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**IN THE HIGH COURT OF DELHI AT NEW DELHI***Reserved on: 20<sup>th</sup> March, 2025**Pronounced on: 16<sup>th</sup> May, 2025*

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**O.REF. 1/2025 in RC.REV. 18/2016& CM APPL.39275/2019****K S BHANDARI**

.....Petitioner

Through: Mr. Gaurav Bhardwaj and Ms. Garima Bhardwaj, Advs.

versus

**M/S INTERNATIONAL SECURITY****PRINTERS PVT LTD**

.....Respondent

Through: Mr. Rajiv Dewan and Mr. Raunak Gupta, Advs. (M:9811673338)  
Mr. Arvind Nigam, Sr. Adv. (*Amicus Curiae*) with Mr. Agnish Aditya and Mr. Raj Surana, Advs.

2

**WITH**

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**O.REF. 2/2025 in RC.REV. 204/2017****M/S FRONTIER SALES**

.....Petitioner

Through: None.

versus

**M/S SUPERIOR EXIM PVT LTD**

.....Respondent

Through: Ms. Gurmeet Bindra. Adv.

3

**WITH**

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**O.REF. 3/2025 in RC.REV. 205/2017****M/S FRONTIER SALES**

.....Petitioner

Through: None.

versus

**M/S SUPERIOR EXIM PVT LTD**

.....Respondent

Through: Ms. Gurmeet Bindra. Adv.

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**WITH**

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**O.REF. 4/2025 in RC.REV. 206/2017****M/S FRONTIER SALES**

.....Petitioner

Through: None.

versus

**M/S SUPERIOR EXIM PVT LTD**

.....Respondent

Through: Ms. Gurmeet Bindra. Adv.



5

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WITH  
**O.REF. 5/2025 in RC.REV. 207/2017**  
M/S FRONTIER SALES .....Petitioner

Through: None.

versus

M/S SUPERIOR EXIM PVT LTD .....Respondent

Through: Ms. Gurmeet Bindra. Adv.

6

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WITH  
**O.REF. 6/2025 in RC.REV. 303/2017& CM APPL.34823/2023**

JAI RANI & ANR. ....Petitioners

Through: Mr. Anurag Bindal, Mr. Vaibhav Gupta & Mr. Mohd. Uwaiz, Advs. (M: 9999532171) with Petitioners in person.

versus

LALA JOTI PERSHAD SHIV MANDIR  
TRUST & ORS.

.....Respondents

Through: Mr. Arvind Nigam, Sr. Adv. (*Amicus Curiae*) with Mr. Agnish Aditya and Mr. Raj Surana, Advs.

7

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WITH  
**O.REF. 7/2025 in RC.REV. 318/2017**  
SHANTI DEVI .....Petitioner

Through: None.

versus

DIGAMBAR JAIN PANCHAYAT SAMAJ (REGD).....Respondent

Through:

8

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WITH  
**O.REF. 8/2025 in RC.REV. 396/2017**  
BADI PANCHAYAT VAISH BISE  
AGGARWAL (REGD) .....Petitioner

Through: None.

versus

SHRI SUNIL GUPTA .....Respondent

Through: Mr. M. Tarique Siddiqui, Mr. Abhishek Kumar Tanwar and Mr. Fajallu Rehman, Advs. (M: 9555000023)



9 WITH  
+ **O.REF. 9/2025 in RC.REV. 397/2017**  
BADI PANCHAYAT VAISH BISE  
AGGARWAL (REGD) .....Petitioner  
Through: None.  
versus  
JAI PARKASH GOYAL .....Respondent  
Through: Mr. Arvind Nigam, Sr. Adv. (*Amicus Curiae*)

10 WITH  
+ **O.REF. 10/2025 in RC.REV. 519/2017 & CM APPL.15702/2020**  
SURENDER KAUR & ANR. ....Petitioners  
Through: Mr. Hitendra Nahata, Adv.  
versus  
ANOOP SINGH CHARITABLE TRUST .....Respondent  
Through: Mr. Arvind Nigam, Sr. Adv. (*Amicus Curiae*)

11 AND  
+ **O.REF. 11/2025 in RC.REV. 520/2017**  
SURENDER KAUR & ANR. ....Petitioners  
Through: Mr. Hitendra Nahata, Adv.  
versus  
ANOOP SINGH CHARITABLE TRUST .....Respondent  
Through: Mr. Arvind Nigam, Sr. Adv. (*Amicus Curiae*)

**CORAM:**  
**JUSTICE PRATHIBA M. SINGH**  
**JUSTICE ANISH DAYAL**

### **JUDGMENT**

#### **Prathiba M. Singh J.,**

1. This hearing has been done through hybrid mode.
2. The present Reference arises out of 12 eviction petitions filed by various landlords under Section 14(1)(e) read with Section 25B of the Delhi Rent Control Act, 1958 (*hereinafter, the 'DRC, 1958'*) *inter alia* seeking



eviction of the tenants from the tenanted premises. Vide orders passed by the Additional Rent Controller, Central District, Tis Hazari Courts, Delhi (*hereinafter, the 'ARC'*) the said eviction petitions were allowed and the landlords in each of the petitions were permitted to obtain possession of the respective tenanted premises.

3. Assailing the orders passed by the ARC, the tenants filed revision petitions under Section 25B (8) of the DRC Act, 1958. It is these revision petitions which are the basis for the reference dated 22nd December, 2017.

4. Vide order dated 22<sup>nd</sup> December, 2017 in **R.C. REV. 18/2016** the ld. Single Judge referred the following questions for consideration:

*“(i) Where the landlord is a company or other body corporate or any local authority or any public institution and the premises are required for the use of employees of such landlord, whether such landlord has a choice, whether to invoke Section 14(1)(e) or Section 22 of the Act.*

*(ii) Whether the Chairman, Directors, Trustees, members of the governing body and office bearers, of a company or other body corporate or any local authority or any public institution qualify as „employees”, within the meaning of Section 22 of the Act and if not whether such landlord for requirement of such persons is entitled to invoke Section 14(1)(e) of the Act.*

*(iii) Whether the tenant of such a landlord can be construed as having acted in contravention of the terms under which he was authorized to occupy the premises or be construed as in unauthorized occupation of the premises, within the meaning of Section 22(b) and (c) of the Act, on continuing in occupation after determination of his tenancy under Section 106 of the Transfer of property Act, 1882.*

*(iv) Whether the commercial or industrial or other requirement of a landlord, which / who is a company or*



*other body corporate or any local authority or any public institution, of premises, by allowing its employees to work or carry on its activities therein is within the ambit of Section 22 of the Act and if not, whether for such requirement such a landlord can invoke Section 14(1)(e) of the Act.*

*(v) Whether a public charitable trust carrying on public activities qualifies as a public institution.*

*(vi) Whether a deity in a temple owning properties or a trust or a society managing a place of worship qualifies as a public institution.*

*(vii) Whether the choice if any with such a landlord, to invoke either Section 14(1)(e) or Section 22 of the Act, is to the detriment of the tenant and if so to what effect.”*

**Facts:**

5. The revision petitions are filed by the tenants, under Section 25B (8) of the DRC, 1958 *inter alia* assailing the orders passed by the ARC, vide which the tenants have been evicted from the tenanted premises.

6. In the present petitions, the landlords belong to a diverse class, including body corporates, juristic entities, public trusts, etc. The details of the petitions are as under:

S. No	Petition No.	Name & Status of the Landlord	Name of the Tenant	Particulars of the petitions
1	RC. REV. 18/2016	M/s International Security Printers Pvt. Ltd.  (Private Limited Company)	K.S. Bhandari	Landlord sought eviction under Section 14(1)(e), DRC, 1958, invoking the summary procedure under Section 25B, DRC, 1958. Rent Controller directed eviction vide order dated 30 <sup>th</sup> September, 2015. Revision petition filed by the tenant challenging the eviction.



2	RC.REV. 204/2017	M/s Superior Exim Pvt. Ltd.  (Private Limited Company)	M/s Frontier Sales	Landlord sought eviction under Section 14(1)(e), DRC, 1958, invoking the summary procedure under Section 25B, DRC, 1958. Rent Controller directed eviction vide order dated 29th November, 2016. Revision petition filed by the tenant challenging the eviction.
3	RC.REV. 205/2017	M/s Superior Exim Pvt. Ltd.  (Private Limited Company)	M/s Frontier Sales	Landlord sought eviction under Section 14(1)(e), DRC, 1958, invoking the summary procedure under Section 25B, DRC, 1958. Rent Controller directed eviction vide order dated 29th November, 2016. Revision petition filed by the tenant challenging the eviction.
4	RC. REV. 206/2017	M/s Superior Exim Pvt. Ltd.  (Private Limited Company)	M/s Frontier Sales	Landlord sought eviction under Section 14(1)(e), DRC, 1958, invoking the summary procedure under Section 25B, DRC, 1958. Rent Controller directed eviction vide order dated 29th November, 2016. Revision petition filed by the tenant challenging the eviction.
5	RC. REV. 207/2017	M/s Superior Exim Pvt. Ltd.	M/s Frontier Sales	Landlord sought eviction under Section 14(1)(e), DRC, 1958, invoking the summary procedure under



		(Private Limited Company)		Section 25B, DRC, 1958. Rent Controller directed eviction vide order dated 29th November, 2016. Revision petition filed by the tenant challenging the eviction.
6	RC. REV. 303/2017	Lala Joti Pershad Shiv Mandir Trust  (Public Trust)	Jai Rani and Sanjay Kapoor	Landlord sought eviction under Section 14(1)(e), DRC, 1958, invoking the summary procedure under Section 25B, DRC, 1958. Rent Controller directed eviction vide order dated 06th April, 2017. Revision petition filed by the tenant challenging the eviction.
7	RC. REV. 318/2017	Shri Digambar Jain Panchayat Samaj (Regd.)  (Registered Society)	Shanti Devi	Landlord sought eviction under Section 14(1)(e), DRC, 1958, invoking the summary procedure under Section 25B, DRC, 1958. Rent Controller directed eviction vide order dated 25th February, 2017. Revision petition filed by the tenant challenging the eviction.
8	RC. REV. 396/2017	Badi Panchayat Vaish Bise Aggarwal (Regd.)  (Registered Society)	Sunil Gupta	Landlord sought eviction under Section 14(1)(e), DRC, 1958, invoking the summary procedure under Section 25B, DRC, 1958. Rent Controller directed eviction vide order dated 19th July, 2017.



