



2026:DHC:6620



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

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***Judgment reserved on: 09.07.2026******Judgment pronounced on: 14.08.2026***+ **RC.REV. 78/2026 & CM APPL. 17302/2026 (Stay)**

**KISHORE LAL AND SONS & ANR.** .....Petitioners  
Through: **Mr. Pradeep Kumar Shukla and**  
**Mr. Rishi Kulshrestha,**  
**Advocates.**

versus

**RAJIV GUPTA HUF & ORS.** .....Respondents  
Through: **None.**

**CORAM:****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN**  
**SHANKAR****J U D G M E N T****HARISH VAIDYANATHAN SHANKAR, J.**

1. The present Revision Petition, under Section 25B(8) of **the Delhi Rent Control Act, 1958<sup>1</sup>**, has been filed seeking to set aside the **Judgement and Order dated 11.11.2025<sup>2</sup>** passed by the **learned Additional Rent Controller, Patiala House Court, Delhi<sup>3</sup>**, in **RC ARC NO. 1067/2014 (renumbered as RC ARC NO. 78598/2016)<sup>4</sup>**.

2. The learned ARC, by way of the Impugned Order, has allowed the Eviction Petition preferred by the Respondent No. 1 and directed

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<sup>1</sup> DRC Act

<sup>2</sup> Impugned Order

<sup>3</sup> Learned ARC

<sup>4</sup> Eviction Petition



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the eviction of the Petitioners from the property being **one shop bearing No. 4328 and a Kothri bearing No. 4330/3, Ansari Road, Darya Ganj, New Delhi, 110002<sup>5</sup>**.

3. Aggrieved by the Impugned Judgement, the Petitioners have preferred the present Revision Petition.

**BRIEF FACTS:**

4. The present Revision Petition finds its genesis in the Eviction Petition instituted by the Respondent before the learned ARC under Section 14(1)(e) read with Section 25B of the DRC Act, seeking eviction of the Petitioners/tenants therein from the subject property.

5. As stated, the said Eviction Petition came to be filed on the ground of *bona fide* requirement of the Respondent, stating that the space that was being used by the Respondent and his Wife for running their business was not sufficient in view of the large machines and equipment that were installed in the premises and the number of employees that were working there. It is stated that due to paucity of space, the paper used for the printing and publishing businesses of the Respondent and his Wife, had to be stored on the first floor, which was unfeasible since taking the paper to the first floor was not only cumbersome but also led to increased costs. Therefore, it is stated in

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<sup>5</sup> Subject property  
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the Eviction Petition that the tenanted premises/subject premises was required for the furtherance, expansion and ease of the business of the Respondent and his Wife.

6. Upon Notice being issued on the Eviction Petition, the Petitioners preferred their Application seeking leave to defend which came to be allowed *vide* Judgement and Order dated 11.12.2019.

7. The Petitioner herein, in his Written Statement filed before the learned ARC, had taken the following objections against the said Eviction Petition:

***a. No landlord-tenant relationship between the parties;***

***b. No bona fide requirement established and availability of alternative accommodation.***

8. Thereafter, upon completion of pleadings, evidence was led by both the parties and final arguments were advanced. At the time of final arguments, the Petitioner herein fairly conceded and did not dispute the landlord-tenant relationship.

9. The learned ARC *vide* Judgement and Order dated 11.11.2025 allowed the Eviction Petition, and the eviction order came to be passed as against the Petitioner herein. Aggrieved by the same, the Petitioner has preferred the present Petition, impugning the Judgement dated 11.11.2025.



**SUBMISSIONS ON BEHALF OF THE PETITIONER:**

10. Learned counsel for the Petitioner would submit that the Respondent No.1 has sufficient space available with him on the ground floor as well as the first floor of the subject property and, therefore, does not require the tenanted premises for installation of the alleged new machines or for expansion of his business. It would be submitted that the availability of such accommodation goes to the root of the alleged *bona fide* requirement set up by Respondent No.1.

11. It would be submitted that Respondent No.1, in his Eviction Petition as well as in his evidence affidavit, had stated that the total area available with him on the ground floor was approximately 400 sq. ft., but , in his cross-examination, Respondent No.1 admitted that the ground floor of the property measures approximately 100 sq. metres, equivalent to about 1076 sq. ft. It would be submitted that the Respondent further admitted that the Petitioner herein was in possession of approximately 200 sq. ft. and the second tenant, *namely*, Mr. Mani Ram, was in possession of approximately 220 sq. ft. on the ground floor. Thus, even after accounting for the portions in possession of the two tenants and the staircase area, an area of approximately 631 sq. ft. remains available with Respondent No.1. It would, therefore, be contended that Respondent No.1 deliberately



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understated the area available with him and falsely projected a requirement for additional space of approximately 300 sq. ft. for installation and operation of the new machines. Learned counsel for the Petitioner would argue that the learned ARC has not taken into consideration the concealment done by the Respondent and therefore the Impugned Order needs to be set aside on this ground alone.

12. Learned counsel would further submit that the *bona fide* nature of the alleged requirement of Respondent No.1 is further belied by the availability of the first floor of the subject property. Learned counsel would submit that the aforesaid material discrepancy between the area disclosed by Respondent No.1 in the Eviction Petition and the area admitted by him during cross-examination has not been properly appreciated or adjudicated upon by the learned ARC. The learned ARC, it would be contended, failed to reconcile the admissions made by Respondent No.1 in his cross-examination with the averments contained in the Eviction Petition and his evidence affidavit and, consequently, failed to examine whether the alleged requirement for additional accommodation was, in fact, *bona fide*. It would be submitted that the learned ARC ought to have considered whether the area admittedly available with Respondent No.1 was itself sufficient to meet the requirement projected by him. The failure to undertake



such an assessment has resulted in an erroneous finding on the question of *bona fide* requirement and, therefore, vitiates the Impugned Judgment, which is liable to be set aside on this ground alone.

13. Learned counsel would submit that the learned ARC failed to properly examine the evidentiary basis of Respondent No.1's assertion regarding the alleged possession of Mr. Nitin Gupta and the consequent unsuitability of the first floor. It would be contended that, in the absence of any documentary material substantiating such assertion, and particularly in view of the admissions of Respondent No.1 regarding the commercial use of the first floor, the learned ARC ought to have scrutinised the said defence with greater circumspection. Instead, it is submitted, the learned ARC accepted the explanation furnished by Respondent No.1 without recording a cogent finding as to why the first-floor accommodation could not be utilised. It is urged that such failure to consider and appreciate the material evidence has resulted in a perverse and unsustainable finding on the issue of alternative accommodation and therefore, the Impugned Order deserves to be set aside.

