with the petitioner. On the other hand, the petitioner's site plan specifies the numbers as well as measurements of the various shops depicted therein and also mentions the respective tenants who are occupying the aforesaid shops. If case of the respondent is that two of the shops on the ground floor of property bearing no. 4314 to 4317, situated at Gali Bahuji, Bahadurgarh Road, Sadar Bazar, Delhi - 110006 are indeed in vacant possession of the petitioner, he ought to have specified complete details of the same so as to successfully raise a triable issue. But same has not been done and, therefore, neither the aforesaid contention of the respondent nor the site plan filed by the respondent go on to advance his case of raising a triable issue.

20. Having said that, court nevertheless proceeds to analyse the site plan of the respondent to scrutinize the alleged availability of shops at point 'K' and 'L' with the petitioner. As per the aforesaid site plan, the two shops positioned between the tenanted premises on one side and the shop & staircase on the other side are stated to be vacant. When the same is compared with the petitioner's site plan, it appears that respondent is referring to shop bearing no. 4316/15 and the portion adjacent thereto on the left hand side. Aforesaid shop no. 4316/15 is stated to be in possession of one Sh. Rajesh Sharma and the portion to its left is stated to be in possession of three persons namely, Sh. Shashi Kant Gupta, Sh.



Ravindra Kumar Handa and Sh. Ranjit Kumar Nigam, in the site plan filed by the petitioner. Respondent has nowhere disputed that aforesaid shop no. 4316/15 and the portion adjacent thereto are not occupied by aforesaid persons, as depicted in the petitioner's site plan. In view of above discussion, the claim of shops 'K' and 'L' being vacant is found to be a bald assertion, unsubstantiated by any material of record. Thus, the above contention of the respondent does not raise any triable issue.

21. Even if it is presumed that the petitioner has other premises available for his stated requirement, the choice is still left to the landlord/petitioner to decide as to which of such premises he should occupy and the tenant does not have any say in this matter. In the case of **Ravichandran and Ors. Vs. Natrajan Nadar and Ors.**¹⁴, the following was held:

“Even assuming that other premises are available, then the choice is left to the landlord to decide as to which non-residential premises he should occupy, and the tenant cannot have any say in the matter. If the landlord is able to show the bonafide, then the tenant cannot dictate terms to the landlord that he should occupy same other building and not the one mentioned in the petition.”

22. In the case of **Ragavendra Kumar vs. Firm Prem Machinery**¹⁵, the Hon'ble Supreme court held that it is settled position of law that the landlord is best judge of his requirement for residential or business purpose and he has got complete freedom in the manner.

23. In view of the settled legal position, it is not for the respondent to dictate to the petitioner that he should use some other accommodation for his business, even, if it is indeed available with the petitioner. The tenanted premises belong to the petitioner and it is for the petitioner to see whether it is suitable for his requirement or not. It is the property which is going to be more profitable and convenient for his business. If the tenanted premises is suitable as per his needs, the petitioner has every right to possess the said premises and the respondent cannot contend that the petitioner should manage his affairs otherwise. While deciding the question of bonafide requirement of the landlord, it is quite unnecessary to make an endeavour as to how else the landlord could have adjusted. In view of the above discussion, the allegation of the respondent that the petitioner has alternative suitable

¹⁴ (2004) 1 MLJ 458

¹⁵ AIR 2000 SC 534



accommodations does not give rise to any triable issue.

24. Lastly, respondent has contended that he is carrying on his business of plastic raw materials in the tenanted premises since long time, creating goodwill in the market and that he would be subject to extreme hardship if the petitioner is allowed to evict him from the tenanted premises. Court is of the considered opinion that the hardship of the tenant cannot be looked into while deciding the present petition. Court cannot determine the present petition only on the basis of sympathy for the respondent, ignoring the bonafide need of the petitioner for his own property.

25. The net result is that petitioner has been able to establish that the tenanted premises is required bonafide by the petitioner and that he has no other reasonably-suitable alternative accommodation for the purpose. It may be mentioned here that the case laws relied upon by the respondent lends no support to the respondent as same are distinguishable on facts. The respondent has failed to raise any reasonable triable issue. The application for leave to defend is dismissed.”

15. A perusal of the aforesaid reasoning makes it evident that the learned ARC has not proceeded on the basis of a mere assertion of *bona fide* requirement. The learned ARC has considered the specific objection raised by the Petitioner that the Respondent had previously instituted eviction proceedings against other tenants and had thereafter settled such proceedings. The order-sheets relied upon by the Petitioner have also been specifically noticed by the learned ARC.

16. The first grievance of the Learned Senior Counsel for the Petitioner is that the learned ARC erred in not considering the said order-sheets on the ground that they had been filed along with the Rejoinder and had not been accompanied by an application seeking permission to place additional documents on record. The Impugned Judgment, however, does not stop at that finding. The learned ARC has expressly proceeded to consider the effect of those documents even on the assumption that the same were to be taken into



consideration.

17. The learned ARC thereafter recorded a specific finding that the mere fact that the Respondent had withdrawn certain Eviction Petitions after settling disputes with the respective tenants would not, by itself, preclude him from pursuing the present eviction petition. Thus, the very material which the Petitioner seeks to rely upon has been noticed and its effect has been considered by the learned ARC.

18. The submission that the aforesaid proceedings demonstrate that the present Eviction Petition is not founded upon a *bona fide* requirement, therefore, essentially seeks a different appreciation of the same material. The learned ARC has considered the material and has not found it sufficient to raise a triable issue. Merely because the Petitioner seeks a different inference to be drawn from the same material cannot, in the limited revisional jurisdiction of this Court, furnish a ground for interference.