				Revision petition filed by the tenant challenging the eviction.
9	RC. REV. 397/2017	Badi Panchayat Vaish Bise Aggarwal (Regd.)  (Registered Society)	Jai Prakash Goel	Landlord sought eviction under Section 14(1)(e), DRC, 1958, invoking the summary procedure under Section 25B, DRC, 1958. Rent Controller directed eviction vide order dated 19th July, 2017. Revision petition filed by the tenant challenging the eviction.
10	RC. REV. 519/2017	Anoop Singh Charitable Trust  (Charitable Public Trust)	Surender Kaur and Prabjot Singh Gulati	Landlord sought eviction under Section 14(1)(e), DRC, 1958, invoking the summary procedure under Section 25B, DRC, 1958. Rent Controller directed eviction vide order dated 19th May, 2017. Revision petition filed by the tenant challenging the eviction.
11	RC. REV. 520/2017	Anoop Singh Charitable Trust  (Charitable Public Trust)	Surender Kaur and Prabjot Singh Gulati	Landlord sought eviction under Section 14(1)(e), DRC, 1958, invoking the summary procedure under Section 25B, DRC, 1958. Rent Controller directed eviction vide order dated 19th May, 2017. Revision petition filed by the tenant challenging the eviction.





7. Further, **RC. REV. 208/2017** titled **M/s Frontier Sales v. M/s Superior Exim Pvt. Ltd.** has been withdrawn.

**Submissions:**

8. Mr. Gaurav Bhardwaj, Mr. Anuragh Bindal, Mr. M. Tarique Siddiqui, Mr. Abhishek Kumar Tanwar, Id. Counsels appearing on behalf of the tenants have made the following submissions:

- i. Section 14 of the DRC, 1958 is a prohibitory provision as it falls within Chapter III of the Act. The said chapter deals with control of eviction of tenants. The object of the DRC, 1958 is to protect tenants. Thus, in case of any ambiguity in the interpretation of a provision, benefit has to be given to the tenant.
- ii. The question that arises is as to when can a landlord seek eviction under Section 14 of the DRC, 1958. Section 14(1)(e) of the Act is the only provision under Section 14 of the DRC, 1958 where the landlord can seek eviction and take possession on the basis of *bona fide* need. All other sub sections under Section 14 of the DRC, 1958 deal with other situations where there have been defaults by the tenant or the condition of the premises is no longer satisfactory for human occupation. Thus, the provision itself deals with three categories:
  - a) Where there are violations or infractions by the tenant.
  - b) Where the premises is in a dilapidated condition.
  - c) Where the landlord requires the premises only under sub section (e).



No other sub section of 14 of the DRC, 1958 would enable a landlord to use the summary procedure under Section 25 (b) of the Act.

- iii. Use of the words '*he*' or '*himself*' in Section 14(1)(e) of the DRC, 1958 along with the words, '*bona fide* by the landlord for occupation as a residence for himself' would be a controlling part of the provision. Even though it would mean to include even the female gender, it however, would not mean that a juristic entity or any other entity such as a firm, company, etc. can be included in the ambit of a landlord.
- iv. Two amendments have been carried out in the DRC, 1958. The first, in 1976, introduced Chapter III-A, providing for summary trials. The second amendment, in 1988, inserted a special procedure under Section 25B of the Act. A joint reading of Section 25B along with Section 14(1)(e) of the DRC, 1958 leads only to the conclusion that summary procedure is prescribed for landlords who are natural persons and not for any other class of landlords. Thus, for the purpose of Section 14(1)(e) of the DRC, 1958, the landlord has to be a natural person.
- v. Though all landlords can seek eviction of tenants under the DRC, 1958, the summary procedure under Section 25B of the Act can only be used for the benefit of the landlords who come under the ambit of Section 14(1)(e) of the DRC, 1958. Reliance is placed upon the decision of the Supreme Court in ***Kewal Singh v. Lajwanti, 1980 1 SCC 290*** to argue that the Section 25B of the DRC, 1958 is a procedure which is confined essentially to Section



- 14A and Section 14 (1)(e) of the DRC, 1958. Thus, unless the landlord needs the premises for personal occupation, the special procedure under Section 25B of the Act cannot be triggered.
- vi. On a query from the Court as to what would be the position in cases where a sole proprietary concern or an unregistered partnership firm, seeks eviction of the tenants, it was submitted that insofar as the unregistered partnership firm is concerned, since the sole proprietor would be a natural person, and a sole proprietary firm not being a juristic entity, Section 14(1)(e) of the DRC, 1958 would be available in such a case.
  - vii. In respect of those landlords for whom Section 22 of the DRC, 1958 applies, they should not be permitted to invoke section 14(1)(e) of the Act as Section 22 of the DRC, 1958 carves a subset from Section 14(1)(e)/14 of the Act.
  - viii. The purpose of juristic entities, such as, companies, trusts, body corporates, etc. is to maximize profits, and therefore, they ought not be given benefit of Section 14(1)(e) of the DRC Act. Under Section 25B of the Act, only some individual landlords are given the benefit. The *bona fide* requirement of the individual landlord has to be satisfied for the purpose of invoking the summary procedure under Section 25B of the DRC act.
  - ix. Both Sections 14 and 22 of the DRC, 1958 are non-obstante provisions. Section 14 of the DRC, 1958 has the expression “*Notwithstanding anything to the contrary contained in any other law or contract...*”, and Section 22 of the Act contains the expression “*notwithstanding anything in contained in Section 14 or*



*any other law*”. In view of these non-obstante clauses, harmonious construction needs to be done, which would show that it is only Section 22 of the Act which could apply, in respect of, companies, body corporates, local authorities, public institutions, etc. Further, if such an interpretation is not given and all landlords are construed to be included under Section 14 of the Act, then there would be several overlaps between categories of cases falling in Section 14(1)(e) and Section 22 of the DRC, 1958. This would render Section 22 of the Act otiose. An interpretation by the Court should not render any provision superfluous or otiose and therefore, the provisions have to be applied in the manner in which they are framed or enacted.

- x. The judgment in ***Satyawati Sharma (Dead) by LRs v. Union of India & Anr. [(2008) 5 SCC 287]*** has made it clear that Section 14(1)(e) of the DRC, 1958 could apply even to commercial premises. A harmonious construction of both the provisions, therefore, should be that only those landlords for whom Section 22 of the Act applies cannot invoke section 14(1)(e) of the DRC, 1958.
- xi. The application of CPC would be relevant in all proceedings under Section 22 of the DRC, 1958. Those entities covered by Section 22 of the Act are not governed by procedure under Section 25B of the DRC, 1958 because under Section 25B, an appeal or a second appeal does not lie against an order directing the recovery of premises by the Comptroller. Thus, usually only revision petitions under Section 115 CPC are filed when orders are passed under Section 14(1)(e) read with Section 25B of the DRC, 1958.



However, no such embargo exists in respect of orders passed under Section 22 of the DRC, 1958 *qua* which, appeals are maintainable before the Tribunal under Section 38 of the Act. It is thus submitted that the provisions under Section 22 of the DRC, 1958 are carved out especially for the purpose of statutory authorities, companies, juristic entities, body corporates, local authorities, public institutions, etc. The only class of institutions not be covered by Section 22 of the DRC, 1958 would therefore be private trusts.

xii. A private trust is not covered under Section 22 of the DRC, 1958 in terms of the decision in *National Distributor Company v. Sant Lal Godha & Sons Charity Trust [(2012) SCC OnLine Del 237]*. In view, thereof a private trust can invoke Section 14(1)(e) of the DRC, 1958.

9. Mr. Sudhanshu Batra, Id. Senior Advocate, Mr. Gurmeet Bindra, Id. Counsel and Mr. Hitendra Kumar, Id. Counsel appearing on behalf of the landlords/Respondents made the following submissions:

- i. The simple question is whether a company can invoke Section 14(1)(e) of the DRC, 1958 and whether the chairman, directors, etc. are employees of the company.
- ii. The definition of landlord under Section 2(e) of the DRC, 1958 shows that it includes any person which need not be a natural person;
- iii. Under Section 3(42) of the General Clauses Act, a person includes a company or association or body of individuals, whether incorporated or not. Thus, the submission is that a company is fully covered under the definition of landlord under the DRC, 1958.



- iv. On a reading of Section 22 of the DRC, 1958 it is found that the said provision has carved out companies and other body corporates, etc., to seek eviction in case where employees need the premises. Further, the directors would not be employees under Section 22 of the Act. However, the language of Section 22 of the DRC, 1958 would show that the company is included in the Act as a landlord.
- v. Section 14 of the DRC, 1958, in general and Section 14(1)(e) of the DRC, 1958 in particular would still continue to apply to companies. The option is with the company whether to invoke Section 22 of the Act as it is an additional remedy provided to a company for the sake of its employees. Reliance is placed upon the following decisions:
- a) ***Canara Bank v. T.T. Ltd.*, 214 [(2014) DLT 526]**
  - b) ***Chuni Lal v. University of Delhi*, [1970 LawSuit (Del) 292: 1970 RCR (Rent) 742]**
  - c) ***Madan Mohan Lal Sri Ram Pvt. Ltd. v. P. Tandon*, [(1981) SCC OnLine Del 303],**
  - d) ***Satnam Kaur & Ors. v. Ashlar Stores P. Ltd.* [158 (2009) DLT 62]**
- vi. The Act thus cannot exclude remedies for landlords in a selective manner and companies which are juristic entities are entitled to invoke Section 14 of the DRC, 1958 in general and Section 22 of the Act in particular.
- vii. Whenever the landlord needs the premises for residential purposes, Section 14 of the DRC, 1958 could be invoked by the landlord. However, a landlord who requires the premises for commercial reasons cannot file an eviction petition under Section 14 of the Act



- and can only invoke Section 22 of the DRC, 1958. This position has changed after the decision in *Chunilal v. University of Delhi* (*supra*), where a *Id.* Single Judge of this Court held that Section 14 & Section 22 of the DRC, 1958 would go hand in hand. There is no conflict between the said two provisions. The Court recognizes in the said decision that a corporate body or a public institution could be similar to natural person under certain circumstances and there is no reason to exclude corporate persons from invoking Section 14 of the Act.
- viii. In the decision of *Madan Mohan Lal v. P. Tandon*, (*supra*), the *Id.* Single Judge of this Court expanded the purport of Section 14 of the DRC, 1958 and held that if a company required the premises, for example, for residential purposes of the Company Chairman, Section 14(1)(e) could be invoked. Thus, even as per *Madan Mohan Lal* (*supra*) both Sections 14(1)(e) & 22 of the DRC, 1958 were available to juristic entities.
- ix. This principle of law was followed by the decision in *Canara Bank v. T.T Ltd.* (*supra*) where again on the basis of the decision in *Madan Mohan Lal* (*supra*), a *Id.* Single Judge held that the contention of the tenant, that Section 14(1)(e) of the DRC, 1958 could not be invoked by the landlord/company deserves to be rejected.
- x. When a landlord is a registered society and is a private institution, Section 22 of the DRC, 1958 cannot be invoked. The landlord has, therefore, filed the eviction petition under Section 14(1)(e) read with Section 25B of the DRC, 1958. No registration of the said



society has been placed on record and in any case if there is such an order dismissing the eviction or granting leave to defend, the appeal would not lie.