14. Learned counsel for the Petitioner would submit that the learned ARC has proceeded to accept the averments of Respondent No.1



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regarding his alleged *bona fide* requirement without properly scrutinising the evidence led by him. Reliance would be placed upon the judgment of the Hon'ble Supreme Court in ***Sarbate T.B. v. Nemichand***<sup>6</sup>, to contend that the burden of establishing the genuine requirement of the landlord lies upon the landlord himself and that a mere assertion that the premises are required for his own use does not raise any presumption that such requirement is *bona fide*. It would be submitted that Respondent No.1 has failed to discharge the initial burden of establishing his *bona fide* requirement for additional accommodation.

15. Learned counsel for the Petitioner would therefore submit that, contrary to the aforesaid settled legal position, the learned ARC has effectively proceeded on the basis that the assertion of Respondent No.1 as to his requirement was sufficient to establish *bona fide* need, without first examining whether the initial burden of proving such requirement had been discharged. It would be argued that the learned ARC failed to appreciate the contradictions in the evidence of Respondent No.1 and the availability of alternative accommodation while determining whether the requirement pleaded was genuine and *bona fide* and that the Impugned Order, having been rendered without

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<sup>6</sup> 1966 MPLJ 26,  
RC.REV. 78/2026



properly applying the aforesaid principle of law to the evidence on record, is consequently liable to be set aside.

16. Learned counsel would further submit that the learned ARC has mechanically proceeded on the premise that the landlord is the best judge of his requirements, without examining whether the alternative accommodation available with Respondent No.1 was reasonably suitable for the purposes asserted by him. Reliance would be placed upon the judgment of this Court in ***Khem Chand & Ors. v. Arjun Jain & Ors.***<sup>7</sup>, wherein it has been held that the principle that the landlord is the best judge of his requirements cannot be applied as an inflexible rule in every case and that the Court is required to examine the reasonableness and suitability of the alternative accommodation available to the landlord on the facts of each case.

17. It would thus be contended that the learned ARC, while repeatedly observing that the landlord is the best judge of his requirements, failed to undertake the corresponding judicial exercise of examining the reasonableness and suitability of the alternative accommodation admittedly available with Respondent No.1. Learned counsel would further submit that the said principle cannot operate to dispense with the requirement of the landlord establishing the *bona*

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<sup>7</sup> 2013 IX AD (Delhi) 89  
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*fide* nature of his need, particularly where material evidence has been brought on record indicating the availability of other accommodation.

18. It would, in view thereof, be submitted that the learned ARC's failure to properly scrutinise the alternative accommodation and to test the landlord's claim against the evidence on record has resulted in a mechanical application of the aforesaid principle and has materially affected the adjudication of the Eviction Petition rendering the Impugned Order vulnerable to interference.

19. Learned counsel for the Petitioner would also submit that the Petitioner, before the learned ARC, had stated that the Respondent had also not taken previous permission from the Slum Authority to carry out structural changes as the Respondent No.1 intended to integrate and join the tenanted premises with his adjoining portion of the subject premises. He would submit that the Respondent has not brought anything on record to show that such a permission has been taken and hence, the learned ARC has erred in not dismissing the Eviction Petition at the very threshold for the want of permission of the competent authority for instituting the said Eviction Petition.

20. It would lastly be submitted that the Eviction Petition itself was liable to be rejected at the threshold for want of necessary pleadings constituting the cause of action under Section 14(1)(e) of the DRC



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Act. According to learned counsel, Respondent No.1 failed to plead a necessary ingredient of Section 14(1)(e), *namely*, that he had no other reasonably suitable alternative accommodation available with him. It would be submitted that the learned ARC erred in holding that even if Respondent No.1 had concealed certain facts, the same would not constitute a ground for dismissal of the Eviction Petition since the parties had an opportunity to lead evidence. Learned counsel would contend that the defect in the present case was not confined to concealment of material facts but went to the very root of the eviction petition, inasmuch as the necessary averment regarding the absence of alternative suitable accommodation was itself not pleaded.

21. Learned counsel for the Petitioner would submit that the learned ARC has failed to appreciate the distinction between a case of concealment of material facts and a case where a necessary ingredient constituting the cause of action has not been pleaded at all. It would be contended that the absence of a specific and necessary pleading regarding the non-availability of reasonably suitable alternative accommodation could not have been cured merely by permitting the parties to lead evidence. The learned ARC, therefore, erred in treating the issue as one of mere concealment and failed to adjudicate upon the fundamental objection as to whether the eviction petition disclosed a



complete cause of action under Section 14(1)(e) of the Act. Such an erroneous approach, it would be submitted, goes to the root of the maintainability of the Eviction Petition and renders the Impugned Order unsustainable in law.

22. To conclude, learned counsel for the Petitioner would seek to place reliance upon the judgments of this Court in ***Dr. (Mrs.) N.D. Khanna v. M/s Hindustan Industrial Corporation***<sup>8</sup>, and ***Abdul Hamid & Anr. v. Nur Mohammad***<sup>9</sup>, to buttress the argument that the absence of necessary pleadings constituting a statutory cause of action cannot be cured merely by leading evidence. It would, therefore, be submitted that the Eviction Petition, having failed to disclose a complete cause of action under Section 14(1)(e) of the DRC Act, was liable to be dismissed.

23. Learned counsel would submit that the learned ARC has failed to consider the aforesaid judgments in their proper perspective and has erroneously proceeded on the premise that the opportunity to lead evidence could cure the absence of the foundational pleadings necessary to constitute a cause of action. It would be contended that the learned ARC's approach has resulted in the statutory requirement of pleading the essential ingredients of Section 14(1)(e) being

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<sup>8</sup> AIR 1981 Delhi 305

<sup>9</sup> AIR 1976 Delhi 328



rendered nugatory. The failure to adjudicate this fundamental objection to the maintainability of the Eviction Petition constitutes a material error of law and has caused grave prejudice to the Petitioner. On this ground as well, the Impugned Order is liable to be set aside.

### **ANALYSIS:**

24. This Court has heard the learned counsel appearing on behalf of the Petitioner, and with his able assistance, perused the Impugned Order as well as the material placed on record.

25. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioner, it would be apposite to advert to the scope and ambit of the revisional jurisdiction vested in this Court under the proviso to Section 25B(8) of the DRC Act.

26. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*<sup>10</sup>, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*<sup>11</sup>, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*<sup>12</sup>, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

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<sup>10</sup> (1998) 8 SCC 119

<sup>11</sup> (2014) 9 SCC 78

<sup>12</sup> (2022) 6 SCC 30



27. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in **Pankaj Pahwa v. Prem Wati & Ors.**<sup>13</sup>, and **Sanjeev Hiranandani v. Sunny Grover**<sup>14</sup>.

