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

Date of decision: 23.07.2026

+ RC.REV. 483/2013

SH GYANANDER

.....Petitioner

Through: Mr. Ashish Middha, Advocate.

versus

SH VINOD KUMAR

.....Respondent

Through: Mr. R.P.S Sirohi and Mr. S.P. Sirohi, Advocates for Respondent No. 1.
Mr. Subodh K. Pathak, Ms. Kashmira Sahani and Mr. Abhijeet Saxena, Advocates for Respondent No. 2.

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**, against the **Judgment and Order dated 12.09.2013²** passed by the **CCJ-cum-ARC-1 (Central), Tis Hazari Courts, Delhi³**, in **E. No. 221/2009⁴**, titled as “*Gyanander vs. Vinod Kumar & Ors*”.

2. Learned counsel appearing on behalf of the Petitioner submits that the learned ARC has erred in concluding that the *bona fide* requirement pleaded by the Petitioner was not established. It is

¹ DRC Act

² Impugned Order

³ ARC

⁴ Eviction Petition



submitted that the evidence led by the Petitioner sufficiently demonstrated that the tenanted premises were required for establishing a Yoga Research and Training Centre as well as for publication of literature relating to yoga.

3. Learned counsel further submits that the learned ARC has failed to appreciate that the only access to the portion in the Petitioner's possession above the tenanted premises is through a back lane measuring approximately two and a half feet in width. It is contended that the tenanted premises, being situated on the main road, were *bona fide* required to facilitate convenient access for visitors and participants attending the proposed yoga activities.

4. **Per contra**, learned counsel appearing on behalf of the Respondents submits that the learned ARC has undertaken a detailed appreciation of the pleadings and evidence and has recorded cogent reasons while rejecting the plea of *bona fide* requirement. It is submitted that the present Petition merely seeks a re-appreciation of evidence, which is impermissible in exercise of the limited revisional jurisdiction under Section 25B(8) of the DRC Act.

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

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.

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

⁵ (1998) 8 SCC 119

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30

⁸ 2024:DHC:9322

⁹ 2025:DHC:11285



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, 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. Before advertng to the rival contentions, it would be apposite to extract the relevant findings returned by the learned ARC in the Impugned Order:

“9. In regard to bonafide requirement of petitioner, PW1 has testified that the tenanted premises is required by petitioner, for running Yoga Research and Training Centre of international standard and to make arrangement for publication and circulation of his papers, books and other reading material relating to yoga. He has also testified that the petitioner is an overseas Indian citizen and he frequently visits India to organize yoga camp. It is also testified that access to the portion in the physical possession of petitioner, which is situated above the tenanted premises, is from back lane which is only two and half feet wide whereas the tenanted premises is situated on the main road and thus, the tenanted premises is required to create proper entry from the main road for the followers of petitioner based in European and American countries. Further, PW1 has placed on record the copy of some magazines and newspapers excerpts Ex. PW1/7 stated to be authored by petitioner. It is admitted position that at present, the first, second and third floors, which have number of rooms, are in physical possession of petitioner. Though, PW1 has replied in his cross examination that these floors are presently in use of Yoga Research and Meditation Center, however no document or material has been placed on record in support of this plea. Per contra, all respondents witnesses have categorically deposed that first to third floors are lying vacant since long and these were never used for organizing camp. Though PW1 replied during cross examination conducted by respondent No. 1 that every year yoga seminar is organized for one month and disciples from Europe come for stay in the property of petitioner, however, no corroborating material has been placed on record in this regard. Even the frequent visits of petitioner to India have not been established on record. Further, it is difficult to rely upon testimony of PW1 who replied that they have not maintained any record of foreign visitors and further to show that any yoga seminar or camp was organized at the property above tenanted premises at any point of time. In view of this court, when a yogi of so called stature of petitioner organizes yoga camp expanding for one month and invite foreign followers for the



purpose of propagating benefits of yoga for Indian masses, it is must that such programme is widely publicized and in such circumstances, if organizer (petitioner herein) fails to produce even the basic material of publicity, viz., pamphlets, newspaper advertisement and banner or hoarding at the venue, grave suspicion is bound to arise on organization of such camp or seminar itself.

10. Furthermore, though it is the case of petitioner that he visits India for promoting Yoga and has authored number of magazines and papers and other reading material in English but interestingly no such material has been placed on record. Though PW1 has filed certain material EX.PW1/7 published in Italian language, however, same is not helpful to the case of petitioner who is intending to use the tenanted premises for propagating the benefits of yoga amongst Indian citizens.