10. The Court also considered the submissions made by *Id.* Senior Counsel Mr. Arvind Nigam who has been appointed as the *Id. Amicus Curaie* to assist the Court. Mr. Nigam made the following submissions:

- i. The definition of ‘landlord’ is person agnostic under Section 2(e) of the DRC, 1958. The purpose of the Act was to protect tenants in the wake of Partition of the country and to give some succour to tenants using it for residential purposes in the 1950s. This philosophy underwent a change after 45 years when the decision in ***Satyawati Sharma (Dead) by LRS v. Union of India & Anr.*** (*supra*) was rendered by the Supreme Court wherein the Court held that the distinction in Section 14(1)(e) DRC, 1958 between residential and non-residential premises would render the said provision discriminatory to the extent that it confined relief only to residential premises. In view thereof, the same was struck down, to that extent. Since ***Satyawati Sharma (Dead) by LRS v. Union of India & Anr.*** (*supra*), Section 14(1)(e) of the Act is available to tenants using the same even for non-residential use. Even at that stage, in the said judgment, the status of the landlord was not gone into – as to whether it was a natural person or a juristic person.
- ii. The manner in which the purpose of ‘use’ has been held to be discriminatory in ***Satyawati Sharma (Dead) by LRS v. Union of India & Anr.*** (*supra*) would also apply if the provision is confined only to natural persons and would fall foul of Article 14 of the





- Constitution. The natural sequitur of the said judgment is that Section 14 of the DRC, 1958 would be *owner neutral*. There are competing equalities in the Rent Control legislation in the form of three factors: - a) the nature of tenant; b) the nature of property; c) the nature of landlord. While at the time of enactment, distinctions were made, over the years these inequalities have been removed and the legislation has to be interpreted in a manner when it is neutral to all three factors.
- iii. It is further submitted that by reading the reference order and the discussion in respect of *Northern India Caterers Pvt. Ltd. v. State of Punjab* (AIR 1967 SC 1581) and *Madan Mohan Lal v. P. Tandon*, (*supra*) the view of Justice Bachawat has been accepted. A tenant cannot claim a right on procedure but only on the aspect of the remedy. For example, if an Appellate remedy is being curtailed, violation of rights can be argued by the tenant.
- iv. Here the question is whether a summary procedure can be made available to all the landlords or not. The right of the landlord under Section 14 or under Section 22 is a separate and distinct right. Reference is made to the judgment in *Chunni Lal v. University of Delhi* (*supra*) wherein it is held categorically that both these provisions apply to all landlords. The inconsistency which is attributed to the judgment in *Canara Bank* (*supra*) is merely incidental and, in fact, did not exist. Illustratively, Mr. Nigam, Id. *Amicus* refers to any monetary instrument over which both a normal suit and a summary suit would be maintainable, if the conditions are satisfied. Thus, it is argued that Section 14 is in addition to the



remedy under Section 22. The submission is that procedural elements cannot dominate substantive rights. There is nothing wrong if Section 14(1)(e) is available to all landlords post ***Satyawati Sharma (Dead) by LRS v. Union of India & Anr.*** (*supra*)

- v. The explanation in Section 22 DRC, 1958 is then referred to argue that the same is not an exhaustive definition as it uses the terms ‘includes’, ‘in contrast with ‘means’ or ‘means and includes’. The Explanation is, therefore, broad and would also include institutions set up by private trusts as well.
- vi. Coming to the questions raised in the reference dated 22<sup>nd</sup> December, 2017, the following was submitted by the Id. *Amicus Curiae*-
  - a. Question 50 (i), the answer would be ‘Yes, the choice would exist for the landlord’.
  - b. Question 50(ii) the question whether Section 22 of the DRC, 1958 would apply to such individuals who were not employees would have to be seen on a case to case basis. For such cases Section 14(1)(e) would always be applicable but if the employer-employee relationship exists then Section 22 can also be invoked.
  - c. Question 50(iii) applicability of Section 106 of the Transfer of Property Act. Reference is made to Section 2(l) of the said Act to argue that under Section 2(l)(ii), if the termination is by way of a notice under section 106, the termination may still be valid but the tenant can still be protected under the DRC, 1958 and



not an unauthorised occupant.

- d. Question 50(iv)- The distinction has been removed between the nature of the premises post the judgment in *Satyawati Sharma (Dead) by LRS v. Union of India & Anr. (supra)*.
- e. Question 50(v)- A public charitable trust would qualify to be a public institution under Section 22 of the DRC, 1958 though the exclusion is if set up by a private trust.
- f. Question 50(vi) - A deity could qualify as a public institution depending on the facts.
- g. Question 50(vii) - The choice available to the landlord cannot be considered as being detrimental to the tenant as it is only a question of procedure and the landlord is *dominus litis*.

11. The Court has heard the matter at length. The submissions made by the ld. Counsels have been considered and the judgments placed on record have been perused.

**Observations:**

12. The ld. Single Judge *vide* a detailed and copiously written judgment in ***RC.REV. 18/2016*** dated 22nd December, 2017 referred to the Division Bench, the following questions for consideration:

*“(i) Where the landlord is a company or other body corporate or any local authority or any public institution and the premises are required for the use of employees of such landlord, whether such landlord has a choice, whether to invoke Section 14(1)(e) or Section 22 of the Act.*

*(ii) Whether the Chairman, Directors, Trustees, members of the governing body and office bearers, of a company or other body corporate or any local authority or any public institution qualify as „employees“, within*



*the meaning of Section 22 of the Act and if not whether such landlord for requirement of such persons is entitled to invoke Section 14(1)(e) of the Act.*

*(iii) Whether the tenant of such a landlord can be construed as having acted in contravention of the terms under which he was authorized to occupy the premises or be construed as in unauthorized occupation of the premises, within the meaning of Section 22(b) and (c) of the Act, on continuing in occupation after determination of his tenancy under Section 106 of the Transfer of property Act, 1882.*

*(iv) Whether the commercial or industrial or other requirement of a landlord, which / who is a company or other body corporate or any local authority or any public institution, of premises, by allowing its employees to work or carry on its activities therein is within the ambit of Section 22 of the Act and if not, whether for such requirement such a landlord can invoke Section 14(1)(e) of the Act.*

*(v) Whether a public charitable trust carrying on public activities qualifies as a public institution.*

*(vi) Whether a deity in a temple owning properties or a trust or a society managing a place of worship qualifies as a public institution.*

*(vii) Whether the choice if any with such a landlord, to invoke either Section 14(1)(e) or Section 22 of the Act, is to the detriment of the tenant and if so to what effect."*

13. Before proceeding to answer the above questions and discussing the case laws involved, this Court deems it appropriate to discuss the scheme of the DRC, 1958.

**Scheme of the Delhi Rent Control Act, 1958:**

14. The Delhi Rent Control Act was enacted by the legislature in 1958 and is a law which is meant to control rents and evictions in the jurisdiction of Delhi. Under Section 2 of the Act, the terms 'Landlord' and 'Tenant' are



defined. Section 2(e) of the DRC, 1958 defines a landlord as under:

*“(e) “landlord” means a person who, for the time being is receiving, or is entitled to receive, the rent of any premises, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant;”*

15. A perusal of the definition of landlord as provided under the Act would show that the same is inclusive. It is an exhaustive definition but it includes within its ambit **any person**:

- Who is receiving rent;
- Who is entitled to receive rent. (Such person need not be receiving rent on his own account. It could be on behalf of a trustee, a guardian or receiver for any other person who is entitled to receive rent);
- Who is receiving rent for the benefit of a trustee or guardian or receiver for any other person who is entitled to receive rent.

16. Thus, the definition of landlord is quite broad and the intention is to ensure that no one is excluded from the definition, so long as the premises is a tenanted premises and the person has some legitimate right or authority to receive rent from the tenant.

17. Insofar as the definition of tenant is concerned, the same is provided under Section 2(l) of the DRC, 1958. It is a *means and includes* definition. It provides that a tenant is any person by whom or on behalf of whom, the rent of any premises would be payable. It includes:

- A sub-tenant,
- A person who is in possession of the premises despite termination of tenancy;



- The tenant's family members or others who have been ordinarily living in the premises as per order of succession prescribed under Explanation I and II of Section 2(l) of the Act.

18. The relevant portion of Section 2(l) of the DRC, 1958 is extracted hereunder for ready reference:

“xxx                      xxx                      xxx

*I [(1) “tenant” means any person by whom or on whose account or behalf the rent of any premises is, or, but for a special contract, would be, payable, and includes—*

*(i) a sub-tenant;*

*(ii) any person continuing in possession after the termination of his tenancy; and*

*(iii) in the event of the death of the person continuing in possession after the termination of his tenancy, subject to the order of succession and conditions specified, respectively, in Explanation I and Explanation II to this clause, such of the aforesaid person's—*

*(a) spouse,*

*(b) son or daughter, or, where there are both son and daughter, both of them,*

*(c) parents,*

*(d) daughter-in-law, being the widow of his pre-deceased son, as had been ordinarily living in the premises with such person as a member or members of his family up to the date of his death, but does not include,—*

*(A) any person against whom an order or decree for eviction has been made, except where such decree or order for eviction is liable to be re-opened under the proviso to section 3 of the Delhi Rent Control (Amendment) Act, 1976 (18 of 1976);*

*(B) any person to whom a licence, as defined by section 52 of the Indian Easements Act, 1882 (5 of 1882), has been granted.*

*Explanation I-.....*

*Explanation II - .....*



*Explanation III .....”*

19. From a perusal of both the above mentioned provisions, it can be seen that the DRC, 1958 has in fact struck a balance while defining the terms ‘Landlord’ and ‘Tenant’. It has not restricted the said definitions to any specific parties but has in fact expanded it. The definition of the term ‘landlord’ is an expansive one and includes persons who may have authority to collect rent, even if not the landlord, from persons, who are in occupation of property, even if not the tenant.