28. In **Abid-Ul-Islam** (supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25B of the DRC Act, observed that the omission of an appellate remedy against an Order passed by the learned Rent Controller is conscious and deliberate. The jurisdiction conferred upon the High Court is, therefore, one of superintendence over the decision-making process, including the legality and propriety thereof, and does not permit the High Court to substitute its own view for that of the learned Rent Controller merely because another view on the material available on record may be possible. The relevant observations of the Hon'ble Supreme Court read as under:

“23. The proviso to Section 25-B(8) gives the High Court exclusive power of revision against an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance. Thus, the High Court is not expected to substitute and supplant its views with that of the trial court by exercising the appellate jurisdiction. Its role is to satisfy itself on the process adopted. The scope of interference by the High Court is very restrictive and except in cases where there is an error apparent on the face of the record, which would only mean that in the absence of any adjudication per se, the High Court should not venture to

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<sup>13</sup> 2024:DHC:9322

<sup>14</sup> 2025:DHC:11285



disturb such a decision. There is no need for holding a roving inquiry in such matters which would otherwise amount to converting the power of superintendence into that of a regular first appeal, an act, totally forbidden by the legislature.”

29. In ***Pankaj Pahwa*** (supra), a Coordinate Bench of this Court, upon considering the principles enunciated in ***Abid-Ul-Islam*** (supra), reiterated that the jurisdiction exercised by this Court under the proviso to Section 25B(8) of the DRC Act is limited in scope and that this Court is not expected to substitute or supplant its view for that of the learned ARC. The revisional scrutiny is confined to examining the decision-making process and determining whether the Impugned Order suffers from an error apparent on the face of the record or an absence of adjudication warranting interference.

30. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25B(8) of the DRC Act, this Court is neither required nor permitted to undertake a fresh appreciation of the material on record with a view to arrive at an independent conclusion on the merits of the dispute. Interference would be warranted only where the Impugned Order suffers from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC is wholly unreasonable or founded upon an erroneous premise of law. Equally, where a material plea has been left



unconsidered or the decision-making process otherwise discloses an error apparent on the face of the record, exercise of revisional jurisdiction may be warranted.

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

32. At this juncture, before adverting to the discussion on merits of the present Petition, this Court deems it apposite to advert to the analysis undertaken and the findings returned by the learned ARC in the Impugned Order. The relevant portion thereof is reproduced herein below for ready reference:

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**BONAFIDE NEED & NON-AVAILABILITY OF  
ALTERNATIVE ACCOMMODATION.**

13) Moving forward, in order to succeed in their petition, petitioners are required to establish their *bonafide* need. Petitioner HUF has averred that the tenanted premises is required for bonafide need of the business of its members Alka Gupta and Rajiv Gupta. However, it is contended that the need is not bonafide as Alka Gupta is not dependent upon the petitioner as she too is the owner of the properties of HUF. But the Hon'ble Supreme court in ***Baldev Singh Bajwa vs Monish Saini (2005) 12 SCC 778*** has held that *whenever a landlord seeks eviction of the tenant for bonafide need, the controller shall presume the need as genuine and bonafide. Additionally, the burden to refute the said presumption squarely lies on the tenant and mere assertion on the part of tenant is insufficient.* Moreover, it is not in dispute that HUF is the owner



of the subject premises and Alka Gupta is also the member of the HUF. In *MM Quasim v/s Manohar Lal Sharma, (1981) 3 SCC 36*, the Apex Court has that the landlord does not have an unfettered right to choose the premises *but merely showing that the landlord has some other vacant premises in his possession may not be sufficient to negative the landlord's claim if the vacant premises were not suitable for the purpose for which he required the premises*. Further, the provision of Section 19 (2) of DRC Act is to be emphasized which protects a tenant in case the landlord recovers possession of any premises and the premises are not occupied by the landlord or by the person for whose benefit the premises are held within two months of obtaining such possession or having obtained the possession, the same are re-let to any other person within three years from the date of obtaining the possession. It is also pertinent to note that the Hon'ble Supreme Court in *Abid-ul-Islam Vs. Inder Sain Dua, (2022) 6 SCC 30* has held that Section 14 (1) (e) of the Act creates a presumption in favour of the landlord regarding *bona fide need, which is rebuttable only with substantive material*. *It was further held that the burden of proof is on the tenant to demonstrate, with cogent evidence, that alternative accommodation is vacant and suitable for the projected bonafide need of the landlord. Thus, the said contention is also devoid of merits.*

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15) Furthermore, in case titled as "**Satyawati Sharma Vs. U. O. I. AIR 2008 SC 3148**", it was held by the Hon'ble Supreme Court 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 in so far as it discriminates between the premises let for residential and non-residential purposes when the same are required bonafide 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. *Thus, there is no bar on landlord for seeking recovery of non-residential premises on the ground of bonafide need under Section 14 (1) (e) of DRC Act*. Also, it is a well settled principle of law that a rent Controller has to see the bonafide requirement of the petitioner and not the comparative hardship of the respondent. Reliance in this regard is placed upon the Apex Court's decision in **Bega Begum and Ors. v. Abdul Ahad Khan and Ors (1979) AIR 272** that the inconvenience loss and trouble resulting from denial of decree of eviction in favour of the landlord far outweigh the prejudice or the inconvenience which will be caused to the tenant. *Thus, the contention of respondent that the tenanted premises is being used by him for commercial purpose and so the provision of Section 14 (1) (e) of DRC Act is not applicable is misconceived and is hereby rejected.*



16) Next, it is contended that petitioner has alternative accommodation in the form of (i) residential plots no. 65 & 76, DLF Ankur Vihar, Ghaziabad; (ii) Residential plot no. B-15/3, DLF Ankur Vihar, Ghaziabad; (iii) half of residential plot no. D-27/C-5, Tronica City, Ghaziabad; (iv) residential plot no. D-21/Bl, Tronica City, Ghaziabad and (v) residential plot No. B-68/C7, Tronica City, Ghaziabad. However, in the case of **Ragavendra Kumar vs. Firm Prem Machinery AIR 2000 SC 534**, the Hon'ble Supreme court held that it is settled position of law that the landlord is best judge of his requirement for residential or business purpose and he has got complete freedom in the matter. **Reference may also be made to the case of Prativa Devi (Smt) v. T. V. Krishnan (1996) 5 SCC 353.** Thus, it is the prerogative of the landlord to determine which business he intends to start and from where the said business is to be run. Moreover, requirement is for a place of business in Delhi and therefore the said properties at Ghaziabad cannot be considered to be alternative accommodations.