11. It is not disputed that tenanted premises is situated in thickly populated area which is part of Old Delhi. This being the case, petitioner has not been able to convince this court as to how such location is appropriate for organizing yoga camp and meditation programme, which demand very peaceful and pollution free environment. The petitioner has failed to show on record that any such location is being used for intended purpose by any other yoga guru in India. Moreover, petitioner has failed to explain as to why the tenanted premises is required for European and American followers considering that petitioner is stated to be settled in Italy and running yoga centers from there. Further, it is necessary to note that the petition nowhere discloses that tenanted premises is required to benefit Indian masses and thus, it is difficult to understand as to why the American and European followers would come to such place when the yoga head office of petitioner is situated in the Europe (Italy) itself.

12. Furthermore, it is found that petitioner has not explained as to how the entire premises would be used for aforesaid purpose. It is not disputed that property above tenanted premises has number of rooms, most of them having an area of around 100 sq. yards. It cannot be disputed that in any room of this size, not more than two persons can do yoga at a time and thus, it is difficult to believe the case of petitioner that he conducts or is intending to conduct / organize yoga camp or seminars in this property.

13. Furthermore, petitioner has not explained to the satisfaction of this Court to why he has not taken any steps for publication of his writings till date which could have been easily commenced from the accommodation available with the petitioner. It is not the case of the petitioner that additional space in the form of tenanted premises is required for extension of printing and publication work. It is also not disputed on record that petitioner did not send any



legal notice to the respondents prior to filing present petition to express his willingness to start the aforesaid work of publication or yoga camp. It is pertinent to mention here that the legal notice dated 20.02.2009 Ex. PW1/5 is silent about the proposed activities of the petitioner.

14. The petitioner has claimed the eviction of respondents from the tenanted premises to have access to his building from the main road and it is alleged that the current access from the backside of the tenanted premises is only two and half feet wide. However, it is found that the petitioner did not make any effort to prove that the current entry is too narrow to use the building effectively. Though, PW1 deposed that the passage is only two and half feet only but it can be seen that neither the width of the passage has been mentioned in the site plan Ex. PW1/3 nor any corroborating material, viz., photographs, placed on record. Considering all the aforesaid circumstances, this court is of the view that petitioner has failed to show that his requirement of tenanted premises is bonafide.”

14. Examined on the touchstone of the aforesaid principles, this Court finds that the learned ARC has undertaken a detailed examination of the oral as well as documentary evidence led by the parties. A perusal of the Impugned Order, extracted hereinabove, demonstrates that the learned ARC has not rejected the Petitioner's plea of *bona fide* requirement on the basis of conjectures or surmises but upon a careful appreciation of the material placed on record.

15. It is evident that the learned ARC has returned specific findings that, despite asserting that Yoga Research and Training Camps of international standard were being conducted, the Petitioner failed to place on record any contemporaneous material evidencing the conduct of such camps, the participation of foreign disciples or even the publicity allegedly undertaken in that regard.

16. Similarly, the learned ARC has also noticed that although the Petitioner claimed to have authored publications relating to yoga and sought eviction, *inter alia*, for publication and circulation thereof, no



material was produced to establish that any such publication activity was being undertaken or that the existing accommodation was insufficient for the said purpose.

17. Considering the Petitioner's plea regarding the alleged inadequacy of the existing access to the premises, the learned ARC recorded that, apart from the oral assertion that the rear passage measured approximately two and a half feet in width, no independent material, including the site plan or contemporaneous photographs, was produced to substantiate the said assertion.

18. This Court finds that the aforesaid conclusions are founded upon the evidence available on record and cannot be characterised as either perverse or based upon an erroneous appreciation of the material. The findings of the learned ARC are supported by reasons which are discernible from the Impugned Order and disclose due consideration of the pleadings as well as the evidence led by the parties.

19. The submissions advanced before this Court are, in substance, a reiteration of the very contentions urged before the learned ARC and seek nothing more than a fresh appreciation of the evidence. Therefore, such an exercise falls outside the limited scope of the revisional jurisdiction vested in this Court under the proviso to Section 25B(8) of the DRC Act.

20. In the considered opinion of this Court, the Impugned Order does not suffer from any jurisdictional error, manifest illegality, material irregularity or perversity in the decision-making process adopted, and no ground warranting interference with the Impugned Order is made out.

21. Resultantly, the present Petition, along with pending



2026:DHC:5672



application(s), if any, stands dismissed.

22. No Order as to Costs.

HARISH VAIDYANATHAN SHANKAR, J.
JULY 23, 2026/nd/jk