

A.No. 689/24

12.09.2024

Present : Sh. Sahil, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Vide separate order of even date, the impugned demolition order dated 08.07.2024 passed by the Quasi-Judicial Authority is set aside and appeal filed by appellant is allowed. The matter is remanded back to the Quasi-Judicial Authority for deciding the same afresh.

The appellant shall treat this order as show cause notice. The appellant shall appear before the Quasi Judicial Authority on 18.10.2024. The Quasi Judicial Authority shall provide an opportunity to appellant to submit reply / additional reply (in case reply already filed) and also grant him personal hearing.

The Quasi-Judicial Authority thereafter shall pass a speaking order after dealing with all the submissions, pleas and defenses raised by appellant and shall communicate the said order to appellant.

The appellant shall however not raise any unauthorized construction in the said property without necessary permission as prescribed by law.

The file of the respondent be send back along with copy of this order. Appeal file be consigned to record room after due compliance.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 690/24

12.09.2024

Present : Sh. Sahil, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Vide separate order of even date, the impugned demolition order dated 08.07.2024 passed by the Quasi-Judicial Authority is set aside and appeal filed by appellant is allowed. The matter is remanded back to the Quasi-Judicial Authority for deciding the same afresh.

The appellant shall treat this order as show cause notice. The appellant shall appear before the Quasi Judicial Authority on 18.10.2024. The Quasi Judicial Authority shall provide an opportunity to appellant to submit reply / additional reply (in case reply already filed) and also grant him personal hearing.

The Quasi-Judicial Authority thereafter shall pass a speaking order after dealing with all the submissions, pleas and defenses raised by appellant and shall communicate the said order to appellant.

The appellant shall however not raise any unauthorized construction in the said property without necessary permission as prescribed by law.

The file of the respondent be send back along with copy of this order. Appeal file be consigned to record room after due compliance.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 769/24

12.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Jitender Singh and Sh. Vijay Yadav, Ld counsels
for the appellant.

Issue notice of interim application(s) as well as appeal
to the respondent through concerned Chief Law
Officer.

The Executive Engineer(B) is directed to ensure the
presence of the concerned AE(B), who shall appear in
person alongwith the record of the proceedings, status
report and reply on next date of hearing.

Put up for arguments on interim application(s) and
appeal on 19.09.2024.

The Registrar, ATMCD is also directed to send a copy
of this order alongwith notice.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 774/24

12.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Jitender Kumar and Sh. Vijay Yadav, Ld. counsels
for the appellant.

Issue notice of interim application(s) as well as appeal
to the respondent through concerned Chief Law
Officer.

The Executive Engineer(B) is directed to ensure the
presence of the concerned AE(B), who shall appear in
person alongwith the record of the proceedings, status
report and reply on next date of hearing.

Put up for arguments on interim application(s) and
appeal on 19.09.2024.

The Registrar, ATMCD is also directed to send a copy
of this order alongwith notice.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 775/24, 776/24 & 777/24

12.09.2024

Fresh appeal is filed. It be checked and registered.

Present : Sh. Shivam Kumar, Ld. counsel for the appellant.

Issue notice of condonation application as well as appeal to the respondents through concerned Chief Law Officer.

The Executive Engineer (B) is directed to ensure the presence of the officers concerned, who shall appear in person alongwith the record of the proceedings, status report and reply on next date of hearing.

Put up for further proceedings on **17.09.2024**.

The Registrar, ATMCD is also directed to send a copy of this order alongwith notice.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 677/24

12.09.2024

File is taken up today on an application moved on behalf of appellant seeking early hearing.

Present : Sh. S. D. Ansari, Ld counsel for the appellant.

Notice of the application be issued to the respondent department for the purpose fixed on **25.09.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024s

A.No. 109/24(M)

12.09.2024

Fresh execution petition is filed on behalf of Decree Holder seeking execution of judgment and order dated 19.01.2021.

Present : Sh. Manish Kaushik and Mr. Ajit Singh, Ld counsels for the applicant/ petitioner.

The present execution petition has been filed in respect of order dated 19.01.2021 passed by my Ld. Predecessor.

It is submitted by Ld. counsel for the applicant that the said order was challenged before the Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi by the MCD and the appeal was dismissed. Thereafter the MCD sought remedy against the order passed by Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi in the High Court of Delhi and the Hon'ble High Court of Delhi vide order dated 19.04.2023 upheld the order passed by the Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi and directed that the directions passed by the ATMCD be given effect within four weeks.