20. The intention is therefore to ensure creation of relationship of a landlord and tenant even where, there may not be a direct landlord-tenant relationship, tenancy agreement or a lease agreement. The core of the landlord-tenant relationship thus, is the tenanted premises and not the party individual.

21. Section 3 of the DRC, 1958 clarifies in respect of which premises the Act would not apply. The exclusions provided therein are in respect of:

- i) Premises belonging to the government or requisitioned by the government;
- ii) Any premises, where the rent is more than Rs.3,500/-;
- iii) Any premises constructed after 1988 for a period of ten years from the date of completion of construction.

The last two Clauses were added in 1988.

22. A perusal of Section 3 of DRC, 1958 would also show that the focus of the Act is on the premises and not on the nature of the landlord or the tenant. Insofar as premises belonging to the government are concerned, the same being public premises is also governed by the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (*hereinafter, the ‘PP Act’*).

23. Sections 4 to 13 of the DRC, 1958 deal with various aspects of fixation



of rent, standard rent, increase in rent, refund of rent, etc. and are not relevant for the present purposes.

24. Section 14 of the DRC, 1958 falls under Chapter III of the Act, which is titled, ***Control of Eviction of Tenants***. Section 14(1) of the Act provides that a decree for recovery of possession of any premises cannot be made in favour of a landlord so long as certain conditions as specified in Section 14 (1) proviso of the DRC, 1958 are satisfied. The said conditions are relevant and are set out hereunder:

- 14(1)(a) – Non payment of rent by the tenant within two months after service of notice in the manner provided under Section 106 of the Transfer of Property Act, 1882.
- 14(1)(b) – Sub-letting or parting with possession of any part of the tenanted premises without obtaining consent in writing from the landlord;
- 14(1)(c) – Change of user of the rented premises other than for the purpose for which it was let out, without consent of the landlord.
- 14(1)(d) – In the case of a premises let out for use as a residence, if the tenant or any member of the tenant's family has not resided in the said premises for six months prior to the filing of eviction petition;
- 14(1)(e) – If the premises are required *bona fide* by the landlord for occupation as a residence for himself or for any member of his family dependent upon him;
- 14(1)(f) – If the premises is unfit for human habitation and the landlord wishes to carry out repairs which is not possible without evicting the tenant;





- 14(1)(g) – That the premises are needed by the landlord *bona fide* for the purpose of building, re-building or causing alterations to the premises, which cannot be done without evicting the tenant;
- 14(1)(h) – If the tenant has obtained a residence;
- 14(1)(hh) – If the tenant has built a residence after 1988 and ten years have elapsed;
- 14(1)(i) – If the tenant was an employee of the landlord and such employment has ceased;
- 14(1)(j) – That the tenant has caused or permitted to be caused substantial damage to the premises, directly or indirectly;
- 14(1)(k) – If the tenant has violated any conditions imposed on the landlord by the authority which has given the premises on lease such as the Government, Delhi Development Authority, Municipal Corporation, etc.
- 14(1)(l) – If the premises is needed by the landlord for complying with any condition imposed by the Government, Delhi Development Authority, Municipal Corporation, etc.

25. In respect of each of the sub-Sections of Section 14(1) of the Act provided above, the further conditions that apply are set out in Sections 14(2) to 14(11) of the DRC, 1958.

26. For the purpose of the present reference, the relevant provisions would be Section 14(1)(e) read with Section 14(7) of the DRC, 1958. The same read as under:

*“(e) that the premises let for residential purposes are required bona fide by the landlord for occupation as a residence for himself or for any member of his family*



*dependent on him, if he is the owner thereof, or for any person for whose benefit the premises are held and that the landlord or such person has no other reasonably suitable residential accommodation;*

xxx

xxx

xxx

*(7) Where an order for the recovery of possession of any premises is made on the ground specified in clause (e) of the proviso to sub-section (1), the landlord shall not be entitled to obtain possession thereof before the expiration of a period of six months from the date of the order.”*

27. The question with respect to Section 14 (1) (e) of the DRC, 1958 raised by the Id. Single Judge vide order dated 22<sup>nd</sup> December, 2017 is whether in the said provision, the word ‘himself’ or ‘his family dependent on him” would restrict the application of Section 14(1)(e) of the said Act to only a natural person and not to a juristic entity, body corporate or a trust, etc. Before answering this question, it is imperative to delve into the scope of DRC, 1958 even further and discuss some more key provisions.

### **Amendments in the Delhi Rent Control Act, 1958**

28. Substantial amendments have been undertaken in the DRC, 1958. However, two sets of amendments *i.e.*, in the years 1975 and in 1988 are relevant for the discussion herein.

29. The Delhi Rent Control (Amendment) Act, 1975 introduced Section 14A of the DRC, 1958 which empowered the landlord with the right to recover immediate possession of premises, in respect of persons who may be occupying premises allotted to them by the government or such authorities.

30. The Delhi Rent Control (Amendment) Act, 1988, inserted Section 14B and 14C of the DRC, 1958. These provisions *inter alia*, vest the right to recover immediate possession of those premises relating to the members of



armed forces, employees of Central Government, Delhi Administration employees, as also widows.

**Section 22 of the Delhi Rent Control Act, 1958:**

31. Section 22 of the DRC, 1958 which existed in the Act since 1958 and is relevant for the discussion, is set out below:

*“22. Special provision for recovery of possession in certain cases.—Where the landlord in respect of any premises is any company or other body corporate or any local authority or any public institution and the premises are required for the use of employees of such landlord or in the case of a public institution, for the furtherance of its activities, then, notwithstanding anything contained in section 14 or any other law, the Controller may, on an application made to him in this behalf by such landlord, place the landlord in vacant possession of such premises by evicting the tenant and every other person who may be in occupation thereof, if the Controller is satisfied—*

*(a) that the tenant to whom such premises were let for use as a residence at a time when he was in the service or employment of the landlord, has ceased to be in such service or employment; or*

*(b) that the tenant has acted in contravention of the terms, express or implied, under which he was authorised to occupy such premises; or (c) that any other person is in unauthorised occupation of such premises; or*

*(d) that the premises are required bona fide by the public institution for the furtherance of its activities.*

*Explanation.—For the purposes of this section, “public institution” includes any educational institution, library, hospital and charitable dispensary 1 [but does not include any such institution set up by any private trust].”*



32. Thus, Section 22 of the DRC, 1958 has three ingredients as clarified in the judgment of *Shri Rishi Walia v. Shri Sanatan Dharam Mandir Trust Regd Through its President (2022:DHC:2535)*.

- Firstly, the landlord is a company or other body corporate or local authority or public institution.
- Secondly, the premises are required for use of the employees of such landlord or in the case of a public institution, for furtherance of its activities.
- Thirdly, in the case of public institutions, the premises ought to be required *bona fide* by the public institution for the furtherance of its activities.

33. However, Section 22 of the DRC, 1958 has been subjected to varying interpretations. Unlike in the initial provisions of the Act where focus was on the premises, in the case of Sections 14A, 14B, 14C, 14D and 22 of the DRC, 1958 the focus is on the status of the landlord.

34. In the case of Section 22 of the DRC, 1958 the landlords who are included are:

- a) a company
- b) a body corporate
- c) any local authority
- d) any public institution which may require the premises for use of its employees or for furtherance of activities of the public institution.

35. The grounds for eviction are provided under Section 22 of the Act, in case of such landlords. The Explanation further clarifies that public institutions would include educational institutions, libraries, hospitals and charitable dispensaries. However, if such institutions are set up by private



trusts, they would not be included in the ambit of public institutions. Thus, for public institutions, to be covered under the ambit of Section 22 of the Act, they have to have a public colour, meaning thereby, some public purpose and ought not to be established by a private trust. Public institutions hence, would be those institutions which are set up by the State or other institutions which are directly or indirectly controlled by Government or have a public character.

36. The provision, however, is confusing to say the least, as a company could be a private company, a body corporate could be a private body corporate, a local authority would be a governmental authority or an authority under the State. However, a public institution would not include those established by a private trust. Thus, the intention of the provision though appears to have been to exclude private bodies, but the same is not clear from the language.

**Chapter IIIA of the Delhi Rent Control Act, 1958:**

37. Chapter IIIA of the DRC, 1958 provides for summary trial in case of certain applications. The legislative intent behind this Chapter can best be understood by referring to the Delhi Rent Control (Amendment) Bill, 1984 (*hereinafter, the 'Bill, 1984'*). The discussion held in the Rajya Sabha during the consideration of the Bill, 1984 is particularly relevant for capturing the legislative intent behind granting landlords the benefit of a summary procedure in specific cases. While referring to the need for expeditious disposal of appeals, it is stated that those house owners who are in genuine need, have to knock at the doors of the Courts for eviction of tenants or for seeking possession of their houses for personal necessity. The relevant portion



of the discussion in Rajya Sabha<sup>1</sup> pertaining to this Bill is extracted hereunder for ready reference:

“ .....

*The various rent control legislations are aimed at regulating the relationship between landlord and tenant by providing inter alia the control of rent eviction of tenant, etc. While in consonance with the concept of any welfare legislation the object of the Rent Act is to protect the tenant against the avarice, I would say, of a feudalistic landlord, at the same time, it is the concern of any rent legislation to safeguard the interests and genuine rights of a house-owner. That is the distinction I draw between a feudalistic landlord and a house-owner. For the attainment of these aims, it is in fact very essential that any dispute that arise between a landlord and a tenant must be decided in the shortest possible time. In this context, this particular piece of legislation, the Delhi Rent Control (Amendment) Bill, is a welcome step*

xxxx

*As we are presently referring 7 P.M. to the need of expeditious disposal of appeals, I will make only one move submission before I conclude and that refers to the **genuine need of those small house-owners who often have to, knock at the doors of the courts for eviction of the tenants; and possession of their houses for personal necessity. ' My suggestion is 'that, in that event a provision should be made that the trial of the case should be a summary trial, and the case should be disposed of in any case within a period of six months as has been provided in various other legislations including the Hindu Marriage Act.. '***

38. Chapter IIIA of the DRC, 1958 consisting of Sections 25A, 25B and 25C of the Act was inserted in the year 1975. It provides for summary trial of

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<sup>1</sup> Shri Pawan Kumar Bansal (Punjab), Member of Parliament



certain applications.

