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\$~64, 70 & 71

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

Date of decision: 20.07.2026

+ RC.REV. 228/2026, CM APPL. 45231/2026 (Ex.), CM APPL. 45232/2026 (Stay) & CM APPL. 45233/2026 (Delay of 37 days in Re-filing the appeal)

AVINASH JAIN

.....Petitioner

Through: Mr. Pardeep Gupta, Mr. Parinav Gupta and Mrs. Mansi Gupta,
Advocates.

versus

PADAM CHAND GUPTA & ANR.

.....Respondents

Through: Mr. Vijay Joshi and Mr.
Shubham Chaturvedi,
Advocates along with
Respondents in person.

+ RC.REV. 229/2026, CM APPL. 45351/2026 (Ex.), CM APPL. 45352/2026 (Stay) & CM APPL. 45353/2026 (Delay of 38 days in Re-filing the petition)

AVINASH JAIN & ANR.

.....Petitioners

Through: Mr. Pardeep Gupta, Mr. Parinav Gupta and Mrs. Mansi Gupta,
Advocates.

versus

PADAM CHAND GUPTA & ANR.

.....Respondents

Through: Mr. Vijay Joshi and Mr.
Shubham Chaturvedi,
Advocates along with
Respondents in person.

+ RC.REV. 230/2026, CM APPL. 45377/2026 (Ex.), CM APPL.



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45378/2026 (Stay) & CM APPL. 45379/2026 (Delay of 35 days
in Re-filing the petition)

SH PREM PRAKASH PAPNEJAPetitioner
Through: Mr. Pardeep Gupta, Mr. Parinav
Gupta and Mrs. Mansi Gupta,
Advocates.
versus

SHRI PADAM CHAND GUPTA & ANR.Respondents
Through: Mr. Vijay Joshi and Mr.
Shubham Chaturvedi,
Advocates along with
Respondents in person.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

% **JUDGEMENT (Oral)**

1. The present petitions have been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958**¹ impugning the **common final Order dated 06.04.2026**² passed by the learned **ACJ/CCJ/ARC, East District, Karkardooma Courts, Delhi**³, in Eviction Petitions bearing RC/ARC No. 52/2020, & RC/ARC No. 53/2020, both titled "*Padam Chand Gupta v. Avinash Jain*" and RC/ARC No. 56/2020, titled "*Padam Chand Gupta v. Prem Prakash Papneja*" respectively.
2. Learned counsel appearing on behalf of the Petitioners submits that the learned ARC has erred in concluding that the Eviction Petitions were not barred by Section 14(6) of the DRC Act by relying upon the decision of the Hon'ble Supreme Court in ***Jagdish Chander***

¹ DRC Act

² Impugned Order

³ ARC



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Gulati v. Ram Chand Lakram⁴. It is submitted that the learned ARC has failed to appreciate the effect of the admitted **Settlement Deed dated 04.04.2019**⁵, particularly Clause 9 thereof, and the **Sale Deed dated 01.05.2019**⁶, executed pursuant thereto,

3. It is further submitted that the Settlement Deed clearly stipulates that possession of the subject premises was to be handed over only upon execution of the Sale Deed. Clause 9 of the Settlement Deed reads as follows:

“9. THAT THE SECOND PARTY DECLARES has the complete possession of the Suit PROPERTY and he handover peaceful possession of the suit property to the FIRST PARTY immediately upon the execution of the Sale Deed of the Suit Property.”

4. It is contended that once the aforesaid document is admitted by the Respondents themselves, a substantial question arises as to the actual date on which possession was delivered, which has a direct bearing on the applicability of Section 14(6) of the DRC Act.

5. Learned counsel submits that the said issue could not have been summarily decided and, at the very least, constituted a triable issue warranting the grant of leave to defend.

6. **Per contra**, learned counsel appearing on behalf of the Respondents submits that the learned ARC has rightly relied upon the decision of the Hon'ble Supreme Court in ***Jagdish Chander Gulati*** (supra). It is submitted that Section 14(6) of the DRC Act employs the expression "acquired" and not "ownership" or "physical possession" and, therefore, the acquisition stood completed upon execution of the Agreement to Sell coupled with symbolic possession, as recognised in

⁴ 1991 SCC Online Del 755

⁵ Settlement Deed

⁶ Sale Deed



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the aforesaid decision.

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

8. 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.

9. 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.

10. 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.