17) Next, it is contended that alternative accommodation is available in property no. 97, Dayanand Vihar, Delhi with the petitioner. But no material has been produced by the respondent to show that any vacant commercial space is available in the said property. Therefore, a bald assertion in this regard without any cogent material qua availability of the purported commercial space in the said alternative accommodation does not assist the case of respondent. Neither any material has was put PW1 in his cross examination in this regard, nor the RW1 produced any material in this regard in his evidence. Further, it is trite to state that the burden is upon the tenant to show that other alternative suitable accommodation is available with landlord and how the said premises were suitable for the pleaded requirement. Reference is made to the judgment of the Hon'ble High Court of Delhi in the case of **Lalta Prasad Gupta Vs. Sita Ram, 2017 SCC Online Del 13026**, wherein it was held as under: -

"18). Thus, if the tenant seeks leave to defend controverting the requirement pleaded by landlord on the ground of the landlord, though at the time of requirement having alternate premises, having not used the same and instead having commercially exploited the same, the **tenant must plead** (a) the particulars of such premises; (b) the right/title of the landlord to the same; (c) **that the said premises were vacant and available for use at the time of pleaded requirement of landlord;** (d) **how the said premises were suitable for the pleaded requirement;** and (e) how the landlord has deprived himself thereof i.e. by sale or letting and support the said pleas with material on the basis whereof such pleas will be proved. "



18) In the present matter, despite leave being granted, no evidence has been led by respondent to show any availability of commercial space in the said accommodations. Therefore, the said plea is of no assistance to the respondents

19) Further, it is contended that the essential pleadings are missing as the respondent has not pleaded the lack of alternative accommodation. Here, I find it pertinent to refer to the case of **Nalini Kant Gupta Vs. Lajja Gupta, 2017 SCC Delhi 10247**, wherein it was held that *once the tenant has had full opportunity and the parties have gone to trial on all facts, the petition for eviction for self-requirement cannot be dismissed on the ground of suppression. It was held that the argument of concealment is not available in as much as no prejudice can be said to have been suffered by the tenant after having an opportunity to lead evidence on all pleas.* Therefore, even if the petitioner had concealed certain facts, the same is not a ground for dismissal of the present eviction petition since the parties had an opportunity to lead evidence. Hence, *the said plea of respondent is also devoid of merits.*

20) Next, it is contended that it is a case of additional accommodation and therefore the need is not bonafide. Counsel for the respondent has also relied upon various judgments to contend that '*in cases where additional accommodation is asked for, normally leave to defend should not be refused*'. However, the said contention is misconceived and devoid of merits. While the case of additional accommodation or expansion of business may be a ground for grant for leave to defend but that by itself cannot be a ground to reject the eviction petition. The said judgments do not lay down any principle of law much less salutary principle of law to be applied irrespective of the facts of the case. Reliance in this regard is placed upon Hon'ble High Court of Delhi in **A. M. Shah v s Pushpa Sodd, 92 (20010 DLT 694**. Further, *only by looking into facts and circumstances of the case, it can be determined whether bonafide need is made out or not*. It is always the prerogative of the landlord that if he requires the premises in question for his bonafide use for expansion of his business, then, it is not for the respondent/tenant to dictate the terms and advice as to what and what not should the landlord do when he has other premises available. **Reliance in this regard is also placed upon Chand Daga vs Inder Mohan Singh Rana, 2002 (610) DRJ 410 and judgment of the Hon'ble High Court of Delhi cited as Sh. Gurcharan Lal Kumar vs Smt. Satyawati & Ors. RC Rev, no. 285/12 decided on 24.04.2013.** It is also a matter of common knowledge that litigation can continue for many years and therefore, the petitioner cannot be expected to remain idle during the said period. From the record, it is clear that though the present petition was instituted in the year 2014 and it is only after eleven years that the matter has reached the stage of judgment. Therefore,



for these years, it would be unjust to expect the petitioner to sit idle. Hence, the said contention does not assist the case of the respondent. Reference is also made to the decision of the Hon'ble High court of Delhi in the case of **M/s A.K. Woolen Industries and Ors. Vs. Shri Narayan Gupta RC Rev. 495/2017 dated 31.10.2017** in which the following was held: -

" 19. The law to be applied in this regard has been laid down by the Supreme Court in **Ragavendra Kumar Vs. Firm Prem Machinery & Co. (2000) 1 SCC 679, Sait Nagjee Purushottam & Co. Ltd. Vs. Vimlahai Prahulal (2005) 8 SCC 252 and Anil Bajaj Vs. Vinod Ahuja (2014) 15 SCC 610**. It has been held that even if the landlord has other commercial premises available to him and even if the landlord is carrying on other businesses, if it is found that the landlord intends to use the premises in occupation of the tenant for carrying on his business therefrom, the landlord is entitled to an order of eviction and the Courts cannot intervene in the same.

21) Further, it is contended that property is residential and not mixed use or commercial; therefore, not suitable for the projected commercial use. In this regard, reliance is placed upon internet generated copy of property tax receipt for the year 2015-16 where it is mentioned as residential property. However, it is not in dispute that business is already being run in the subject premises and respondent is also using for commercial purpose only. Furthermore, it is no longer res integra that the landlord possesses the prerogative to determine his specific requirements, exercising full autonomy in this regard. It is not within the purview of the courts to impose directives on the landlord regarding the nature or quality of their chosen usage of the tenanted premises. Therefore, the courts refrain from prescribing any standard or guidelines for the landlord's choices (residential or commercial). Reliance in this regard can be placed upon the judgement of Hon'ble High court of Delhi in the case of **Tarun Kumar Vs. Parmanand Garg in RC. Rev. No. 56/2018 decided on 09.11.2023**. Hence, the said contention is devoid of merits.