39. For the purpose of the present reference, Section 25B of the DRC, 1958 is particularly relevant. Section 25B of the said Act is a special procedure for the disposal of applications for eviction on the ground of *bona fide* requirement. It is in the nature of a special provision, however, the same applies only under limited circumstances. Eviction can be sought under Section 25B of the DRC, 1958 only if the circumstances as mentioned in Clause (e) of the proviso to sub-section (1) of Section 14, Sections 14A, 14B, 14C and 14D of the Act are satisfied and not otherwise.

40. Thus, Section 25B provides for summary procedure for eviction on the ground of *bona fide* requirement only in respect of the following cases:

- a) Section 14(1)(e) of the DRC, 1958
- b) Section 14A of the DRC, 1958
- c) Section 14B of the DRC, 1958
- d) Section 14D of the DRC, 1958
- e) Section 14E of the DRC, 1958

41. The special procedure provided under Section 25B of the DRC, 1958 has no application to Section 22 of the said Act.

42. The conflict that has been placed before the Court in this Reference is as to whether Section 14(1)(e) would apply to all landlords or would restrict its application only to a natural person and not to a juristic entity, body corporate or a trust, etc.

**Analysis:**

43. An analysis of the scheme of the DRC, 1958 would reveal that in the initial Statute as was enacted in 1958, the focus was on the nature of the premises. However, thereafter, post the 1975 and 1988 amendments, the focus



shifted to the status of the landlords. The object and reasoning behind this can also be deciphered from the Rajya Sabha debate over the Delhi Rent Control Amendment Bill, 1988, wherein the need to strike a balance between rights of house-owners and tenants is highlighted. The said statement was made in the backdrop of escalation of litigation and issues concerning landlords, as also the delays in adjudication of eviction petitions. The Legislature was conscious of various factors – eg., even poor house-owners had to litigate for several years in order to seek eviction, landlords were insecure and hesitant to conduct house repairs as the tenancy rights enabled tenants to maintain possession of the premises. Therefore, the Legislature deemed it necessary to strike a balance between the rights and interests of landlords and tenants. The relevant portion of one of the statements made by the Minister<sup>2</sup> introducing the Delhi Rent Control Amendment Bill, 1988 in the Rajya Sabha is extracted hereunder:

*“We have to maintain a balance between house-owners and tenants. Now, to give a boost to house building activity and maintaining the existing houses in a reasonable state of repair: we have to face the reality of what the present situation is. Nobody wants to do house repair because the house-owner is insecure; the tenancy rights enable the tenant to sit tight and not vacate the house. We have a backlog of court cases which are pending, outstanding and choking the courts. Lok Adalats must be brought in to help expedite disposal of tenancy disputes in a much easier manner. A man sweats life long and takes a loan and builds a house and rents it out because his is a transferable job. And when at the end of his service he comes back, goes into litigation and dies without ever getting his house back. Where does this leave us?”*

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<sup>2</sup> Smt. Renuka Chowdhury (Andhra Pradesh), Member of Parliament





44. Though the intention initially was to protect all tenants except in some cases, the intent later on was clearly for creating more and more landlord related exceptions, such as, in the case of army personnel, widows, government employees, etc.

45. The only ground on which it is argued that the provision encompasses within itself only a natural person, is the use of the word ‘himself’ or ‘his family’.

46. The word ‘he’ and ‘himself’ cannot be construed as a masculine gender and under Section 13 of the General Clauses Act would include females. The said Section reads as under:

*“13. Gender and number.—In all 2 [Central Acts] and Regulations, unless there is anything repugnant in the subject or context,—*

*(1) words importing the masculine gender shall be taken to include females; and*

*(2) words in the singular shall include the plural, and vice versa.”*

47. Since masculine gender includes females, it is an inclusive meaning and would therefore also include all persons.

48. Further, a perusal of Section 14(1)(e) of the DRC, 1958 read with the definition of landlord under the Act would show why the definition uses the word ‘person’ several times. The masculine gender is used in the language of Section 14(1)(e) of the DRC, 1958 because of the manner in which the term ‘landlord’ is defined under the Act. However, on a careful reading of the same, it can be clearly seen that the definition of landlord provided under Section 2(e) of the Act is quite wide and takes within its ambit even a non-natural person. The indication of the same is clear from the following:



- a) Use of the word ‘person’ at least three times;
- b) Use of non-gender based terminology such as guardian or receiver;
- c) Use of the word ‘trustee’ which could include non-natural persons.

49. Therefore, mere use of the terminology containing masculine gender in Section 14(1)(e) of the DRC, 1958 cannot in the opinion of this Court dilute the definition of landlord as, Section 14(1)(e) of the Act uses the expression ‘required *bona fide* by the landlord’. This expression clarifies that the provision focuses on the landlord’s genuine need for property and not on the status of the landlords i.e., whether they are male or female or juristic entities or other non-natural persons such as companies, firms, Trusts, authorities etc., The term ‘landlord’ hence encompasses all landlords. Thus, landlords who require premises for their *bona fide* requirements are all fully covered under Section 14(1)(e) of the DRC, 1958.

50. Further, Section 14(1)(e) of the DRC, 1958 also uses the word ‘person’ in case of those landlords on whose behalf an eviction petition can be filed. So, use of the word ‘landlord’ and/or ‘person’ in Section 14(1)(e) of the said Act, both in the main provision and in the Explanation, if replaced with the definition of landlord would make it quite clear that it applies to even non-natural persons.

51. The provision Section 2(e) of the DRC, 1958 has to therefore be construed harmoniously with Section 14(1)(e) of the said Act and cannot be read as excluding all non-natural persons. This interpretation of the Statute is further in consonance with the law laid down in the judgment ***Sultana Begum v Prem Chand Jain [(1997) 1 SCC 373]*** wherein while applying the rule of construction, *ex visceribus actus*, the Court *inter alia* observed that it is the duty of the Courts to avoid a clash between two provisions of an Act and



construe them in a manner so as to harmonise them. The relevant portion of the judgment is extracted hereunder:

*“15. On a conspectus of the case-law indicated above, the following principles are clearly discernible:*

*(1) It is the duty of the courts to avoid a head-on clash between two sections of the Act and to construe the provisions which appear to be in conflict with each other in such a manner as to harmonise them.*

*(2) The provisions of one section of a statute cannot be used to defeat the other provisions unless the court, in spite of its efforts, finds it impossible to effect reconciliation between them.*

*(3) It has to be borne in mind by all the courts all the time that when there are two conflicting provisions in an Act, which cannot be reconciled with each other, they should be so interpreted that, if possible, effect should be given to both. This is the essence of the rule of “harmonious construction”.*

*(4) The courts have also to keep in mind that an interpretation which reduces one of the provisions as a “dead letter” or “useless lumber” is not harmonious construction.*

*(5) To harmonise is not to destroy any statutory provision or to render it otiose.”*

52. The argument that Section 22 of the DRC, 1958 applies to non-natural persons and therefore such persons should be excluded from Section 14(1)(e) of the Act, might at first blush appear to be an appealing argument but on a deeper scrutiny, it would be revealed that Section 22 of the said Act applies to a limited category of persons and not to all persons who are non-natural persons. Section 22 applies to:

- a) Private limited companies;
- b) Body corporates such as registered partnership firms, registered societies, registered LLP and not to any other unregistered bodies who



are non-natural persons;

c) Local authorities;

d) Public institutions which are not set up by private trusts.

53. Thus, there is a whole gamut of non-natural persons who are excluded from the ambit of Section 22 of the DRC, 1958 and to whom the said provision would not be applicable. Such persons cannot be left remediless under any statute. Therefore Section 14 of the DRC, 1958 in general would apply to all such landlords including landlords who come within the ambit of Section 22 of the Act.

54. Moreover, remedies which are provided under the DRC, 1958 are not singular in nature. Certain types of non-natural persons have in fact been provided with multiple remedies under the Act. For example - a local authority could avail of remedies under:

(i) The PP Act;

(ii) Section 14 (1) (e) & Section 14A of the DRC, 1958

(iii) Section 22 of the DRC, 1958

55. The availability of multiple remedies does not mean that one remedy is excluded in favour of another. This principle of law is further upheld by the Supreme Court in the judgment ***Bank of India v. Lekhimoni Das [(2000) 3 SCC 640]*** wherein it was *inter alia* held that where two remedies are available, one of them should not be taken as operating in derogation of the other. The relevant portion of the judgment is extracted hereunder:

**“8. As a general principle where two remedies are available under law one of them should not be taken as operating in derogation of the other. A regular suit will not be barred by a summary and a concurrent remedy being also provided therefor, but if a party has**



**elected to pursue one remedy he is bound by it and cannot on his failing therein proceed under another provision.** A regular suit for compensation is not barred by the omission to proceed under the summary procedure provided under Section 95 CPC, but if an application is made and disposed of, such disposal would operate as a bar to a regular suit, whatever may be the result of the application. There is, however, a difference between conditions necessary for the maintainability of an application under Section 95 CPC and those necessary to maintain a suit. The regular suit is based on tort for abusing the process of court. Under the law of torts in a suit for compensation for the tort the plaintiff must not only prove want of a reasonable or probable cause of obtaining injunction but also that the defendant was attracted by malice which is an improper motive.'

56. Therefore, the remedy provided under Section 22 of the DRC, 1958 is an additional remedy provided to landlords, in addition to the remedies provided under Section 14 of the Act. Applying this principle to the above stated example, in the case of local authority, the choice, vests with the landlord *i.e.*, the local authority to avail of whichever remedy it deems fit.

57. Further, the manner in which Section 22 of the DRC, 1958 is enacted, itself seems to suggest that the Controller can place the landlord in possession of the premises mentioned therein based solely on the '*satisfaction*,' of the Controller. A trial in such cases is not even needed. Even the procedure for summary trial provided under Section 25B of the DRC, 1958 may not be required in cases covered under Section 22 of the Act.

