

Present : Shri Manoj Kumar Singh, Counsel for Appellant.
: Shri Shubham Jha, Proxy Counsel for Respondent.
(VAKALATNAMA)

1. Counsel for Appellant submitted that as per tracking report, filed today, summons to the Respondent have returned back to this Court on 08.09.2025 despite giving correct address of the Respondent.
2. The Appellant contended that he has filed present appeal against the impugned order dated 30.05.2025 passed by Competent Authority, (DUSIB) granting permission to the Respondent herein to initiate eviction proceedings against the Appellant in respect of shop bearing No. 5, forming part of Property bearing no. 130-132, Jatwara, Pul Mithai, Teliwara, Delhi on the grounds that the dilapidated condition of the premises as well as no alternative means with the Respondent has been ignored by the Competent Authority.
3. The perusal of impugned order revealed that Appellant herein admitted the landlord and tenant relationship between the parties before Competent Authority. However, the Appellant questions the GPA allegedly executed by the Respondent herein in favour of GPA holder. The Respondent also averred that the Appellant has sufficient means to arrange for alternative accommodation. The onus of providing the details of the means to arrange for alternative accommodation lies on the tenant himself and he has to bring on record some satisfactory material with

regard to the same and in case of his failure to do so, an adverse inference can be drawn against him. Accordingly, the Competent Authority drew an adverse inference and the Competent Authority therefore granted permission to the landlord/Respondent herein to institute eviction proceedings against the Appellant herein as the appellant has sufficient means to arrange for alternative accommodation and would not create further slum, if evicted.

4. Before this Court, the Appellant failed to show or file any proof that he has no sufficient means to arrange for alternative accommodation. The Appellant also failed to file any new/ additional documents which were not presented before the Competent Authority who had examined the documents and contentions before passing of the impugned orders in the summary proceedings under section 19 of the Slum Areas (Improvement and Clearance) Act, 1956.
5. In the absence of any legally tenable argument/ evidence to counter the findings of the Competent Authority by the Appellant in support of his case, this Court is not inclined to interfere in the present matter and therefore the appeal bearing no. 131/2025 titled Ashok Kumar Vs. Smt. Ajit Kaur is dismissed.
6. As requested by the Counsel for the Appellant, a copy of this order be given dasti.
7. File be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi

Case No.	Titled
✓ 178/2024	Raju Rohtagi Vs Seema Jain
179/2024	Raju Rogtagi & Anr. Vs Seema Jain
180/2024	Shashank Rohtagi Vs Seema Jain

14.10.2025

Present : Shri Mukesh Agarwal, Counsel for Appellant(s) in all three cases.
: Shri Pushp Kumar, Proxy Counsel for Respondent in all three cases.

1. The appellant(s) are aggrieved by the separate impugned orders all dated 10.05.2024 passed by the Competent Authority, DUSIB, Delhi, in cases bearing no. C.A. (DUSIB)/154, 155 & 156/2023 respectively and have preferred the appeals under Section 20 of the Slum Areas (Improvement and Clearance) Act, 1956, herein after referred as 'the Act'.
2. The factual matrix in all these cases are that the respondent herein in all three cases filed petitions under Section 19 of the Act in respect of tenanted premises i.e. Pvt Shops Nos. 37, 38 & 43, Property No. 1853, Surya Bazar Bhagirath Place, Chandni Chowk, Delhi seeking permission to institute eviction proceedings against the appellant(s). The Competent Authority vide impugned orders dated 10.05.2024 granted permission to institute suit or proceedings for obtaining decree or order for eviction of the tenant.
3. The ground of appeal in the present appeals filed herein are that the appellant(s) were never tenant of the respondent herein, and there is no relationship of landlord-tenant proved through material evidence before the Competent Authority, no rent was paid or tenancy acknowledged by the appellant(s) and appellant(s) have occupied the premises for over 35 years by virtue of a pagri transaction and regular nominal rent to the erstwhile owner Smt. Shakuntala Devi; The appellant(s) are entitled to security of such pagri as per principles of