Ld. counsel submits that the directions of the Hon'ble High Court of Delhi were not complied with by the MCD and the applicant herein filed a Contempt Petition bearing Cont. Cas (C) 1565/2023 and in the Contempt Petition the Hon'ble High Court of Delhi vide order dated 20.10.2023 issued notice of the contempt petition to the MCD and gave opportunity to file a reply.

Ld. counsel for applicant submits that the order dated 19.04.2023 was challenged in CM (M) No. 1440/2022 by the MCD before the Hon'ble Supreme Court of India wherein the notice has been issued with direction that no coercive steps shall be taken against the petitioner on the basis of Contempt Petition pending in the Hon'ble High Court of Delhi. The observations of the Hon'ble Supreme Court of India are as under:-

1. Issue notice returnable on 01 December 2023.
2. Dasti service, in addition, is permitted.
3. Till the next date of listing, no coercive steps shall be taken against the petitioner on the basis of the contempt proceedings which are filed before the High Court.

Ld. counsel submits that no stay has been granted by the Hon'ble Supreme Court of India in respect of the execution of the directions given by the Hon'ble High Court of Delhi vide order dated 19.04.2023 to execute the directions passed by the ATMCD in four weeks.

In view of the aforesaid submissions, notice of the application be issued to non-applicant to file their reply in the matter.

Put up for reply and arguments on **06.11.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024s

A.No. 442/24

12.09.2024

Present : Sh. Manish Chawla, appellant No.3 in person
alongwith appellant No.2 joined through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought on behalf of respondent
department to file status report in the matter.

Opportunity granted.

Mr. Ashutosh Gupta submits that he wants to recuse
in this matter due to personal reasons and he will
inform the department about the matter to depute
some other counsel.

List of documents filed on 09.09.2024 alongwith copy
of the contempt petition bearing No.1254/2024 is
placed on record. Copy be supplied.

Another list of documents is also filed in the Court
today, copy supplied.

Put up for filing status report, for arguments on interim
application as well as appeal on 28.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024 J

A.No. 443/24

12.09.2024

Present : Sh. Manish Chawla, appellant No.3 in person
alongwith appellant No.2 joined through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought on behalf of respondent
department to file status report in the matter.

Opportunity granted.

Mr. Ashutosh Gupta submits that he wants to recuse
in this matter due to personal reasons and he will
inform the department about the matter to depute
some other counsel.

An application under Order 6 Rule 17 CPC has been
moved on behalf of the appellants. Copy supplied.

List for filing reply and arguments on application under
Order 6 Rule 17 CPC on 28.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024 J

A.No. 264/23, 265/23, 266/23, 267/23, 776/22 & 777/22

12.09.2024

Present : Ms. Bandana Kaur Grover, Ld counsel for the appellant.

Sh. Akhil Mittal, Ld counsel for the respondent.

Sh. Sameer Tandon, Ld. counsel for intervener.

Part arguments are addressed by the parties.

Ld. counsel for appellant seeks some time to take instructions in respect of the status report filed by the respondent.

Relist for arguments on interim application as well as on appeal on 29.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 284/24

12.09.2024

Present : Ms. Prerna Chaturvedi, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Capt. Jit Singh (Retd.), intervener in person.

An application under Order 1 Rule 10 CPC has been filed by intervener Capt. Jit Singh (Retd.).

Ld. counsel for appellant seeks some time to take instructions from the appellant before addressing the arguments in this case.

Opportunity granted.

Put up for filing reply and for arguments on the application under order 1 Rule 10 CPC on 07.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 815/23

12.09.2024

Present : Sh. Mohd. Rashid, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Kundn Kumar Mishra, Ld. counsel for intervener
joined through VC.

Ld. counsel for respondent seeks some time to file
reply to the review application.

Opportunity granted.

Put up for filing reply of the application on 08.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 821/23 & 822/23

12.09.2024

Present : Sh. Kartikeya Sharma & Sh. Shreya Sharma, Ld
counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Kundn Kumar Mishra, Ld. counsel for intervener
joined through VC.

Arguments could not be heard as I have to proceed to
the Hon'ble High Court for attending a meeting.

Put up for purpose already fixed on 08.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 82/24(M) & 83/24(M)

12.09.2024

Present : Sh. R.K. Pandey & Sh. Varun Verma, Ld counsel for the applicant/appellant.
Sh.Sandeep Kumar, Ld counsel for the none applicant/respondent.

The notice to R-3 has received back served.

Part arguments heard. Arguments could not be concluded as I have to proceed to the Hon'ble High Court for attending a meeting.

Accordingly, put up for further arguments on 24.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 179/24

12.09.2024

Present : Sh. Kshitiz Goel, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Arguments could not be heard as I have to proceed to the Hon'ble High Court for attending a meeting.