58. In fact, a reading of Section 22 of the DRC, 1958 makes it clear that it applies in such cases where the tenant would be, in effect, estopped from challenging the title of the landlord. The situations which come under the



ambit of Section 22 of the DRC, 1958 are:

- (i) Under Section 22(a) of the Act where the tenant was in employment of the landlord and had obtained the premises as an employee but the employment has ceased, or;
- (ii) Under Section 22(b) of the Act where the tenant has violated the terms of the tenancy, or;
- (iii) Under Section 22 (c) of the Act where some person has come into unauthorised occupation of the premises, or;
- (iv) Under Section 22 (d) of the Act where the premises are needed *bona fide* by a public institution.

59. In respect of other non-natural persons *i.e.*, a company or a body corporate or a local authority, Section 22(d) of the Act may apply only to public institutions. Thus, under Section 22 of the DRC, 1958, satisfaction of the Rent Controller is sufficient to place the landlord in possession of the premises, in case of the non-natural persons to whom the said provision is applicable, if the conditions under clauses (a), (b) and (c) of Section 22 are fulfilled. In addition, in respect of public institutions, *bona fide* requirement of the public institution for the furtherance of its activities is also covered.

60. Section 14(1)(e) of the DRC, 1958 has been enacted with the intention of recognizing *bona fide* needs of the landlord. Such need could be either in respect of the premises rented out for residential or non-residential purposes, as held by the Supreme Court in the judgment of ***Satyawati Sharma (Dead) by LRs v. Union of India & Anr. (supra)***. Thus, the statute has been extended in its application for summary procedures and shortened procedures under various circumstances. The intention has been to enable eviction of tenants under multifarious circumstances. The growth of case law and precedents in



this regard also demonstrate this position.

61. In *Satyawati (supra)*, the Supreme Court partially struck down Section 14(1)(e) of the DRC, 1958 to the extent that it restricted the requirement of the landlord only to a residential accommodation. The relevant portion of the said judgment reads as under:

**“41. In view of the above discussion, we hold that Section 14(1)(e) of the 1958 Act is violative of the doctrine of equality embodied in Article 14 of the Constitution of India insofar as it discriminates between the premises let for residential and non-residential purposes when the same are required bona fide by the landlord for occupation for himself or for any member of his family dependent on him and restricts the latter's right to seek eviction of the tenant from the premises let for residential purposes only.**

42. However, the aforesaid declaration should not be misunderstood as total striking down of Section 14(1)(e) of the 1958 Act because it is neither the pleaded case of the parties nor the learned counsel argued that Section 14(1)(e) is unconstitutional in its entirety and we feel that ends of justice will be met by striking down the discriminatory portion of Section 14(1)(e) so that the remaining part thereof may read as under:

14. (1)(e) that the premises let for residential purposes are required bona fide by the landlord for occupation as a residence for himself or for any member of his family dependent on him, if he is the owner thereof, or for any person for whose benefit the premises are held and that the landlord or such person has no other reasonably suitable accommodation;

\*

\*

\*

*While adopting this course, we have kept in view well-recognised rule that if the offending portion of a statute can be severed without doing violence to*



*the remaining part thereof, then such a course is permissible—R.M.D. Chamarbaugwalla v. Union of India [AIR 1957 SC 628] and Lt. Col. Sawai Bhawani Singh v. State of Rajasthan [(1996) 3 SCC 105].*

*43. As a sequel to the above, the Explanation appearing below Section 14(1)(e) of the 1958 Act will have to be treated as redundant.”*

62. Thus, Section 14(1) (e) of the Delhi Rent Control Act, 1958 post the judgment of **Satyawati** (*supra*) extends to both the premises, *i.e.*, residential and non-residential. Section 14(1) (e) of the Act now reads as under:

*“14. Protection of tenant against eviction.—(1) Notwithstanding anything to the contrary contained in any other law or contract, no order or decree for the recovery of possession of any premises shall be made by any court or Controller in favour of the landlord against a tenant:*

*Provided that the Controller may, on an application made to him in the prescribed manner, make an order for the recovery of possession of the premises on one or more of the following grounds only, namely:—*

*(e) that the premises are required bona fide by the landlord for himself or for any member of his family dependent on him, if he is the owner thereof, or for any person for whose benefit the premises are held and that the landlord or such person has no other reasonably suitable accommodation.”*

63. In the case **Chuni Lal v. University of Delhi**, (*supra*) the University of Delhi had applied for eviction under Section 14 (1) (e) of the DRC, 1958. The question which arose for consideration before the Court was, whether the University of Delhi, for eviction of its tenant can proceed only under Section 22 of the DRC, 1958 or could it also exercise its remedy to evict the tenant under Section 14 of the DRC, 1958. The other issues of law framed in the case





are as under:

*“[2] The challenge to these concurrent findings in this second appeal is restricted only to "some substantial question of law" under section 39(2) of the Act. The learned counsel for the appellant, therefore, advanced the following legal arguments against the correctness of these findings, namely:*

*1. Section 22 of the Act excludes the application of section 14 of the Act altogether when the landlord applying for eviction of a tenant is a company, a body corporate, a local authority or a public institution within the meaning of section 22 with the result that the respondent landlord was not entitled to rely on section 14 at all for the eviction of the tenant.*

*2. In case section 14 is not excluded by section 22, then section 22 is ultra vires Article 14 of the Constitution inasmuch as it discriminates in favour of those landlords who are a company a body corporate, a local authority or a public institution by treating them more favourably under section 22 while treating ordinary landlords less favourably under section 14 of the Act.*

*And*

*3. Even if section 22 is intra vires the eviction of the tenant sought by the University (respondent landlord) is not "for the furtherance of its activities" within the meaning of section 22 of the Act.*

*Let us consider these contentions seriatim.”*

64. The Id. Single Judge in the said case rejected the contention that Section 22 of the DRC, 1958 overrides Section 14 of the DRC, 1958 and makes Section 14 inapplicable to those landlords covered by Section 22 of the Act.

The Court in fact, held as under:

*“[4] The effect of using the words "notwithstanding anything contained in section 14" by the legislature in section 22 is, therefore, two fold. Firstly, the absolutely recorded prohibition against the eviction of tenants in*



*section 14 does not apply for a landlord applying under section 22. Secondly, the landlord applying under section 22 is not restricted merely to the grounds enumerated in the provisos to section 14(l) but is enabled merely to the grounds enumerate to avail himself of additional grounds mentioned in section 22.”*

65. The Court further, in **Chuni Lal v University of Delhi** (*supra*) proceeded to observe that there could be special reasons why non-natural persons or institutions would like to evict tenants. There is, therefore, intelligible differentia between Sections 14 and Section 22 of the DRC, 1958. The intention is to make eviction by such institutions easier and not the opposite. The relevant paragraph of the said judgment is extracted below:

*“[6] 2. The classification between an ordinary persons on the one hand and a corporate body or a public institution on the other hand is based on the distinction that the former are purely private while the latter are either public or plural and therefore, impersonal. Such impersonal institutions are less likely to evict their tenants on flimsy grounds than would be the case with ordinary landlords. Further, these impersonal institutions would have certain special reasons why they would like to evict their tenants though such special reasons would not ordinarily be present in the case of ordinary landlords. The distinction between the two is, therefore, based on intelligible differential. The object of this distinction in the Act is to enable the eviction of tenants by these impersonal institutions more easy than the eviction of their tenants would be by the ordinary landlords. The object is thus related to the differentia existing between the two. The classification made by the legislature is, therefore reasonable and not contrary to Article 14 of the Constitution.”*

66. Considering the said observations, the Respondent, University of Delhi



in *Chuni Lal v University of Delhi (supra)* was held as being entitled to invoke Section 14 of the DRC, 1958.

67. The relationship between Section 14 and Section 22 of the DRC, 1958 is also clarified in *Chuni Lal v University of Delhi (supra)*. The Court, in the said judgment, clarified that all landlords are able to apply for eviction under Section 14 of the Act as it is a general remedy provided to the landlords. However, those landlords who are corporate bodies/public institutions can apply for eviction under Section 22 of the DRC, 1958. The Court further clarified that the remedy provided to those landlords who are corporate bodies/public institutions under Section 22 of the Act is an additional remedy. Hence, Section 22 of the DRC, 1958 does not deprive landlords like corporate bodies/public institutions from the benefit of Section 14 of the DRC, 1958. The relevant portion of the judgment is as under:

*“5...The relationship of Sections 14 and 22, therefore, is that all landlords are able to apply under Section 14 but only the landlords who are corporate bodies or public Institution are entitled to apply under Section 22. This necessarily means that such corporate and public institution landlords have been given the ordinary grounds under Section 14 and additional grounds under Section 22. This accords with their position of being primarily similar to natural persons and sometimes being different from them. I therefore, find that the corporate and public institution landlords are entitled to the ordinary grounds of eviction under Section 14 like other landlords and also to the special grounds of eviction under Section 22 which are peculiar to the corporate and public institution landlords and that Section 22 does not deprive the corporate and the public institution landlords from the benefit of Section 14.”*



68. In the case, ***Madan Mohan Lal Sri Ram Pvt. Ltd. v. P. Tandon (supra)***, a Id. Single Judge of this Court was considering a case where Section 14(1)(e) of the DRC, 1958 was invoked by a private limited company. The Trial Court held that the said provision would not be available for a company and would be available only to natural persons. In appeal, the Id. Single Judge followed the ratio in ***Chuni Lal v. University of Delhi (supra)*** and held that a company can obtain premises for use by its employees. The Court observes that the ground under Section 14(1)(e) of the Act are in addition to grounds under Section 22 as Section 22 applies only in certain circumstances. The said paragraphs from the judgment is set out below:

“xxx      xxx      xxx

*There can be no dispute that the word "person" would ordinarily include a juristic entity. The submission on behalf of the respondent, however, is that Section 22 is a specific section which deals with the right of a company to get back the premises for the use of its employees. It is contended by Shri Gupta that Section 14(1) (e) and Section 22 operate in the same sphere but as Section 22 is confined only to specific categories of landlords the said section must prevail. Sections 14(1) and 22 of the Act came up for consideration before a single Bench of this Court in Chuni Lal v. University of Delhi, 1970 R.C.R, 742. V.S. Deshpande, J. (as he then was) held that the grounds which are available to corporate bodies and public institutions under section 22 are in addition to the grounds available to them under Section 14 of the Act. In that case the learned Judge was concerned with the eviction of the tenant under the provisions of Section 14 (1) (b), (d) and (h). The occasion to consider the applicability of Section 14 (1) (e) did not specifically arise therein. It is true that a company can obtain premises for use by its employees and this would be regarded as the company obtaining*