22) Next, it is contended that the landlord intends to integrate the tenanted premises with the adjoining portions but the petitioner has not taken the permission of the competent authority (Slum). In this regard, it has been admitted by ld. Counsel for the petitioner during oral arguments that the property falls within the slum areas, however, it is stated that there is no requirement for seeking the requisite permission as the present petition is a petition u/s 14 (1) (e) of DRC Act. On the said aspect, it is necessary to refer to the case titled as **Shafait Ali Vs. Shiva Mal (Dead) by LRs AIR 1988 SC 214**, where in reference was made to judgment delivered in



**Ravi Dutt Sharma Vs. Rattan Lai Bhargava AIR 1984 SC 967**  
**and it was held that:**

*"Section 14A, 14 (1)(E), 25A, 253 & 25C of Delhi Rent Control Act are special provisions so far as the landlord and tenant are concerned and further in the view of the non obstante clause in the Section, these provisions override the existing law, so far as the new procedure is concerned. in that view of that matter, we are of the opinion that the Slum Areas (Improvement and Clearance) Act, 1956 would have no application in these cases covered by Section 14A and 14 (1)(E) of the Delhi Rent Control Act specially in view of provisions which were added by the Amending Act of 1976. In view of the procedure in Chapter IIIA of the Rent Act, the Slum Act is rendered inapplicable to the extent of inconsistency and it is not, therefore, necessary for the landlord to obtain permission of the competent Authority U/s. 19(1) (A) of the Slum Act before instituting a suit for eviction and coming within Section 14(1) (e) of the Rent Act."*

23) Accordingly in view of the above law, no permission was required by the petitioner before filing the present petition u/s 14 (1) (e) of DRC Act. As far as, the claim regarding the structural changes is concerned, it is pertinent to note that PW1 has clarified in his cross examination, that no structural changes are required to made. He categorically deposed that to access the adjoining portion and the same can be done by opening a door in the partition wall between the premises. Furthermore, it is pertinent to note that that the DRC act is silent about any requirement of the landlord for giving details/divulging anything qua the nature/purpose of the proposed business. Hence, the landlord is not required to disclose the exact nature of use of premises in eviction petition. Reliance in this regard is placed upon the decision of Hon'ble Delhi High Court in **H S Banka vs Mohan Lal 2025 SCC Online Del 6372**. Even otherwise, in the case of **Raj Kumar Khaitan & Ors. Vs. Bibi Zubaid Khatun & Ors, AIR 1995 SC 576**, it was held by Hon'ble Supreme Court that even if the nature of business would have been indicated, nobody could bind the landlords to start the same business in the premises after it was vacated. Thus, it is the prerogative of the landlord to determine which business he intends to start and whether the tenanted premises is suitable or not for said purpose. Thus, the said contention is also devoid of merits.

24) Further, it is contended that the petitioner has sold 4766/23, and therefore, the need is not Bonafide. But the said plea is also of no assistance to the respondent. In the cross examination, RW1 stated that he does not know when the said property was sold by the petitioner. In this regard, reliance is placed upon the case of **Shyam Sunder Ahuja Vs. Sushil Kumar, 2017 SCC Online Del**



10624, wherein the Hon'ble High Court of Delhi has held that *the plea that the landlord has sold some property or let out some property is not a ground to deny the order of the eviction to the landlord*. The relevant extract is reproduced here under

*"16. Not only so, the petitioner/tenant also did not state that there was no change in the requirement of the respondent/landlord since then. Merely taking a plea that the respondent/landlord has in the past sold some property or let out some property has in Narender Kumar Shah Proprietor Jay Bharat Steels Vs. Malti Narang 2014 SCC Online Del 3839 and Anil Kumar Bagania Vs. Shiv Rani 2014 SCC Online Del 6645 been held to be not a ground for denying order of eviction to landlord on the Ground of self-requirement of premises. "*

25) Next, it is contended that the need is not bonafide as petitioner has alternative accommodation in the form of portion in blue colour in the site plan which the petitioner has falsely stated to be his nephew. It is contended that the said portion is lying vacant. In the alternative, it is contended that the said portion even if occupied, is with nephew of petitioner from whom the petitioner can get the same vacated. But nothing has been bought on record to show that the said portion is lying vacant. PW 1 in his cross examination clarified that the said blue colour portion is with his nephew Nitin Gupta since 1999 and prior to that it was with his sister. However, even if, for the sake of arguments the said portion is assumed to be vacant, it is pertinent to note the judgment of the Hon'ble Apex Court in **Uday Shankar Upadhyay v. Naveen Maheshwari (2010) 1 SCC 503**, where it was held that it is not for the Courts to say that the landlord should shift to the first floor or any higher floor as it is well known that shops and businesses are usually conducted on the ground floor, because the customers can reach there easily. It was reiterated that the Court cannot dictate to the landlord which floor he should use for his business and that is for the landlord himself to decide. It is trite to state that landlord being the best judge of his own requirement is the best person to decide as to which premises he has to choose for conducting his business and a tenant cannot force the landlord to conduct his business from the basement or upper floors. It has been held by the Hon'ble Supreme Court in the case of **Rahabhar Productions Pvt. Ltd. Vs. Rajendera Kumar Tandon 72 (1998) DLT 629** that the landlord is not disentitled from seeking recovery of the possession of a ground floor merely on the plea that he is also in possession of first Door and second floor so long as the court is satisfied with respect to the Bonafide requirement of the landlord for the tenanted premises. Hence, it cannot be held to be an alternative accommodation.



26) Lastly, it is contended that sufficient space is available with the portioner at the ground floor itself. It is contended that petitioner is in possession of about 800 sq. ft. of the area on ground floor. **However, the Hon'ble Supreme Court and the Delhi High Court have repeatedly held that the Courts are not to sit in the armchair of the landlord and dictate as to how the available property of the landlord is to be best utilized by him. The landlord is the absolute owner of his property and is the best person to decide which property is to be utilized in what way. Reliance is placed upon the decision of the Hon'ble Delhi High Court in case of Praveen & Anr. Vs. Mulak Raj & Ors. RC Rev. 417/2016 in this regard. Thus, the court cannot make choices for the landlord as to how he should run his business. It is also pertinent to note though with the leave to defend application counter site plan was filed by respondent, however, the said counter site plan was not tendered in evidence by the respondent and only when confronted in cross examination did, he admit the same.** In the case of ***V.S. Sachdeva Vs. M.L. Grover 1997 (2) RCR 302***, it was held that if no site plan is filed by tenant, then the site plan filed by the landlord is deemed to be correct. Also, in the case of ***Rishal Singh Vs. Bohat Ram & Ors. 2014 (144) DRJ 633***, the Hon'ble High Court of Delhi held that it is settled law that when the tenant contests the accuracy of the site plan filed by the landlord, he is required to file a copy of the site plan, he believes to be correct so as to guide the Court in finding the discrepancies in the site plan filed by the landlord. ***It was observed that without such site plan being filed, the mere contentions raised to this effect will be considered meritless.*** The said conduct of non-tender of the site plan by the respondent shows that plea regarding 800 sq. ft being available with petitioner at ground floor is a bald averment. Moreover, in the said counter site plan as well no dimensions have been mentioned for assisting the plea of respondent that 800 sq. ft of area is available with petitioner on the ground floor. *Per Contra*, as per the dimensions given in site plan of the petitioner, the said area is around 400 sq ft only. No contradictory material is on record to show that it is 800 sq ft. In this regard, the decision of the Hon'ble High Court passed in the case of ***Mohd. Naseer Vs. Mohd. Zaheer and Ar. RC Rev. No. 267/2016 dated 03.11.2016*** is to be noted in which it was held that ***mere raising of baseless contentions against the landlord cannot be a ground denying eviction order to the landlord. Furthermore, while deciding the question of Bonafide requirement of the landlord, it is quite unnecessary to make an endeavor as to how else the landlord could have adjusted.*** It is not for the court or the tenant to dictate to the landlord to adjust in a smaller portion when on the contrary he can use the tenanted premises. *Therefore, even if the landlord has other commercial premises available to him and even if the landlord is carrying on other businesses, since the petitioners intend to use the premises in*