Put up for purpose already fixed on 08.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 407/23

12.09.2024

Present : Sh. Kshitiz Goel, Ld counsel for the appellant.
Sh. Sandeep Kumar, Ld counsel for the respondent.

Put up with connected appeal on 08.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 40/23(M)

12.09.2024

Present : Ms. Prerna Chaturvedi, Ld counsel for the applicant/appellant.

Sh. Ashutosh Gupta, Ld counsel for the none applicant/respondent.

None for the intervener.

Arguments could not be heard as I have to proceed to the Hon'ble High Court for attending a meeting.

Put up for purpose already fixed on 08.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 105/23

12.09.2024

Present : Sh. Krishan Kumar and Yash Kotak, Ld counsel for
the appellant.

Sh. Jatin Aggarwal, Ld counsel for the respondent.

Objections have been filed by the appellant on
11.09.2024 against the status report dated
18.01.2024, copy supplied to Ld. counsel for
respondent.

Put up for purpose already fixed on 28.10.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 106/23 & 107/23

12.09.2024

Present : Sh. Krishan Kumar and Yash Kotak, Ld counsel for
the appellant.

Sh. Jatin Aggarwal, Ld counsel for the respondent.

Put up with connected appeal on 28.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 340/24

12.09.2024

Present : Sh. Mithlesh Singh proxy counsel for the appellant.
Sh. Avishek Kumar, Ld counsel for the respondent.

Status report filed by the department, copy supplied.

Reply to the application u/s 5 of the Limitation Act filed by the appellant, copy supplied.

Put up for arguments on application seeking condonation of delay on 20.11.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 686/23

12.09.2024

Present : None for the appellant.
Sh. Umang Mahindra, Ld counsel for the respondent.

None has appeared on behalf of appellant.

No adverse order is being passed today in the interest
of justice.

Put up for purpose already fixed on 08.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 416/23

12.09.2024

Present : Sh. S.M. Faruk, proxy counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as
main counsel is not available today.

Opportunity granted.

Put up for purpose already fixed on 08.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 118/20

12.09.2024

Present : Sh. Vineet Sinha, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the
respondent.

Arguments could not be heard as I have to proceed to
the Hon'ble High Court for attending a meeting.

Put up for purposed already fixed on 13.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 93/22

12.09.2024

Present : Sh. Vishal Arun Mishra, Ld counsel for the appellant
joined through VC.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Arguments could not be heard as I have to proceed to
the Hon'ble High Court for attending a meeting.

Put up for purposed already fixed on 07.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 41/20

12.09.2024

Present : Sh. R.Mohd. Asif proxy counsel for the appellant.
Sh. S. Adil Hussain, Ld counsel for the respondent
joined through VC.

Ld. counsel for appellant submits that he has been recently engaged in the matter and seeks some time to inspect the file before addressing the arguments in the present matter.

Put up for purpose already fixed on 09.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 188/23 & 159/23

12.09.2024

Present : Sh. Abhinav Tyagi , Ld counsel for the appellant joined through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Daood Ahmed proxy counsel for intervener.

Arguments could not be heard as I have to proceed to the Hon'ble High Court for attending a meeting.
Put up for purposed already fixed on 22.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 188/19 & 187/19

12.09.2024

Present : Sh. A.K. Tyagi, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Arguments could not be heard as I have to proceed to
the Hon'ble High Court for attending a meeting.
Put up for purpose already fixed on 02.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 97/17 &115/17

12.09.2024

Present : Sh. R.B. Singh, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

Ld. counsel for appellant submits that he has instructions to withdraw the present appeal and request for short adjournment.

On request, put up for further proceedings on 19.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 755/24

12.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Manish Kumar, Ld counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Ld. counsel for appellant submits that connected appeal pertaining to the same property is listed on 18.09.2024.

Accordingly, put up for further proceedings on 18.09.2024.

The Registrar, ATMCD is also directed to send a copy of this order along with notice.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 756/24

12.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Vikas Goyal, Ld counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Put up for further proceedings on 20.09.2024.

The Registrar, ATMCD is also directed to send a copy of this order along with notice.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 760/24

12.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh.Noor Alam Eadrishi, Ld counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Put up for further proceedings on 19.09.2024.

The Registrar, ATMCD is also directed to send a copy of this order along with notice.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 761/24 & 762/24

12.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Navin Kumar Chaudhary, Ld counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Put up for further proceedings on 18.09.2024.

The Registrar, ATMCD is also directed to send a copy of this order along with notice.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 767/24

12.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. V.S.Dubey, Ld counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Put up for further proceedings on 20.09.2024.