*premises for its own use. (see L.I.C. of India, Kanpur v. State of U.P. de Ors., 1977 (2) R.C.J. 18, 1976 Allahabad Law Journal 478, H.C. Sharma v. L.I.C., 1969 R.C.R. 436 and B.M. Lall v. Dunlop Rubber Co., AIR 1968 S.C. 175). The question which arises in the present case is, however, slightly different. What is to be seen is, does section 22 overrides Section 14 (1) (e) or not, in so far as companies, body corporates, or local authorities or public institutions are concerned when they require the the premises for use of their employees? To my mind whenever any such type of landlord requires the premises for use of its employees, it is Section 22 alone which would be applicable and not Section 14(1)(e). This does not mean that the other provisions of Section 14 cannot be invoked by such a landlord. As held in Chuni Lal's case (supra), the grounds under Section 14 are in addition to the grounds under Section 22. This is because Section 22 is concerned only with specific type of cases, namely, where premises are required by a company for use of its employees. Section 22 is not concerned with the other grounds which are available under Section 14. It may be that some circumstances may exist where a company may required premises, not for its employees, but still for its residence. In such a case Section 14(1)(e) can also be invoked. One such case can be where the premises are required for residence of the company's Chairman, who may not be regarded as an employee of the company.*

*mind whenever any such type of landlord requires the premises for use of its employees, it is Section 22 alone which would be applicable and not Section 14 (1) ”*

69. The Court in the said judgment, in passing, observed that Section 14(1)(e) of the DRC, 1958 can also be invoked in cases where the company may require the premises, not for its employees, but for its own use. For example if a premises is required for the Chairman of a company who may



not be an employee.

70. Further, in ***Madan Mohan Lal Sri Ram Pvt. Ltd. v. P. Tandon (supra)*** the Court also holds that title of the application would make no difference. The said observation reads as under:

*“7. The next question which must necessarily follow is as to whether in the present case the petitioner can be permitted to invoke the provisions of Section 22 of the Act. As long as the facts exist on the record, to my mind, it will be immaterial whether in the application the petitioner has written Section 14(1)(e) or Section 22.....”*

71. After considering the above, the Court in the said judgment came to the conclusion that the premises was not required by the Petitioner *bona fide* and that the intention of the Petitioner was motivated. This was a pure finding of fact which did not require interference in the revision petition. However, as a statement of law, the Court holds categorically that remedies provided under Sections 14 and 22 of the DRC, 1958 are available to a landlord company.

72. In ***Sudhan Singh v. University of Delhi [(1986) 1 SCC 611]*** the Supreme Court was considering the question whether the landlord University of Delhi was entitled to invoke Section 22 of the DRC, 1958 to evict its tenants. The Supreme Court in this judgment clarified that the University of Delhi being a public institution can invoke Section 22 of the Act. However, it won't be subject to the restrictions imposed by Section 14 of the DRC, 1958. While upholding the right of the landlord - University of Delhi to evict the tenants the Court *inter alia* observed the following:

*“4. The only question that survives for consideration now is as to whether the Delhi University was entitled to invoke the provisions of Section 22 of the Act to evict its tenants. For a proper appreciation of this contention,*



*it is necessary to read Section 22 of the Act in full:*

*“22. Special provision for recovery of possession in certain cases.—Where the landlord in respect of any premises is any company or other body corporate or any local authority or any public institution and the premises are required for the use of employees of such landlord or in the case of a public institution, for the furtherance of its activities, then, notwithstanding anything contained in section 14 or any other law, the Controller may, on an application made to him in this behalf by such landlord, place the landlord in vacant possession of such premises by evicting the tenant and every other person who may be in occupation thereof, if the Controller is satisfied—*

*(a) that the tenant to whom such premises were let for use as a residence at a time when he was in the service or employment of the landlord, has ceased to be in such service or employment; or*

*(b) that the tenant has acted in contravention of the terms, express or implied, under which he was authorised to occupy such premises; or (c) that any other person is in unauthorised occupation of such premises; or*

*(d) that the premises are required bona fide by the public institution for the furtherance of its activities.*

*Explanation.—For the purposes of this section, “public institution” includes any educational institution, library, hospital and charitable dispensary”*

*The Rent Control authorities and the High Court found that the applications came squarely within Section 22. The contention, therefore, does not admit of any detailed discussion at our hands. Even so. we will briefly examine the section and answer the contention on the interpretation of the section. That the University of Delhi is a public institution cannot be disputed because*



*the Explanation makes it abundantly clear. Section 22 enables a public institution to maintain a petition for eviction notwithstanding anything contained in Section 14 or any other law if the application discloses sufficient grounds to indicate that it is for the furtherance of its activities. This means that in invoking Section 22, a public institution is not subject to the restrictions imposed by Section 14 or by any other law. Sub-clause (d), quoted above, is the relevant provision for our purposes. It was strongly contended that the use of the building for the residence of the employees of the University will not come within the expression "for the furtherance of its activities". It was contended that the activities of the University are restricted to what takes place within the University and providing accommodation for its employees will not come within that concept. We have no hesitation to reject this contention. The University needs a contented group of employees for its smooth working. Residential accommodation for the employees of the University is one of the most pressing requirements to make the employees contented. A University cannot be properly run when its employees are without a roof above them. Therefore, to provide accommodation to the employees directly comes within the expression "for the furtherance of its activities". Use of the building for the residence of the employees is intimately linked with its activities. We hold that all the requirements of the section are thus satisfied here. It is not necessary to deal with the decisions cited at the bar for the reason that this section is clearly attracted to the facts of the case. We hold that the order of eviction passed against the appellants and the petitioners was correct. The appeals and the special leave petitions are accordingly dismissed, but in the circumstances of the case, without costs. The appellants are given three months time to surrender vacant possession of the building in their possession on each of them filing the usual undertaking*





*within three weeks from today.”*

73. In the opinion of this Court this does not tantamount to mean that a landlord who is covered under the ambit of Section 22 of the DRC, 1958 shall be denied the remedy provided under Section 14 of the DRC, 1958.

74. The Court has also perused the judgment ***Satnam Kaur & Ors. v. Ashlar Stores P. Ltd.*** (*supra*) where the Id. Single Judge was considering whether an eviction petition can be filed by a private limited company under Section 14(1)(e) of the DRC, 1958 for the residence of its Chairman/Directors. The Court in this judgment while relying on the ratio of ***Madan Mohan Lal v. P Tandon*** (*supra*) held that an eviction petition can be filed by a by a private limited company under Section 14(1)(e) of the DRC, 1958 for residence of its directors. The relevant portion of the judgment is extracted hereunder:

*“9. This Court in the case of Chunni Lal v. University of Delhi reported in 1970 RCR 742 drew a distinction between Sections 14 and 22 of DRC Act in the following terms:*

*...The relationship of Sections 14 and 22, therefore, is that all landlords are able to apply under Section 14 but only the landlords who are corporate bodies or public Institution are entitled to apply under Section 22. This necessarily means that such corporate and public institution landlords have been given the ordinary grounds under Section 14 and additional grounds under Section 22. This accords with their position of being primarily similar to natural persons and sometimes being different from them. I therefore, find that the corporate and public institution landlords are entitled to the ordinary grounds of eviction under Section 14 like other landlords and also to the special grounds of eviction under Section 22 which are peculiar to the corporate and public institution landlords and that*



*Section 22 does not deprive the corporate and the public institution landlords from the benefit of Section 14.*

**10. Consequently, in my view, an eviction petition can be filed by a Private Limited Company under Section 14(1)(e) of DRC Act for residence of its Chairman and Directors.”**

75. In *Canara Bank v. T.T. Ltd.*, (*supra*) the Id. Single Judge was again considering the scope of Section 14(1)(e) and Section 22 of the DRC, 1958. The Court in this judgment *inter alia* observed that the remedy provided to a landlord under Section 14(1) of the DRC, 1958 is in the nature of a general entitlement. In cases where Section 22 of the DRC, 1958 does not apply, the general entitlement provided to the landlords under Section 14 (1) of the DRC, 1958 will step in. The Court reasoned this further while observing that a landlord cannot be left remediless and the entitlement provided to a specific class of landlords under Section 22 of the DRC, 1958 is an additional remedy to Section 14 (1) of the Act. The relevant portion of the judgment is extracted hereunder:

**“10. The question is that is a landlord company which needs the tenanted premises for residential need of its employees left remediless? The answer is obviously not, and which is for the reason that once Section 22 of the DRC Act does not apply, the general entitlement for eviction of the tenant under the different sub-Sections of Section 14(1) of the DRC Act will step in. Surely, it would be very incongruous to accept the argument of the petitioner that a landlord company in the present case neither can invoke Section 22 of the DRC Act because sub-Sections (a) to (d) do not cover the facts of the present case and nor can Section 14(1)(e) of the DRC Act be invoked because this provision will not apply allegedly because allegedly the need of the company for residence of its employees cannot be said**



to be the need of the landlord/company for itself or for its family members. On this short reasoning given above the argument urged on behalf of the petitioner can be rejected and surely a landlord company cannot be left remediless and the effect of accepting the argument urged on behalf of the petitioner would be that tenants of landlord/company can never be evicted although the landlord company requires the tenanted premises for the residential need of its employees.