equity and natural justice. Appellant(s) further submitted that no notice to pay rent or recognize tenancy was issued by the respondent herein to the appellant(s) on purchase of property/premise in question and eviction will lead to grave hardship and loss of livelihood to the appellant(s) and dependent employees, with no alternative commercial accommodation available. In addition, the respondent has not proposed or produced any plan for the improvement or rehabilitation of the appellant(s) as required under the Act, the respondent purchased the property at grossly undervalued rates and is acting with mala fide, having already sold several shops in the building and making no bona fide efforts for slum improvement, as is required under the Act.

4. Appellant(s) prayed in view of the above facts that this Court may please set aside the impugned orders dated 10.05.2024 passed by the Competent Authority, DUSIB in all three cases. Counsel for Appellant(s) filed two judgments of the Hon'ble High Court of Delhi titled *Chuni Lal Kapur Vs. Prakash Wanti etc.* and *Rattan Lal Vs. Mahabir Singh & Anr.* in support of his contentions.
5. The Proxy Counsel for Respondent was not in any position to argue. On the last date of hearing also, i.e. 23.05.2025, 08.09.2025 and 16.09.2025 none appeared for the respondents despite final opportunity being given. It is seen from the records that the respondent in replies has stated that the competent authority, acting under Section 19 of the Slum Areas (Improvement and Clearance) Act, 1956, is empowered to make summary inquiry regarding landlord-tenant relationship between the parties and sufficiency of means to acquire alternative accommodation to the tenant. The Competent Authority is not required to adjudicate broader disputes of ownership or address extraneous grounds raised by the appellant(s) herein. In the present cases, the relationship of landlord and tenant between the parties stands prima facie established and considerations regarding alternative accommodation were duly evaluated and settled in the

impugned orders by the Competent Authority. The appellant(s) denials were found to be unsubstantiated as well as outside the scope of the statute allowed the applications of the present respondent.

6. It is noted that from the oral arguments as well as documents on record, the core issues in the present appeals are (a) whether there is a landlord-tenant relationship between the parties, and (b) whether the tenant has sufficient means to obtain alternative accommodation, as required under Section 19 of the Slum Areas (Improvement and Clearance) Act, 1956.
7. From the facts of the cases, it is noted that in the present cases, vide impugned orders dated 10.05.2024, the Competent Authority has duly considered all the aspects as provided under Section 19 of the Slum Areas (Improvement and Clearance) Act, 1956. The Competent Authority observed that proceedings under the provisions of Slum Act are summary in nature and therefore, the authority is required to see prima facie relationship of then landlord and tenant between the parties which was accepted by the present Appellant(s) through their replies submitted before the Competent Authority. As per the Appellant(s) themselves, the Respondent herein acquired rights of the tenanted premises through a chain of transactions executed between the respondent and erstwhile owners of the property. The Appellant(s) have admitted that they were tenants of predecessor of the respondents. The Respondent herein claimed ownership and landlordship over the tenanted premises on the basis of a registered sale deed dated 14.02.2020, executed by Mr. Tula Ram Gupta, husband of the erstwhile admitted owner/landlady Smt. Shakuntla Devi, in favour of the Petitioner. Before this Court, the appellant himself has placed on record copy of sale deed registered on 14.02.2020 which shows that Ms. Seema Jain (respondent herein) is the owner of the tenanted premises.