The Registrar, ATMCD is also directed to send a copy of this order along with notice.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 768/24

12.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Rohit K.Nagpal, Ld counsel for the appellant
joined through VC.

Issue notice of interim application(s) as well as appeal
to the respondent through concerned Chief Law
officer.

The Executive Engineer (B) is directed to ensure the
presence of the concerned AE(B), who shall appear in
person along with the record of the proceedings,
status report and reply on next date of hearing.

Put up for further proceedings on 23.09.2024.

The Registrar, ATMCD is also directed to send a copy
of this order along with notice.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 770/24

12.09.2024

Fresh appeal filed. Be checked and registered.

Present : Ms. Parul Agarwal, Ld counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Ld. counsel for appellant submits that similar matter is listed on 17.09.2024.

Accordingly, put up for further proceedings on 17.09.2024.

The Registrar, ATMCD is also directed to send a copy of this order along with notice.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 771/24
12.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Vimal Dhingra, Ld counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

List of documents is placed on record.

The present appeal has been filed by the appellant impugned demolition order. Ld. counsel for appellant submits that they have impugned the demolition order in respect of second floor (front portion) of the property in question. Ld. counsel for appellant submits that they have placed on record copy of sale deed dated 15.07.2005 through which the predecessor of the appellant acquired interest in the property. He submits that sale deed clearly shows the second floor (front portion) was in existence in the year 2005. He submits that property is protected under the protection granted by National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.

Ld. counsel for appellant submits that demolition order dated 12.07.2016 was not served upon them and they

gathered knowledge about the said demolition order during civil proceedings in Civil Suit No.1080/23 pending in the court of Sh. Umang Joshi, Ld. ASCJ, Tis Hazari Court, Delhi, when written statement was filed by MCD in that civil suit.

He submits that vacation notice dated 09.02.2024 was served upon the appellant in the present case. The property is used for residential and in case protection is not granted, appellant shall suffer irreparable loss.

Accordingly, in view of the aforesaid submissions status quo be maintained in respect of second floor (front portion) of the property in question and no further coercive action be taken against the subject property i.e. second floor (front portion) till the next date of hearing.

It is clarified that the observations made while passing of this order by this Court shall not tantamount to the expression on the merits of this case.

It is also directed that the appellant shall not carry out any further construction in the property in question without necessary approval as per Law.

Put up for arguments on interim application(s) as well as appeal on 03.10.2024.

The Registrar, ATMCD is also directed to send a copy of this order along with notice.

Copy of this order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 685/24

12.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh.Shahbaz Ahmad, Ld counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Put up for further proceedings on 20.09.2024.

The Registrar, ATMCD is also directed to send a copy of this order along with notice.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 491/24 & 492/24

12.09.2024

Present : Ms. Parul Agarwal, Ld counsel for the appellant.
Sh.Ashutosh Gupta , Ld counsel for the respondent
alongwith R.D. Chaudhary, AE(B).

The record has been produced. It be deposited with
Registry and tagged with the file.

Status report filed by the department, copy supplied.

During the course of arguments on application seeking
condonation of delay, Ld. counsel for respondent has
pointed out that after passing of the demolition order
dated 24.06.2024 a representation was received on
behalf of the appellant for regularization of the
property in question and thereafter a fresh demolition
order dated 06.09.2024 has been passed by the
department. On request of the appellant Ld. counsel
for respondent has supplied a copy of the said
demolition order in the court today.

Ld. counsel for appellant seeks short adjournment to
take instructions from the appellant for amending the
appeal in the present case.

Accordingly, put up for further proceedings on
08.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 342/23

12.09.2024

File is taken up today on an application seeking early hearing in the present matter.

Present : Sh. Kapil Yadav & Sh. K.K.Sharma, Ld counsel for the appellant.
Sh. Sanjay Sethi , Ld counsel for the respondent.

1. Ld. Counsel for appellant submits that appellant move an interim application which is still pending. He submits that they have received a vacation notice dated 27.08.2024 from the respondent department, in case interim protection is not granted at this juncture appeal will become infrutuous and appellant shall suffer irreparable loss.
2. Ld. Counsel for appellant submits that they placed on record the electricity bill showing energisation date 04.06.2004 and water bill for the year 2004, which clearly shows that the property was constructed before the cut off date as provided in the protection granted by National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.
3. Ld. counsel for respondent opposes the application. He submits that regularization application of the appellant has already been rejected by the competent authority. He submits that electricity bill and water will in question have not been placed before the quasi judicial authority at the time of adjudication.