occupation of the tenant for needs of business already being carried out from subject premises, the Court cannot intervene in the same. Even in the case of **K.K. Sarin Vs. M/s Pigott Chapman & Co. 46 (1992) DLT 352**, the Hon'ble Delhi High Court held that the tenant has to produce material on which he is relying upon. Since no material has been placed on record by the respondent, there is no reason to believe that the petitioner has alternative reasonable accommodation. Also, in case the petitioner fails to occupy, the premises as has been claimed by him, the Delhi Rent Control Act also provides for recovery of possession by the respondent/tenant of the tenanted premises for his re-entry and occupation. It is pertinent to note herein the case of **Ravichandran and Ors. Vs Natrajan Nadar and Ors. (2004) 1 MLJ 458**, wherein it was held:

*"Even assuming that other premises are available, then the choice is left to the landlord to decide as to which non-residential premises he should occupy, and the tenant cannot have any say in the matter. **If the landlord is able to show the Bonafide, then the tenant cannot dictate terms to the landlord that he should occupy some other building and not the one mentioned in the petition.**"*

27) Thus, it is neither open for the court nor for the tenant to decide as to how else the landlord could make adjustments in his property. Hence, in the light of the aforesaid observations and findings, I find that petitioner has been able to establish his bonafide need and respondents have failed to show any suitable alternative accommodation for the said bonafide need.

...."

*(emphasis supplied)*

33. Having considered the submissions advanced on behalf of the Petitioner and upon the perusal of the reasoning rendered by the learned ARC, this Court is of the view that the present Revision Petition does not disclose any ground warranting interference with the Impugned Order in exercise of the limited revisional jurisdiction of this Court under the proviso to Section 25B(8) of the DRC Act.



34. The principal thrust of the submissions advanced by learned counsel for the Petitioner is that the learned ARC failed to appreciate the availability of alternative accommodation with Respondent No.1 and did not properly scrutinise the evidence relating to the area available on the ground floor and the alleged availability of the first floor. It has also been contended that the learned ARC failed to appreciate the alleged discrepancy between the area stated to be available in the Eviction Petition and the area purportedly admitted by Respondent No.1 in his cross-examination. According to the Petitioner, the aforesaid aspects materially undermine the *bona fide* requirement pleaded by Respondent No.1.

35. The aforesaid submissions, however, do not withstand a perusal of the Impugned Order. The learned ARC has dealt with the question of availability of alternative accommodation in considerable detail. The issue of the accommodation allegedly available with Respondent No.1, including the contention regarding the area available on the ground floor, has specifically been considered by the learned ARC. The learned ARC has noticed the contention that Respondent No.1 was allegedly in possession of approximately 800 sq. ft. on the ground floor and has thereafter examined the material placed on record in support thereof. The learned ARC has also taken note of the fact that



the counter-site plan relied upon by the Petitioner was not tendered in evidence and that no dimensions had been indicated therein to substantiate the claim regarding the availability of 800 sq. ft. of space. Upon an appreciation of the material before it, the learned ARC concluded that the area available with Respondent No.1 was approximately 400 sq. ft. and that there was no contradictory material on record sufficient to displace the site plan relied upon by him.

36. Thus, the contention that the learned ARC failed to consider the alleged discrepancy in the area available with Respondent No.1 is factually incorrect. The learned ARC has considered the very objection which is sought to be urged before this Court and has returned a finding thereon. The Petitioner, in substance, seeks a re-appreciation of the evidence and a different conclusion on the basis of the same material. Such an exercise, however, would fall outside the permissible scope of the revisional jurisdiction vested in this Court under the proviso to Section 25B(8) of the DRC Act.

37. Equally, the contention regarding the availability of the first floor and the alleged occupation thereof has also been duly considered by the learned ARC. The learned ARC has examined the evidence of Respondent/PW-1 therein in this regard and has noticed his deposition that the concerned portion was in the occupation of his nephew, Nitin



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Gupta, since 1999 and, prior thereto, was in the occupation of his sister. The learned ARC has further considered the alternative submission of the Petitioner that, even if the said portion were assumed to be vacant, the landlord could be directed to utilise the same. Relying upon the settled principle that it is for the landlord to determine which portion of his property is reasonably suitable for his business and that the tenant cannot dictate the manner in which the landlord should utilise his premises, the learned ARC rejected the said contention.

38. The finding returned by the learned ARC cannot be characterised as one rendered without consideration of the material on record. The learned ARC has examined the question of alternative accommodation and has recorded reasons for concluding that the accommodation relied upon by the Petitioner was either not shown to be available or was not demonstrated to be reasonably suitable for the bona fide requirement projected by Respondent No.1. Merely because the Petitioner seeks a different appreciation of the evidence or considers the reasons recorded by the learned ARC to be insufficient does not, by itself, furnish a ground for exercise of revisional jurisdiction.



39. The submission that the learned ARC mechanically proceeded on the premise that the landlord is the best judge of his requirement is also without merit. A perusal of the Impugned Order demonstrates that the learned ARC did not rest its conclusion solely upon the aforesaid principle. The learned ARC considered the various properties relied upon by the Petitioner, including the properties situated at Ghaziabad, the property at Dayanand Vihar, the portion allegedly in the occupation of Nitin Gupta and the space stated to be available on the ground floor. The learned ARC thereafter examined the evidence and the absence of cogent material demonstrating the availability of reasonably suitable alternative accommodation. The principle that the landlord is the best judge of his requirement was applied in the context of the findings rendered on the facts of the case and cannot be construed as having been invoked to dispense with the requirement of establishing *bona fide* need.

