



2026:DHC:6105



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 30.07.2026**

+ RC.REV. 187/2026 & CM APPL. 35755/2026 (Stay)

SPORTS GOODS TOYS EXPORT PROMOTION COUNCIL

.....Petitioner

Through: Mr. Arunabh Chowdhury, Sr.
Adv. with Mr. Abhishek Roy,
Mr. Ritik Malik & Mr. Akhil
Suri, Advs.

versus

M/S MOHAN INVESTMENTS PROPERTIES PVT LTD

.....Respondent

Through: Mr. Dhanesh Relan, Sr. Adv.
with Ms. Sonika Singh & Ms.
Kriti Keya, Advs.

CORAM:**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGMENT (Oral)

1. The present Petition, filed under Section 25B(8) of the **Delhi Rent Control Act, 1958**¹, seeks to challenge the **Judgment dated 10.02.2026**² passed by the learned ARC, Central District, Tis Hazari Courts, Delhi in RC ARC/735/2023, titled "*Mohan Investments & Properties Pvt Ltd vs. The Sports Goods Exports Promotion Council*".
2. Mr. Arunabh Chowdhury, learned Senior Counsel for the Petitioner, submits that a specific objection had been raised before the

¹ DRC Act² Impugned Judgment



learned ARC with regard to the Respondent's plea of *bona fide* requirement. It is contended that the Respondent had merely applied for the grant of a licence for setting up a Cyber City and that no such licence or permission had been granted by the competent authority. According to him, in the absence of the requisite licence, the plea of *bona fide* requirement was wholly premature. In support of the said submission, learned Senior Counsel draws the attention of this Court to the Rejoinder to the Reply to the leave to defend Application preferred by the Petitioner herein, which in turn relies upon the Application made by the Respondent to the Town and Country Planning, Haryana dated 15.05.2023. The relevant extract of the said Rejoinder reads as follows:

“5. That as per own admission vide the document filed at Page 23 of the paper book with the reply, the petitioner has 'merely applied for the grant of license' and no license or permission has so far been granted. Worthwhile to mention that an earlier identical application has already been dismissed. In any case, the present petition, without the grant of the alleged license, is like putting the cart before the horse.”

3. Learned Senior Counsel, while drawing the attention of this Court to the Application dated 15.05.2023, made by the Respondent to the Town and Country Planning, Haryana, would submit that though the Application requesting for license came to be submitted by the Respondent, the same has been pending before the said competent authority till date. In light of the same, it would be contended that the Respondent's plea of *bona fide* requirement is premature and cannot be sustained in law.

4. Learned Senior Counsel for the Petitioner also submits that a



perusal of the Impugned Judgement would indicate that although the learned ARC has meticulously considered the various objections raised by the Petitioner, the aforesaid objection finds no mention in the Impugned Judgment.

5. It is further submitted that the Impugned Judgment is completely silent on the aforesaid aspect and does not contain any discussion or finding with regard to the effect of the absence of the requisite licence on the Respondent's plea of *bona fide* requirement.

6. **Per-contra**, Mr. Dhanesh Relan, learned Senior Counsel appearing on behalf of the Respondent, candidly and fairly accepts that the aforesaid aspect does not find specific consideration in the Impugned Judgment passed by the learned ARC. He, however, contends that the omission would not, by itself, warrant interference in exercise of the supervisory jurisdiction of this Court. In support of his submission, he places reliance upon the decision of the Hon'ble Supreme Court in ***Maganlal s/o Kishanlal Godha v. Nanasaheb s/o Udhaorao Gadewar***³, and, in particular, paragraphs 23 to 26 thereof, to contend that a landlord cannot be compelled to await the uncertainties and vagaries of the statutory approval process before asserting a *bona fide* requirement for the tenanted premises.

7. Learned Senior Counsel for the Respondent further submits that, in any event, the learned ARC has observed in the Impugned Judgment that if, after eviction, it is found that the Respondent had no *bona fide* requirement of the tenanted premises, the Petitioner herein/tenant would be entitled to seek restitution by invoking the

³ (2010) 13 SCC 98



provisions of Section 19 of the DRC Act.

8. This Court has heard learned Senior Counsel appearing for the parties and have also perused the material placed on record.

9. Before proceeding to examine the grounds of challenge, 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.

10. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**⁴, **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**⁵, and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**⁶, 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.

11. 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.**⁷, and **Sanjeev Hiranandani v. Sunny Grover**⁸.

12. 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

⁴ (1998) 8 SCC 119

⁵ (2014) 9 SCC 78

⁶ (2022) 6 SCC 30

⁷ 2024:DHC:9322

⁸ 2025:DHC:11285



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.”

13. 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 Judgement suffers from an error apparent on the face of the record or an absence of adjudication warranting interference.

14. 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 Judgement 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.

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

16. Upon consideration of the rival submissions, this Court finds merit in the contention advanced on behalf of the Petitioner that a specific objection had been raised before the learned ARC with regard to the Respondent's plea of *bona fide* requirement, founded upon the absence of the requisite licence for setting up the proposed Cyber City. The Petitioner had also placed documents in support of the said objection. A perusal of the Impugned Judgment reveals that while the learned ARC has adverted to and dealt with several objections raised by the Petitioner, the aforesaid contention neither finds any mention nor any consideration in the Impugned Judgment. The omission to consider a specific and substantive objection, supported by material



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placed on record, constitutes a material infirmity in the decision-making process.

17. Whether the said objection ultimately merits acceptance or rejection is a matter to be determined by the learned ARC upon an independent consideration of the material available on record. However, the absence of any discussion on a contention which goes to the root of the controversy renders the Impugned Judgment unsustainable. The failure to deal with such a contention amounts to a failure to exercise the jurisdiction vested in the Court and vitiates the decision-making process. This Court is, therefore, of the considered view that the Impugned Judgment cannot be sustained.

18. Accordingly, the Impugned Judgement is set aside, and the matter is restored to its original number on the board of the learned ARC for fresh consideration.

19. List before the learned ARC on 11.08.2026.

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

HARISH VAIDYANATHAN SHANKAR, J.
JULY 30, 2026/vs/va/m