4. I have heard the arguments and perused the record. The property was booked for alleged unauthorized construction in entire ground floor and first floor with projection on municipal land. Appellant has placed on record electricity bill dated 04.06.2004 and water bill dated 04.12.2004 in respect of property in question. Appellant is claiming protection on the basis of those documents.
5. The aforesaid record needs to be appreciated on merits in the appeal to reach any decision in the present matter as it goes to the root of the issue. The vacation notice dated 27.08.2024 has already been issued by the respondent department in the present case therefore, it is necessary at this juncture that status quo be maintained in respect of the property in question and no further coercive action be taken against the subject property till the next date of hearing.
6. It is clarified that the observations made while passing of this order by this Court shall not tantamount to the expression on the merits of this case.
7. It is also directed that the appellant shall not carry out any further construction in the property in question without necessary approval as per Law.
8. Put up for arguments on interim application(s) as well as on the point of appeal on 02.12.2024.
9. Copy of this order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 663/24

12.09.2024

File taken up today on an application under Section 151/152 of CPC for seeking correction / modification in the order dated 10.09.2024.

Present : Sh. B.S.Saini, Ld counsel for the appellant.
Sh. Pritiesh Sabbharwal, Ld. Counsel for the respondent joined through VC.

The present application under Section 151/152 of CPC is moved for seeking correction / modification in the order dated 10.09.2024.

It is pointed out by the Ld. counsel for appellant that inadvertently in para 8 & 9 of the said order it has been directed that opportunity be granted to the appellant to submit documents, reply and personal hearing instead of scheduling inspection of property in question.

Ld. counsel for respondent does not oppose the application.

Accordingly, the application is allowed and para 8 & 9 are modified to extend that respondent department shall conduct the inspection of property in question on 17.09.2024 at 02:00 PM in presence of appellant or his representative.

Copy of inspection report be supplied to the appellant. Opportunity be given to appellant to remove deviations, if any, as per law and personal hearing be provided to the appellant before passing final order in the regularization

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application. Rest of the directions in the order dated 10.09.2024 shall remain intact.

Copy of order be given dast.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 561/19

12.09.2024

Present : Sh.Sadre Alam , Ld counsel for the appellant.
Sh.R.K.Jain , Ld counsel for the respondent.

Status report is filed by the respondent department.

Copy supplied.

Put up for the purpose already fixed on 06.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No.417/21

12.09.2024

Present : None for the appellant.
Sh. Mahender Sharma, Ld counsel for the respondent
joined through VC.

None appeared on behalf of appellant despite various
calls.

No adverse order is being passed today in the interest
of justice.

Put up for the purpose already fixed on 10.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 826/16

12.09.2024

Present : Sh. K.S.Rana, Ld counsel for the appellant.
Sh. Anubhav Gupta, Ld.counsel for the respondent

Ld. counsel for respondent seeks some time to take instructions to comply the order dated 05.04.2024 for placing relevant documents on record.

Opportunity granted

Put up for the purpose already fixed on 22.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 269/17

12.09.2024

Present : Sh. K.S.Rana, Ld counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent

Put up with connected appeal on 22.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 44/23, 45/23 & 46/23

12.09.2024

Present : Md. Ziauddin , Ld proxy counsel for the appellant.
Sh. Ankur Sharma, Ld counsel for the respondent.
Ms. Prerna Chaturvedi, Ld. proxy counsel for
intervener.

Arguments could not be heard as I have to proceed to
the Hon'ble High Court of Delhi for attending a
meeting.

Put up for the purpose already fixed on 08.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 252/23

12.09.2024

Present : None for the appellant.
Sh. Vijay Tyagi , Ld counsel for the respondent joined through VC.

Arguments could not be heard as I have to proceed to the Hon'ble High Court of Delhi for attending a meeting.

Put up for the purpose already fixed on 09.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 174/23

12.09.2024

Present : Appellant in person.
Sh. Anubhav Gupta, Ld counsel for the respondent.

Appellant submits that their advocate is not available today and seeks opportunity to place on record relevant documents.

Opportunity granted.

Put up for the purpose already fixed on 09.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 253/22

12.09.2024

Present : None for the appellant.
Sh. H.R.Aggarwal, Ld counsel for the respondent.
Ms. Poonam Maini, Ld. counsel for the intervener.

None appeared on behalf of appellant.

No adverse order is being passed today in the interest of justice.

Put up for the purpose already fixed on 09.12.2024

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024

A.No. 413/20

12.09.2024

Present : Appellant in person.
Sh. Madan Sagar, Ld counsel for the respondent.

Adjournment is sought on behalf of appellant as main
counsel is not available today.

Put up for the purpose already fixed on 20.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.09.2024