40. The reliance placed by learned counsel for the Petitioner upon the judgments, including *Sarbate T.B. v. Nemichand and Khem Chand & Ors. (supra)*, also does not advance the case of the Petitioner. The learned ARC has considered the issue of *bona fide* requirement and alternative accommodation on the basis of the pleadings and evidence led by the parties. The fact that the learned



ARC may not have expressly referred to every judgment cited by the Petitioner, or may have applied the legal principles emerging therefrom differently, cannot, in the absence of an error apparent on the face of the record or a manifestly erroneous approach, constitute a ground for interference under Section 25B(8) of the DRC Act.

41. The challenge founded upon the alleged absence of necessary pleadings regarding non-availability of reasonably suitable alternative accommodation is also liable to be rejected. The learned ARC has specifically noticed the said objection and has considered the judgment relied upon in support thereof. The learned ARC has thereafter returned a finding that, even assuming that certain facts had not been disclosed by the landlord, the Petitioner had been granted leave to defend and the parties had thereafter proceeded to trial and had an opportunity to lead evidence on all relevant aspects. The learned ARC, therefore, declined to non-suit Respondent No.1 on the ground of alleged concealment.

42. At first blush, the contention that there arises a “legal question” regarding the “lack of pleadings in respect of lack of suitable alternate accommodation” may appear attractive. But a perusal of the pleadings would show that the requirement projected by the landlord was in respect of space occupied by the Petitioner/ tenant and which space



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was required due to the need for installation of machines and equipment in the premises which is situated in an area which is a publishing hub and which forms the base for the bulk of the Landlord's business/ clients. It is implicit in the said pleadings that there was no "other accommodation" which would be suitable for the Landlord given the nature of his business and the geographical presence of his principal clients. The defence set up by the Petitioner was that the landlord had filed a petition for "additional space" and not for "*bona fide* need" and also that he had other accommodation which would satisfy his purpose. Admittedly, these other accommodations were in other areas and not in the publishing hub and these were strenuously projected as being able to satisfy the need of the Landlord. Effectively, the Petitioner/Tenant attempted to dictate that the landlord move out of the area most conducive for the landlord's business, since there was other alternate accommodation available for the same. The law militates against the same and the attempt of the Petitioner to question the entire factual matrix relating to the suitability of the accommodation by seeking to project an alleged "question of law" is ingenious, but does not impress the Court.

43. This Court is conscious that there can be no quarrel with the proposition that the landlord is required to establish the ingredients of



Section 14(1)(e) of the DRC Act and that the issue of availability of reasonably suitable alternative accommodation is a substantive aspect of the determination of *bona fide* requirement. Equally, the mere fact that the parties have proceeded to trial cannot, in every case, render a material suppression or concealment irrelevant. The question would necessarily depend upon the nature of the alleged concealment and, in particular, whether the accommodation allegedly concealed was in fact available to the landlord and reasonably suitable for the requirement pleaded.

44. In ***Nalini Kant Gupta v. Lajja Gupta***<sup>15</sup>, this Court, while considering the effect of alleged concealment of alternative accommodation, took note of the fact that the tenant had been granted leave to defend and had thereafter been afforded a full opportunity to lead evidence on the relevant aspects. The Court, relying *inter alia* upon the judgements passed by the Hon'ble Supreme Court in ***M.L. Prabhakar v. Rajiv Singhal***<sup>16</sup>, ***Bhairab Chandra Nandan v. Ranadhir Chandra Dutta***<sup>17</sup>, and ***S. Harbant Singh Sahni v. Vinod Sikari***<sup>18</sup>, held that where the parties have gone to trial on all relevant facts and the tenant has had an opportunity to establish the availability

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<sup>15</sup> 2017 SCC OnLine Del 10247

<sup>16</sup> (2001) 2 SCC 355

<sup>17</sup> (1988) 1 SCC 383

<sup>18</sup> 2012 SCC OnLine Del 2362



and suitability of the allegedly concealed accommodation, the eviction petition cannot be dismissed merely on the ground of suppression, particularly where no prejudice has been caused to the tenant.

45. The aforesaid principle, however, cannot be understood as laying down an absolute proposition that the fact of concealment becomes wholly irrelevant once leave to defend has been granted. The subsequent decision of this Court in ***Durga Devi Jain v. Dr. Harish Chander Banga***<sup>19</sup>, is instructive in this regard. The Court, while considering the line of authorities dealing with non-disclosure of alternative accommodation, examined whether the property alleged to have been concealed was actually available and reasonably suitable for the requirement pleaded. The focus, therefore, continues to remain upon the materiality of the alleged concealment and its bearing upon the *bona fide* requirement of the landlord.

46. In the present case, however, this Court finds that the learned ARC has not rejected the Petitioner's objection merely on the ground that the parties had already gone to trial. On the contrary, the learned ARC has specifically considered the objection regarding the alleged absence of alternative accommodation and has adjudicated the same on the basis of the evidence led by the parties.

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<sup>19</sup> 2026:DHC:4460  
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47. It is, therefore, apparent that the objection raised by the Petitioner regarding alternative accommodation was not shut out or rejected merely by invoking the principle that the parties had already gone to trial. Rather, the learned ARC undertook a substantive examination of the very issue which the Petitioner seeks to reagitate before this Court. The learned ARC considered the properties relied upon by the Petitioner, the evidence regarding their availability, the question of their suitability and the material, or absence thereof, brought on record by the Petitioner in support of his assertions.

48. In these circumstances, the judgment in ***Durga Devi Jain (supra)*** does not advance the case of the Petitioner. Rather, the approach adopted by the learned ARC is consistent with the principle that the Court must examine whether the allegedly concealed or otherwise relied-upon accommodation is actually available and reasonably suitable for the bona fide requirement pleaded. Having undertaken that exercise, the learned ARC found, on the evidence before it, that the Petitioner had failed to establish the availability of any such reasonably suitable alternative accommodation.

49. This Court is conscious that the absence of an essential pleading cannot ordinarily be equated with a mere deficiency in proof and that evidence cannot be permitted to travel beyond the pleadings.



However, the present case does not warrant interference on that principle. The issue of alternative accommodation was not an issue foreign to the pleadings or the trial. It was specifically raised by the Petitioner, was contested by Respondent No.1, and was the subject matter of evidence and adjudication before the learned ARC. The Petitioner has also not demonstrated any prejudice occasioned to him by the manner in which the issue was adjudicated.

50. What the Petitioner essentially seeks before this Court is a different appreciation of the evidence relating to the availability and suitability of the alternative properties and a different conclusion from that reached by the learned ARC. Such an exercise would necessarily amount to appellate re-appreciation of the evidence, which is impermissible in the limited revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act.