11.....There can be no dispute that the word “person” would ordinarily include a juristic entity. The submission on behalf of the respondent however, is that Section 22 is a specific section which deals with the right of a company to get back the premises for the use of its employees. It is contended by Shri Gupta that Section 14(l)(e) and Section 22 operate in the same sphere but as section 22 is confined only to specific categories of landlords the said section must prevail. ‘Sections 14(1) and 22 of the Act came up for consideration before a single Bench of this Court in Chuni Lal v. University of Delhi, 1970 R.C.R. 742. V.S. Deshpande, J. (as he then was) held that the grounds which are available to corporate bodies and public institutions under Section 22 are in addition to the grounds available to them under Section 14 of the Act. In that case the learned Judge was concerned with the eviction of the tenant under the provisions of Section 14(l)(b), (d) and (h). The occasion to consider the applicability of Section 14(l)(e) did not specifically arise therein. It is true that a company can obtain premises for use by its employees and this would be regarded as the company obtaining premises for its own use. (See L.I.C. of India, Kanpur v. State of U.P., 1977 (2) R.C.J. 18, 1976 ALJ 478, H.C. Sharma v. L.I.C. 1969 R.C.R. 436 and B.M. Lall v. Dunlop Rubber co. : [1968] 1 SCR 23). **The question which arises in the present case is, however, slightly different. What is to be seen is, does Section 22 override Section 14(l)(e) or not, in so far as companies,**



body corporate or local authorities or public institutions are concerned when they require the premises for use of their employees? To my mind, whenever any such type of landlord requires the premises for use of its employees, it is Section 22 alone which would be applicable and not Section 14(l)(e). This does not mean that the other provisions of Section 14 cannot be invoked by such a landlord. As held in Chuni Lal's case (supra), the grounds under Section 14 are in addition to the grounds under section 22. This is because Section 22 is concerned only with specific type of cases, namely, where premises are required by a company for use of its employees. Section 22 is not concerned with the other grounds which are available under Section 14. It may be that some circumstances may exist where a company may require premises, not for its employees, but still for its residence. In such a case Section 14(l)(e) can also be invoked. One such case can be where "the premises are required for residence of the company's Chairman, who may not be regarded as an employee of the company. In such a case the company would be entitled to invoke the provisions of Section 14(l)(e). Where, however, as already observe, the company requires the premises for its employees only the provisions of Section 22, which have been specifically enacted for such a purpose, would be attracted"! Just as Section 25-B is a special category which has been carved out which provides for special procedure for eviction to landlords who require the premises for their personal necessity, as held by the Supreme Court in Jain Ink Mfg. Co. v. L.I.C. of India, 1980 (2) R.C.J. 459, similarly Section 22 is a special category which has been carved out of Section 14 of the Act.

xxxx

15. Accordingly, in my opinion, not only in the facts of the present case petitioner could not have raised this issue of eviction petition not being maintainable under



*Section 14(1)(e) of the DRC Act in the absence of having filed the leave to defend application within the statutory period of 15 days, and even if this argument is otherwise considered and has been so considered by this Court above, the argument is without merit and it is held that the provision of Section 22 of the DRC Act is in addition to the provision of Section 14(1)(e) of the DRC Act and when a landlord company requires the premises for residential need of its employees, such a need is for its own use as per Section 14(1)(e) of the DRC Act, and such an eviction petition for its own use is to be filed and is maintainable under Section 14(1)(e) of the DRC Act.*”

76. Further, in *Canara Bank (supra)* the Court clarifies the decision in *Madan Mohan Lal (supra)* where there existed some ambiguity and observed as under:

*“12. A reading of the aforesaid para 5 shows that in the case of Madan Mohan Lal (supra) itself the learned Single Judge of this Court specifically held that a company can obtain premises for use by its employees and this would be regarded as the company obtaining the premises for its own use. Section 14(1)(e) of the DRC Act uses the expression “requirement by a landlord for his own use”. Therefore, when a landlord company requires the tenanted premises for the residential use of its employees this requirement falls within the expression under Section 14(1)(e) of the DRC Act that the landlord company requires the tenanted premises for its own use, provided of course the case does not fall within any of the four sub-Sections of Section 22 of the DRC Act and when the case falls under any of these sub-Sections the eviction petition will have to be filed only under Section 22 of the DRC Act. However, certain observations in Madan Mohan Lal's case (supra) cannot be read to mean that even if the case of the landlord is not covered under any sub-Sections of*



Section 22 of the DRC Act, then, Section 14(1)(e) of the DRC Act cannot be invoked. It is clarified in Madan Mohan Lal's case (supra) that the provision of Section 14 of the DRC Act is in addition to the grounds contained under Section 22 of the DRC Act. Therefore, the argument urged on behalf of the petitioner that the requirement by the landlord company for the tenanted premises for residential use of its employees cannot be said to be the use of the landlord company is misconceived. The observations made in para 5 of the judgment in Madan Mohan Lal's case (supra) of the requirement of employees being the requirement of the company answers the argument urged on behalf of the petitioner, and which argument is therefore rejected that the landlord company when it sues a tenant for eviction for residential need of its employees, such a petition cannot be filed under Section 14(1)(e) of the DRC Act. I may also note that the observations made by a learned Single Judge of this Court in the case of Madan Mohan Lal (supra) has to be read with the context of para 7 of the said judgment wherein Section 22 of the DRC Act was held to be applicable by applying sub-Section (b) thereof i.e. the eviction by the landlord company in that case fell under Section 22 of the DRC Act, and consequently, it was held that the landlord company in the facts of the said case because of being covered under Section 22 of the DRC Act, hence it would not be able to invoke Section 14(1)(e) of the DRC Act. Therefore, it is futile for the petitioner to argue that Section 14(1)(e) of the DRC Act cannot be invoked by a landlord company when the landlord company needs the tenanted premises for the residential use of its employees.

77. The above paragraph read with the extracted portion of *Madan Mohan Lal (supra)* would show there is in fact no inconsistency or contradiction in



the line of judgments, starting from, *Chuni Lal (supra)*, *Madan Mohan Lal (supra)* and leading up to *Canara Bank (Supra)*. The consistent view has been that Section 14 and Section 22 of the DRC, 1958 are available to non-natural persons. The only sentence in *Madan Mohan Lal (supra)* which seems to have caused some confusion is the following sentence:

*“To my mind whenever any such type of landlord requires the premises for use of its employees, it is Section 22 alone which would be applicable and not Section 14(1)(e).”*

78. In the opinion of this Court, the above sentence in *Madan Mohan Lal (supra)* has to be read along with the other observations of the Court and cannot be taken on a standalone basis. In fact, in *Madan Mohan Lal (supra)*, Hon’ble Mr. Justice B.N. Kirpal goes on to hold in the next sentence itself, that the grounds under Section 14 of the DRC, 1958 are in addition to the grounds under Section 22 of the Act.

79. Thus, the above sentence in *Madan Mohan (supra)* is to be interpreted in a manner, that if an employee of the landlord is a tenant as provided under Section 22 (a) of the DRC, 1958 and the landlord is a non-natural person, the mere satisfaction of the Rent Controller is sufficient to pass a decree of eviction and nothing more would be required. However, in all other cases, the non-natural person would be free to invoke the other remedies available under the DRC, 1958 including remedies under Section 14 of the Act.

**Answer to the questions referred vide order dated 22<sup>nd</sup> December, 2017:**

80. Under these circumstances, the reference is answered as under:

**(i) Where the landlord is a company or other body corporate or any local authority or any public institution and the premises are required for the use of employees of such landlord, whether such landlord has a choice, whether to invoke Section 14(1)(e) or**



**Section 22 of the Act.**

Answer - Yes, the landlord has a choice to invoke both Sections 14(1)(e) and/or Section 22 of the DRC, 1958 as may be applicable in the facts.

**(ii) Whether the Chairman, Directors, Trustees, members of the governing body and office bearers, of a company or other body corporate or any local authority or any public institution qualify as 'employees, within the meaning of Section 22 of the Act and if not whether such landlord for requirement of such persons is entitled to invoke Section 14(1)(e) of the Act.**

Answer - The question whether such persons would qualify as employees or not, would depend upon the terms of employment between the employer and the employee as also on the facts of each case. The landlord is free to avail of remedies either under Section 14(1)(e) or Section 22 of the DRC, 1958 as may be applicable. Each case has to be decided on its own facts as it is possible that in some cases, the employer-employee relationship may or may not exist, depending upon the terms of employment.

**(iii) Whether the tenant of such a landlord can be construed as having acted in contravention of the terms under which he was authorized to occupy the premises or be construed as in unauthorized occupation of the premises, within the meaning of Section 22(b) and (c) of the Act, on continuing in occupation after determination of his tenancy under Section 106 of the Transfer of property Act, 1882.**

Answer - The question as to whether upon termination of a tenancy under Section 106 of the Transfer of Property Act, 1882 a tenant is under unauthorized occupation or not, or in contravention of the terms or not, would have to be determined on the basis of the contract





or agreement between the parties. The question as to what the terms of the tenancy, whether there is a violation, whether there is termination, whether the termination is lawful and whether tenant is in unauthorized occupation, would have to be determined on the facts.

**(iv) Whether the commercial or industrial or other requirement of a landlord, which / who is a company or other body corporate or any local authority or any public institution, of premises, by allowing its employees to work or carry on its activities therein is within the ambit of Section 22 of the Act and if not, whether for such requirement such a landlord can invoke Section 14(1)(e) of the Act.**

Answer - The purpose of the tenancy i.e., whether the premises is let for residential or non-residential purposes, would no longer be relevant under Section 14(1)(e) of the DRC, 1958 in view of the judgment, *Satyawati Sharma (Dead) by LRs v. Union of India & Anr. (supra)*. The said judgment would have equal applicability even in the case of Section 22 of the DRC, 1958.

**(v) Whether a public charitable trust carrying on public activities qualifies as a public institution.**

Answer – No to the extent that a public charitable trust carrying on public activities which is set up by private persons would not be covered under Section 22 of the DRC, 1958.

**(vi) Whether a deity in a temple owning properties or a trust or a society managing a place of worship qualifies as a public institution.**

Answer - Yes. So long as the trust or the society managing the place of worship is not a private trust. Insofar as a deity is concerned, if the



society or trust or any other entity managing the temple is controlled by the Government, State or local authority, directly or indirectly, Section 22 of the DRC, 1958 would apply. However, if the same is controlled by a private body/private trust, it would not fall under the ambit of Section 22 of the DRC, 1958.

**(vii) Whether the choice if any with such a landlord, to invoke either Section 14(1)(e) or Section 22 of the Act, is to the detriment of the tenant and if so to what effect.”**

Answer - The remedies provided under the Statute to a landlord or the protection extended to tenants under the Statute, have to be presumed to be in balance with each other. So long as the remedies are availed by the landlord in terms of the provisions of the DRC, 1958 the same cannot be construed as being to the detriment of the tenant.

81. The Reference has been answered above. Accordingly, the Reference petitions are disposed of in the above terms.
82. List all the revision petitions before the concerned Roster Benches for further proceedings on 21<sup>st</sup> May, 2025.
83. We express our gratitude to the Id. *Amicus Curiae*, Mr. Arvind Nigam, as also to the Counsels who appeared in these matters, for being fair and providing assistance in a positive manner.

**PRATHIBA M. SINGH  
JUDGE**

**ANISH DAYAL  
JUDGE**

**MAY 16, 2025/Rahul/rks**