19. The learned ARC has, independently of the aforesaid aspect, considered the specific *bona fide* requirement projected by the Respondent. It has been recorded that the premises are required for the Respondent's daughter, Ms. Shilpa Saini, who has been stated to be practising law since 2016 and requires the premises for establishing her office. The learned ARC further noted that the Petitioner had not brought any material on record to demonstrate that the projected requirement was lacking in *bona fides*.

20. The learned ARC has thereafter adverted to the settled principle relying upon **Sarla Ahuja** (Supra) and **Baldev Singh Bajwa** (Supra), that once the landlord establishes a *prima facie* case of *bona fide* requirement, a presumption in favour of such requirement arises and



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the burden lies upon the tenant to place material before the learned ARC to rebut the same.

21. The next objection raised by the learned Senior Counsel for the Petitioner concerns the alleged availability of suitable alternative accommodation with the Respondent. This aspect has also received detailed consideration in the Impugned Judgment.

22. The learned ARC has noticed the Petitioner's assertion that the Respondent had thirteen (13) commercial shops in property bearing No. 4360, out of which two shops, identified as 'K' and 'L' in the Petitioner's site plan, were allegedly available to the Respondent. The learned ARC has compared the site plan relied upon by the Petitioner with that filed by the Respondent and has found material deficiencies in the former, including the absence of measurements and the failure to mention the exact and complete numbers of the two shops alleged to be vacant.

23. Significantly, the learned ARC did not reject the Petitioner's contention merely on account of the deficiencies in the site plan. The learned ARC proceeded further to examine the site plan on its merits and compared the alleged vacant shops with the site plan filed by the Respondent. It found that shop No. 4316/15 and the portion adjacent thereto, which the Petitioner claimed were lying vacant, were shown in the Respondent's site plan as being in the possession of identified persons. The learned ARC further noted that the Petitioner had nowhere disputed the occupation of those portions by the persons shown in the Respondent's site plan. On this basis, the learned ARC concluded that the allegation regarding the availability of shops 'K' and 'L' was a bald assertion unsupported by material on record.



24. The aforesaid reasoning demonstrates that the learned ARC did not mechanically reject the plea of suitable alternative accommodation. The plea was noticed, the competing site plans were examined, and the material available on record was considered before the conclusion was reached that the alleged suitable alternative accommodation had not been shown to be available.

25. The learned ARC thereafter also considered the legal consequence of the alleged availability of other premises and relied upon the settled principle that the landlord is ordinarily the best judge of his requirement and that the tenant cannot dictate the manner in which the landlord should arrange his affairs, once the requirement is otherwise found to be *bona fide*. Reliance was placed upon ***Ravichandran*** (Supra) and ***Ragavendra Kumar*** (Supra).

26. The submission advanced before this Court that the previous eviction proceedings were similarly worded or cyclostyled, therefore, also does not advance the Petitioner's case. Even assuming such pleading to have been made before the learned ARC, the material relied upon by the Petitioner had to disclose circumstances which would rebut the *bona fide* requirement projected in the present proceedings or otherwise raise a triable issue. The learned ARC has considered the previous proceedings and has found that the mere withdrawal of earlier Petitions after settlement could not, by itself, negate the *bona fide* requirement in the present case. No perversity in that approach is discernible.

27. It is also relevant that the learned ARC has separately dealt with the Petitioner's plea regarding the hardship which would allegedly be caused to him on account of eviction. The learned ARC has held that



such hardship cannot, by itself, override the *bona fide* requirement of the landlord. We concur with the same.

28. Thus, the Impugned Judgment cannot be characterised as one where the material pleas raised by the Petitioner were left unconsidered. The three aspects now sought to be urged before this Court, namely, the previous eviction proceedings, the material filed in the Rejoinder and the alleged availability of suitable alternative accommodation, were all before the learned ARC and have found consideration in the Impugned Judgment.

29. The grievance regarding the documents filed with the Rejoinder also does not alter the position. Even after declining to treat those documents as part of the record for the purposes of the leave to defend Application, the learned ARC proceeded to consider the effect of the documents on merits and found that, even if taken into consideration, they did not raise a triable issue.

30. The challenge mounted by the Petitioner before this Court, in substance, seeks a reconsideration of the very same pleas and a re-appreciation of the material already examined by the learned ARC, with a view to persuade this Court to arrive at a conclusion different from that recorded in the Impugned Judgment.

31. This Court is conscious that another view on the material may conceivably be urged. However, that is not the test which governs the exercise of jurisdiction under the proviso to Section 25-B(8) of the DRC Act. The question is whether the view taken by the learned ARC is such as to disclose a jurisdictional error, manifest illegality, material irregularity, perversity or an error apparent on the face of the record.

32. On a conjoint reading of the pleadings, the objections raised by



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the Petitioner and the findings returned by the learned ARC, this Court finds that the material contentions urged by the Petitioner were duly considered. The learned ARC has assigned reasons for rejecting the challenge to the *bona fide* requirement as also the plea regarding suitable alternative accommodation. The present case is, therefore, not one where any material plea raised by the Petitioner has escaped consideration or remained unadjudicated.

33. This Court is, therefore, unable to discern any jurisdictional error, manifest illegality, material irregularity, perversity or error apparent on the face of the record in the decision-making process adopted by the learned ARC. Equally, this is not a case where the findings returned by the learned ARC are so unreasonable or unsupported by the material on record as to warrant interference in exercise of the limited revisional jurisdiction of this Court.

34. In view of the foregoing discussion and having regard to the limited scope of interference under the proviso to Section 25-B(8) of the DRC Act, this Court finds no ground to interfere with the Impugned Judgment and, therefore, the present Petition stands dismissed.

35. Accordingly, the present Petition, along with pending application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 19, 2026/v/m/ma