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

Date of decision: 21.07.2026

+ RC.REV. 150/2026, CM APPL. 28434/2026 (Stay) & CM APPL. 28435/2026 (Addl.Doc)

JAIN COOPERATIVE BANK LTDPetitioner

Through: Mr. Abhinav Sharma & Ms. Gujrot Sethi, Advs.

versus

AVTAR KISHAN KAUL & ANR.Respondents

Through: Ms. Anju Lal & Ms. Shalu Lal, Advs.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

JUDGMENT (Oral)

% **21.07.2026**

1. The present Revision Petition has been filed under Section 25 B (8) of the **Delhi Rent Control Act, 1958¹**, seeking to challenge the **Judgment dated 10.02.2026²** passed by the learned **CCJ-cum-ARC (Central), Tis Hazari Courts, Delhi³** in RC ARC 61/2019.

2. Learned counsel appearing on behalf of the Petitioner submits that the learned ARC has erred in construing the **Resolution dated 06.10.2018⁴** in a narrow and hyper-technical manner. It is submitted that the Resolution, if read as a whole, authorises the concerned officer not merely to continue pending proceedings but also to

¹ DRC Act

² Impugned Judgment

³ ARC

⁴ Resolution



institute legal proceedings on behalf of the Petitioner-Bank.

3. Learned counsel further submits that the Resolution formed part of the record before the learned ARC and, therefore, the finding returned in the Impugned Judgment proceeds on an erroneous interpretation of a material document.

4. **Per contra**, learned counsel appearing on behalf of the Respondents concurs with the Impugned Judgment and submits that the Resolution was never exhibited and proved in accordance with law. It is further submitted that, in any event, the authority conferred thereunder was confined only to pending proceedings and did not extend to the institution of fresh proceedings.

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

6. 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.

7. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*⁵, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*⁶, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁷, 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.

⁵ (1998) 8 SCC 119

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30



8. 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.**⁸, and **Sanjeev Hiranandani v. Sunny Grover**⁹.

9. 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.”

10. In **Pankaj Pahwa** (supra), a Coordinate Bench of this Court,

⁸ 2024:DHC:9322

⁹ 2025:DHC:11285



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.

11. 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 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.

12. 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.

13. Examined on the touchstone of the aforesaid principles, this Court finds that the controversy in the present petition lies within a narrow compass. The Petitioner's grievance is not directed against the



appreciation of evidence as such, but against the interpretation placed by the learned ARC upon the Resolution dated 06.10.2018, which constituted the very foundation of the Petitioner's authority to institute the eviction proceedings.

14. A perusal of the record reveals that the Resolution admittedly formed part of the documents placed before the learned ARC and in seisin of which the learned ARC has extracted and considered the said Resolution in Paragraph 19 of the Impugned Judgment. The relevant portion thereof reads as under:

“19. The second resolution is an extract of the minutes of the meeting of the Board of Directors on 06.10.2018. The said resolution authorizes Mr. Upender Garg, CEO of the petitioner Bank to represent the Bank in all Courts/Tribunals/any Judicial Authority in connection with any legal proceeding initiated by or against the Bank, and to do all such acts and deeds on behalf and in the interest of the Bank as may be necessary in respect of all such legal proceedings initiated by or against the Bank. It further authorises Mr Upender Garg to act, appear and plead on behalf of the Bank and to sign/file/verify and present pleadings, appeals, cross-objections or petitions for execution/review/revision/compromise or other petitions or affidavits or evidence on behalf of the Bank. The same is reproduced hereinafter:

In continuation to earlier Resolution No. 13 passed by the Board of Directors in its Meeting held on 18.08.2018.