8. The Competent Authority has also gone into the contentions of the present respondent regarding sufficient income of the appellants. The Competent Authority further observed that it is also a settled law that the burden of proof regarding sufficient means is very light and can be discharged by the landlord by making necessary averment in petition as well as evidence's affidavit. Once these averments are made by the landlord, then the onus shifts upon the tenant because the income and earnings of the tenant are special facts within the knowledge of the tenant only which shall include the income of the family members of the tenant also. However, the Appellant(s) failed to bring on record any material here regarding their income and status. Accordingly, the Competent Authority came to the conclusion that an adverse inference can be drawn against the appellants on the basis of the various judgments. Therefore, the Competent Authority granted permission to the landlord/respondent herein under Section 19 of the Act to institute eviction proceedings against the appellants as the appellants have sufficient means to arrange for alternative accommodation and would not create further slum, if evicted.
9. Before this Court, there is no tenable counter to the findings of the Competent Authority by the Appellant(s) except filing of two judgments titled *Chuni Lal Kapur Vs. Prakash Wanti etc.* and *Rattan Lal Vs. Mahabir Singh & Anr.* In support of his contention that the onus to prove the availability of means to arrange for alternative accommodation in case he is evicted is not confined to tenant only. The appellant(s) have also not placed on record any document or evidence to show their income so that this Court can assess their financial conditions to arrange alternative accommodation. Therefore, in the light of the fact that the Competent Authority has based its findings on the proposition of law as per judgments and also after taking into consideration the conditions stipulated in Section 19 of the Slum Areas (Improvement

and Clearance) Act, 1956, this Court is not inclined to interfere in these matters.

10. Further, from the facts of the cases, it is also seen that the appellant(s) herein who are the tenants in the rented premises have filed the present cases under Section 20 of the Slum Areas (Improvement and Clearance) Act, 1956. This Court is relying on the judgement of Hon'ble High Court dated 30.08.1979 in the matter of **Usha Bhasin Vs. Competent Authority**, the relevant extracts are reproduced hereunder -

"It lays down that any person aggrieved by an order of the Competent Authority refusing to grant permission referred to in Section 19(1) could prefer an appeal to the Administrator. In other words it is only the landlord who is likely to be aggrieved by the order refusing permission that can appeal to the Administrator, and Section 20 does not provide for an appeal by the tenant against an order granting permission to the landlord. Section 20 and Section 30 have to be construed harmoniously. It cannot be said that Section 20 has provided for an appeal to the landlord from an order Section 19(1) adverse to him but that the tenant may appeal under Section 30(I)."

11. The above judgment clearly bars the tenant to invoke provisions of Section 20 of the Slum Areas (Improvement and Clearance) Act, 1956 to challenge the impugned order.
12. The present appeals are squarely hit by the above judgment as well as by the fact that the appellants herein have not submitted any counter evidence against the findings of the Competent Authority before this Court.
13. In light of the above, this Court finds no reason to interfere in the impugned orders passed by the Competent Authority (DUSIB) in the matter.
14. The Appeals bearing nos. 178/2024, 179/2024 & 180/2024 are dismissed in terms of above.
15. Files be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi

Case No. 174 of 2025

14.10.2025

Present : Ms. Natasha Syal, Proxy Counsel for Appellant.
: Shri Mukesh Kumar, Counsel alongwith
Ms. P.Pandeshwari, ASO for Respondents, Excise
Department

1. The Proxy Counsel requested to adjourn the matter as the main Counsel is busy in other court. She is in no position to argue the matter. Adjournment is allowed with a cost of Rs.10,000/- to be deposited with D.D.O., General Administration Department, GNCTD, Delhi Sectt., New Delhi, proof of the same shall be submitted on the next date of hearing.
2. The Counsel for Respondents submitted that the Respondents have just received a copy of the appeal and further submitted that they shall file reply on the next date of hearing.
3. The Court raised query to the Respondent Department as to why the Impugned Order passed by Excise Commissioner on 05.08.2025 is silent on the claim of the Appellant company that Sameer Mahendru, MD is no longer a director of the Company in the impugned order. Moreover, the impugned order seems perfunctory and has not even mentioned the specific violation under Section 13(1) of the Delhi Excise Act, 2009. The Respondents are directed to come prepared on these issues and other claims of Appellant on the next date of hearing.
4. Adj. to 11.11.2025 for arguments. The reply from Excise Department to be submitted latest by 31.10.2025 with a copy to the Appellant.



**Financial Commissioner,
Delhi**