



2026:DHC:8472



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

Date of decision: 29.09.2026

CNR No. DLHC010471112026

+ RC.REV. 374/2026, CM APPL. 67880/2026 (Ex. From filing certified copies of annexures) & CM APPL. 67881/2026 (Ex. From filing the entire record of RC/ARC. 20/2025)

HARDEEP SINGH @ PRINCE

.....Petitioner

Through: Mr. Prakhar Bhatnagar and Mr.
Arkam Pasha, Advocates.

versus

TRILOCHAN SINGH (DECEASED) (THROUGH LEGAL
REPRESENTATIVE)

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

% **JUDGEMENT (Oral)**

1. The present Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958**¹, seeks to assail the **Order dated 09.06.2026**² passed by the learned **ACJ-cum-CCJ-cum-ARC, West District, Tis Hazari Courts, New Delhi**³, in Eviction Petition, being RC/ARC 20/2025⁴, titled “*Trilochan Singh @ Tarlochan Singh @ Trilochan Singh Syali v. Hardeep Singh Alias Prince*”.

¹ DRC Act

² Impugned Order

³ ARC

⁴ Eviction Petition

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2. By way of the Impugned Order, the Application seeking Leave to Defend filed by the Petitioner was dismissed and, consequently, an Eviction Order was passed in favour of the Respondent with respect to tenanted premises being, **WZ-128A, Gali No.28, Sant Garh, Tilak Nagar, New Delhi-110018**⁵.

SUBMISSIONS ON BEHALF OF THE PETITIONER:

3. Learned Counsel appearing on behalf of the Petitioner submits that the Eviction Petition was instituted espousing the *bona fide* requirement of the original Respondent herein and his son. It is orally submitted that both the original Respondent herein as well as his son have since passed away. However, it is fairly conceded that there is nothing on record of this Court, or in the pleadings to substantiate the assertion of the son, upon whom the *bona fide* need was primarily espoused, having passed on.

4. Learned counsel for the Petitioner further submits that adequate alternative accommodation was available with the Respondent and that the learned ARC has failed to consider the said aspect in its proper perspective.

5. No other submissions were advanced by the learned counsel appearing on behalf of the Petitioner.

ANALYSIS:

6. This Court has heard learned counsel appearing on behalf of the Petitioner and, with his able assistance, perused the material available on record including the Impugned Order.

7. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioner, it would be apposite to advert to the scope

⁵ Subject Premises



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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.***⁶, ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***⁷, and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***⁸, 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.***⁹, and ***Sanjeev Hiranandani v. Sunny Grover***¹⁰.

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

⁶ (1998) 8 SCC 119

⁷ (2014) 9 SCC 78

⁸ (2022) 6 SCC 30

⁹ 2024:DHC:9322

¹⁰ 2025:DHC:11285



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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. 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

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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 by the learned counsel on behalf of the Petitioner against the Impugned Order are required to be examined.

14. This Court takes note of the submission made that both the original Respondent herein as well as his son, for whom the *bona fide* need was espoused, have passed away. However, admittedly there is nothing on record to substantiate the submission that the son of the Original Respondent herein, upon whom the *bona fide* requirement was espoused, has since passed on. In view thereof, this Court does not find any reason to interfere with the Impugned Order on this ground.

15. With respect to the alleged incorrect consideration of the aspect of alternate accommodation, this Court deems it appropriate to extract the relevant portion of the Impugned Order in this regard, which reads as under:

“4. Alternate accommodations owned/available with the petitioner:-

(a) Property bearing No. WZ-50/1, Gali No. 23, Sant Garh, Tilak Nagar, New Delhi

It is submitted that the aforesaid property is built upon a plot admeasuring approximately 100 square yards and comprises ground, first and second floors. The ground floor consists of four shops in the front portion, whereas the rear portion is being used for residential purposes. Out of the four shops situated on the ground floor, one shop is being utilized as the office of the Resident Welfare Association, of which the petitioner is a member. The remaining three shops are under the tenancy of different



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tenants. The first and second floors are residential in nature and are being occupied by the petitioner, his son and the family members of his son for residential purposes.