51. The learned ARC has thus considered and adjudicated the Petitioner's objection regarding the alleged concealment and availability of alternative accommodation. The findings returned cannot be said to suffer from any failure of adjudication, perversity or manifest illegality. Merely because the Petitioner seeks to place a different interpretation upon the evidence already considered by the learned ARC does not constitute a ground for interference in revision.



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Accordingly, the contention founded upon the alleged absence of necessary pleadings or concealment of alternative accommodation does not persuade this Court to interfere with the Impugned Order. The learned ARC has undertaken the requisite adjudicatory exercise and has returned findings on the basis of the evidence led by the parties. No jurisdictional error or error apparent on the face of the record has been demonstrated warranting interference under the proviso to Section 25B(8) of the DRC Act.

52. The submission of learned counsel for the Petitioner that the Eviction Petition was liable to be dismissed at the threshold for want of prior permission from the competent authority under the Slum Areas (Improvement and Clearance) Act, 1956, is also devoid of merit. The learned ARC has specifically considered this objection and has dealt with the same in paragraph 22 of the Impugned Order. It has been noticed that, although the property falls within a slum area, the requirement of obtaining prior permission of the competent authority under the Slum Act does not arise in respect of an eviction petition instituted under Section 14(1)(e) of the DRC Act.

53. In this regard, the learned ARC has rightly placed reliance upon the judgment of the Hon'ble Supreme Court in ***Shafait Ali v. Shiva***



*Mal (Dead) by LRs.*<sup>20</sup>, wherein, while considering the interplay between the provisions of the DRC Act and the Slum Areas (Improvement and Clearance) Act, 1956, it was held that the provisions of the DRC Act, including Section 14(1)(e) read with the special procedure under Chapter IIIA thereof, override the provisions of the Slum Act to the extent of any inconsistency. Consequently, no prior permission of the competent authority under Section 19(1)(a) of the Slum Act is required before instituting an eviction petition under Section 14(1)(e) of the DRC Act.

54. The mere assertion of the Petitioner that Respondent No.1 intended to integrate the tenanted premises with the adjoining portion and that such integration may entail structural changes does not alter the legal position. The requirement of prior permission under the Slum Act cannot be imported into a petition under Section 14(1)(e) of the DRC Act when the same is otherwise expressly excluded by the applicable statutory scheme. The maintainability of the Eviction Petition, therefore, cannot be made dependent upon the Respondent first obtaining permission from the Slum Authority.

55. The learned ARC has, in any event, separately considered the aspect of the alleged structural changes and has noticed the categorical

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<sup>20</sup> AIR 1988 SC 214  
RC.REV. 78/2026



deposition of Respondent No.1/PW-1 that no structural changes were required to be carried out and that access to the adjoining portion could be achieved merely by opening a door in the partition wall between the premises. Thus, the factual premise on which the Petitioner's objection is founded has also been specifically examined by the learned ARC and does not warrant any interference in the present proceedings.

56. It is, therefore, evident that the learned ARC has considered both facets of the objection raised by the Petitioner—first, the alleged requirement of prior permission from the Slum Authority and, second, the alleged structural changes contemplated by Respondent No.1. Upon consideration of the applicable statutory framework and the evidence on record, the learned ARC has returned a reasoned finding rejecting the said objection. The Petitioner has not been able to demonstrate any jurisdictional error, manifest illegality or perversity in the said finding.

57. The submission that the Eviction Petition ought to have been dismissed at the threshold is, therefore, untenable. The objection raised by the Petitioner was duly considered and adjudicated upon by the learned ARC, and no error apparent on the face of the record has been demonstrated in the approach adopted by the learned ARC. This



Court, in exercise of its limited revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act, finds no justification to revisit the said finding or to substitute its own view for that of the learned ARC.

58. The Petitioner may seek to contend that the aforesaid approach of the learned ARC is erroneous in law and that the alleged defect pertains to the absence of a foundational pleading rather than mere concealment. However, this Court is unable to accept that the learned ARC failed to adjudicate upon the objection itself. The Impugned Order demonstrates that the objection was expressly noticed, the legal position was considered, and a reasoned conclusion was returned. Whether the said conclusion could have been arrived at differently is not the test to be applied in the exercise of the limited revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act.

59. It is also pertinent to note that the Petitioner was granted leave to defend and thereafter participated in a full-fledged trial. The Petitioner led evidence and had the opportunity to challenge, by way of cross-examination, the assertion of Respondent No.1 regarding his *bona fide* requirement and the availability or suitability of alternative accommodation. The learned ARC, after considering the evidence brought on record by both sides, has returned findings on each of the



objections raised by the Petitioner. The present Revision Petition, therefore, cannot be permitted to operate as a substitute for an appeal merely because the Petitioner seeks a reappraisal of the evidence and a different conclusion on the merits.

60. In the considered opinion of this Court, the Impugned Order reflects due application of mind to the rival contentions and the material placed on record. The learned ARC has considered the objections regarding the alleged availability of additional space on the ground floor, the alleged availability of the first floor, the properties relied upon as alternative accommodation, the issue of additional accommodation and expansion of business, as well as the objection regarding the absence of necessary pleadings. Each of the aforesaid contentions has been dealt with and adjudicated upon by the learned ARC by recording reasons therefor.

61. This Court, while exercising revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act, is not required to sit as a Court of appeal over the findings of the learned ARC or to undertake a fresh and independent appreciation of the evidence merely because another view may, conceivably, be possible. The jurisdiction is intended to ensure that the decision-making process is legal, proper and free from material irregularity. In the present case, no



jurisdictional error, manifest illegality, perversity or failure to consider any material contention has been demonstrated.

62. The Petitioner has, in effect, invited this Court to re-examine the evidence on the question of the area available with Respondent No.1, the suitability of the first floor, the availability of alternative accommodation and the bona fide nature of the requirement. These are precisely the aspects which were raised before and considered by the learned ARC. The mere fact that the findings returned by the learned ARC are adverse to the Petitioner cannot justify interference in revision.

63. This Court is, therefore, of the view that the learned ARC has duly considered and adjudicated upon the contentions raised by the Petitioner and has arrived at its conclusions upon an appreciation of the material available on record. No error apparent on the face of the record or any infirmity in the decision-making process has been demonstrated so as to warrant exercise of the limited revisional jurisdiction of this Court.

### **CONCLUSION:**

64. Accordingly, this Court finds no ground to interfere with the Impugned Judgement dated 11.11.2025 passed by the learned ARC.



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65. The present Revision Petition is, consequently, dismissed and disposed of, along with pending Application(s), if any, in the aforesaid terms.

**HARISH VAIDYANATHAN SHANKAR, J.**  
**AUGUST 14, 2026/va**