11. 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,

⁷ (1998) 8 SCC 119

⁸ (2014) 9 SCC 78

⁹ (2022) 6 SCC 30

¹⁰ 2024:DHC:9322

¹¹ 2025:DHC:11285



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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.”

12. 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.

13. 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



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undertake a fresh appreciation of the material on record with a view to arrive at an independent conclusion on the merits of the dispute. Interference would be warranted only where the Impugned Order suffers from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC is wholly unreasonable or founded upon an erroneous premise of law. Equally, where a material plea has been left unconsidered or the decision-making process otherwise discloses an error apparent on the face of the record, exercise of revisional jurisdiction may be warranted.

14. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged on behalf of the Petitioner against the Impugned Order are required to be examined.

15. Examined on the touchstone of the aforesaid principles, this Court finds that the principal grievance urged by the Petitioners is not directed against the appreciation of evidence undertaken by the learned ARC *per se*, but against the omission to consider a material document which had a direct bearing on the defence sought to be raised under Section 14(6) of the DRC Act.

16. The contention, therefore, requires to be examined only to ascertain whether the decision-making process adopted by the learned ARC suffers from any manifest infirmity warranting interference within the limited scope of the revisional jurisdiction vested in this Court. The relevant paragraph of the Impugned Order is reproduced herein:

“It is also important to note here that Section 14 (6) of DRC Act uses the word 'acquisition' and not 'transfer'. **Hon'ble Delhi High Court in *Jadish Chander Gulati vs Ram Chand Lakram*, 1991 SCC Online Del 755** has clearly held that the execution of



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agreement to sale amounts to transfer of notional possession of the demised property in favour of the buyer, and for the purpose of Section 14 (6) of DRC Act, the date of the agreement to sale would be the date of acquisition of the demised property. As the agreement to sale is of the year 2010 and the petition has been filed in the year 2020, the present petition is not barred by Section 14 (6) of DRC Act.”

17. A perusal of the Impugned Order reveals that, while negating the Petitioners' plea under Section 14(6) of the DRC Act, the learned ARC principally proceeded on the basis of the decision of the Hon'ble Supreme Court in **Jagdish Chander Gulati** (supra) to conclude that the acquisition contemplated under the said provision stood completed upon execution of the Agreement to Sell dated 09.02.2010 coupled with symbolic possession. However, what appears to have escaped consideration is the admitted Settlement Deed and the Sale Deed, the existence and execution whereof are not disputed by either party.

18. The Petitioners have specifically placed reliance upon the said Settlement Deed to contend that the parties themselves had agreed that possession of the subject premises would continue to remain with the erstwhile owner and would be handed over only upon execution of the Sale Deed.

19. It is contended that the said stipulation assumes significance while determining the commencement of the embargo contemplated under Section 14(6) of the DRC Act.

20. Accordingly, whether the aforesaid contention ultimately merits acceptance or not is not a question which falls for determination in the present proceedings. The issue, however, is whether the said admitted document gave rise to a triable issue.

21. In the considered opinion of this Court, the admitted documents



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between the parties could not have been overlooked while examining the Petitioners' plea founded upon Section 14(6) of the DRC Act. The effect of the stipulation relating to delivery of possession, and its interplay with the principle enunciated in ***Jagdish Chander Gulati*** (supra), required due consideration before the learned ARC arrived at a conclusion that no triable issue arose.

22. Consequently, this Court is of the considered view that the admitted Settlement Deed and Sale Deed, read in conjunction with the Petitioners' plea under Section 14(6) of the DRC Act, did disclose a *bona fide* triable issue.

23. Therefore, omission of the learned ARC to advert to the said document while rejecting the said defence has resulted in an incomplete consideration of a material plea raised by the Petitioners, constituting an error in the decision-making process, warranting interference by this Court in exercise of its limited revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act.

24. Accordingly, the Impugned Order is hereby set aside, and the matters are remanded to the learned ARC with a direction to take a fresh look into the same in accordance with law and endeavour to dispose of the matter as expeditiously as possible.

25. The parties shall appear before the learned ARC on 31.07.2026.

26. It is clarified that this Court has expressed no opinion on the ultimate merits of the Petitioners' defence or on the applicability of Section 14(6) of the DRC Act to the facts of the present case. All questions are left open to be adjudicated by the learned ARC upon the parties leading evidence in accordance with law.

27. The present Petitions, along with pending application(s), if any,



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stand disposed of in the above terms.

28. A photocopy of this Order be placed in the connected matters.

HARISH VAIDYANATHAN SHANKAR, J.
JULY 20, 2026/tk/jk