Accordingly, no commercially suitable vacant accommodation is available to the petitioner in the aforesaid property for settling his son in the proposed business.

(b) Property bearing No. WZ-128A, Gali No. 28, Sant Garh, Tilak Nagar, New Delhi

It is submitted that the said property consists of two shops on the ground floor. Shop No. 1 is the tenanted premises which is the subject matter of the present petition. Shop No. 2 was vacated approximately three years prior to the filing of the present petition. Thereafter, the petitioner reconstructed the said portion by raising construction up to the ground, first and second floors.

The ground floor portion of Shop No. 2 has since been let out to a tenant. The first floor, which is residential in nature, has been mortgaged. The second floor, which is also residential in nature, is presently lying vacant.

It is submitted that neither the ground floor nor the upper floors of Shop No. 2 constitute a reasonably suitable alternative accommodation for the requirement of the petitioner's son. The ground floor has already been let out and, in any event, the said premises is situated inside a narrow gali and has only one opening. It is not located on the main road and does not enjoy the visibility, accessibility and customer footfall necessary for a fruits and vegetables business. The proposed business requires a commercially advantageous location with easy access to customers and loading/unloading facilities, which the said premises lacks.

Further, the second floor is a residential unit and cannot reasonably be utilized for the proposed commercial activity. Being situated on the second floor, it is wholly unsuitable for carrying on a retail business of fruits and vegetables, which necessarily requires direct access from the street and regular customer movement.

(c) Property bearing No. D-22, Sant Garh, Tilak Nagar, New Delhi

It is submitted that the said property comprises ground, first, second and third floors. The ground floor consists of six shops. Out of these, four shops situated in the front portion are under the tenancy of different tenants, whereas two shops situated in the rear portion are lying vacant. The upper floors are residential in nature and have been let out for residential purposes.

It is submitted that the two vacant shops situated in the rear portion are not reasonably suitable for the requirement of the petitioner's son. The said shops are located at the backside of the property and do not have adequate frontage, visibility or accessibility from the main road. Consequently, they do not attract sufficient customer footfall and are commercially unsuitable for the proposed business

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of sale of fruits and vegetables, which requires a prominent and easily accessible location.

In view of the aforesaid facts and circumstances, it is submitted that the petitioner does not possess any other reasonably suitable commercial accommodation from where his son can be settled in the proposed business near the petitioner's residence. The tenanted premises alone satisfies the bona fide requirement of the petitioner, having regard to its location, accessibility, visibility, size and suitability for the intended business as well as its proximity to the petitioner's residence, thereby enabling the son of the petitioner to look after the petitioner in his advanced age and medical condition."

(Emphasis supplied)

16. As is apparent, the learned ARC has accorded his detailed consideration to the aspect of alternate accommodation. He has discussed, in great detail, about each of the alternative accommodations and returned a reasonable finding upon the unsuitability of each of them.

17. Therefore, the objection regarding alternative accommodation has not gone unnoticed or unconsidered. The learned ARC has examined the objections and returned a reasoned finding thereon. This Court, in exercise of its limited revisional jurisdiction, cannot substitute its own assessment of the suitability of the said premises merely because another view may be possible.

18. Thus, there is no infirmity or perversity in the Impugned Order warranting interference by this Court in exercise of its jurisdiction under Section 25-B(8) of the DRC Act. The jurisdiction of this Court under the said provision is limited and is not intended to substitute the view of the learned ARC merely because another view may be possible.

DECISION:

19. Accordingly, the present Petition, being *sans* merit, is

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dismissed.

20. The present Petition, along with pending Application(s), if any, stands disposed of in aforementioned terms.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 29, 2026/tk/DJ

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