The Board of Directors of the Jain Co-operative Bank Ltd. hereby authorize Sh. Upender Garg s/o Late Sh. Amba Prashad, Chief Executive Officer, Jain Co-operative Bank Ltd. to represent the Jain Co-operative Bank Ltd. in all Courts, Forum, Tribunal including Supreme Court of India, High Court of Delhi, District Courts in Delhi, Debt Recovery Tribunals, Debt Recovery Appellate Tribunal, Registrar, Co-operative Societies, Delhi Co-operative Tribunal, Financial Commissioner, Consumer Forum, State Consumer Disputes Redressal Commissions, Arbitration Tribunals, Enquiry Tribunal and /or any judicial authority or tribunal or Court in connection with any legal proceeding initiated by or against the Jain Co-operative Bank Ltd. and to do all such acts and deeds on behalf and in the interest of the Jain Co-operative Bank Ltd. as may be necessary in respect of all such legal



proceedings initiated by or against the Jain Co-operative Bank Ltd., to act, appear and plead on behalf of the Jain Co-operative Bank Ltd. in any Court, to sign, file, verify and present pleadings, appeals, cross-objections or petitions for execution, review, revision, compromise or other petitions or affidavits or evidence (orally or an affidavit) withdrawal of case and / or any amount and / or any documents on behalf of the Jain Cooperative Bank Ltd., other documents as may be deemed necessary or proper on behalf of the Jain Co-operative Bank Ltd.

He is also authorized to execute affidavit, documents, deeds, papers on behalf of the Jain Cooperative Bank Ltd. and to appoint advocates etc. and to sign consequent, Vakalatnama thereof on behalf of the Jain Co-operative Bank Ltd. as may be necessary in connection with such legal proceedings and also to lead evidence, depose on behalf of the Jain Co-operative Bank Ltd. in such legal proceeding and to receive or to take possession of various documents, copies, originals, etc on behalf of the Jain Co-operative Bank Ltd. from any such Court / Tribunal / Arbitrator/ Authority and to do all acts and deeds ancillary and incidental thereto.

He is also authorized to appoint any of the staff member as authorized representative on behalf of Jain Co-operative Bank Ltd. and entrust him the work as above.

20. With respect to the aforesaid resolution, it is pertinent to note that the same was not exhibited in evidence by the petitioner during PE, and hence, the same cannot be taken into consideration.”

15. The Lower Court Record, which has been transmitted to this Court, further reveals that the aforesaid Resolution relied upon by the Petitioner was filed along with the Authorisation Letter dated 04.01.2019. The said Resolution, therefore, undeniably formed part of the record before the learned ARC.

16. In the aforesaid backdrop, this Court finds it difficult to sustain the subsequent finding of the learned ARC that the Resolution could not be taken into consideration merely on the ground that it had not been exhibited during the Petitioner's evidence. The reasoning adopted in the Impugned Judgment, to that extent, appears incongruous.



17. Even otherwise, this Court finds that the Resolution has not been construed in its entirety by the learned ARC as it has while placing emphasis on the expression "legal proceedings initiated by or against the Bank", appeared to have not accorded due consideration of the remaining part of the clauses of the Resolution, which authorise the "Chief Executive Officer to sign, file, verify and present pleadings, petitions, appeals, revisions and other proceedings, besides appointing advocates and undertaking all acts incidental thereto".

18. Since the Resolution constituted the very foundation of the Petitioner's authority to institute the present proceedings, it required consideration in its entirety. The subsequent part of the relevant clause, which further delineates the scope and ambit of the authority conferred, does not appear to have been considered before recording a finding that the Resolution did not authorise the institution of the present proceedings.

19. Since the scope of examination is only limited to the interpretation accorded to the clause in the Resolution, and not upon the ultimate maintainability of the eviction petition, this Court is of considered opinion that the learned ARC has rendered an incomplete consideration of the Resolution and consequently, the Impugned Judgment suffers from material irregularity in the decision-making process, warranting interference in exercise of the limited revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act.

20. Accordingly, the Impugned Judgment is set aside, and the matter is remanded to the learned ARC for fresh consideration on merits.

21. The parties shall appear before the learned ARC on 07.08.2026.



22. It is clarified that this Court has not expressed any opinion on the merits of the rival contentions.

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

HARISH VAIDYANATHAN SHANKAR, J.
JULY 21, 2026/v/jk