

A.No. 772/24

13.09.2024

Fresh appeal filed, it be checked and registered.

Present : Sh. Rachit Gupta, Ld counsel for the appellant
alongwith appellant No.2 in person.

Ld. counsel for appellant submits that appellant wish
to withdraw the present appeal.

Separate statement of the Ld. counsel for appellant
has been recorded in this regard.

In view of the facts and circumstances, the appeal
filed by the appellant is dismissed as withdrawn.

Appeal file be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 773/24

13.09.2024

Fresh appeal filed, it be checked and registered.

Present : Sh. Rachit Gupta, Ld counsel for the appellant
alongwith appellant No.2 in person.

Ld. counsel for appellant submits that appellant wish
to withdraw the present appeal.

Separate statement of the Ld. counsel for appellant
has been recorded in this regard.

In view of the facts and circumstances, the appeal
filed by the appellant is dismissed as withdrawn.

Appeal file be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 597/24

13.09.2024

Present : None for the appellant.

None has appeared on behalf of appellant since morning either various dates physically or through VC. Since last many hearings none is appearing for appellant.

It is 3.40 PM. The present appeal is dismissed in default.

File be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 608/24

13.09.2024

Present : Sh. Rambir Chauhan, Ld counsel for the appellant.
Ms. Sarita Aggarwal, Ld. counsel for respondent
joined through VC.

Ld. counsel for respondent submits that she has not received the record from the department and request a short adjournment to file the record as well as status report.

Opportunity granted.

Put up for filing record and status report by the respondent on 24.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 707/24

13.09.2024

Present : Sh. G.R. Verma, Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent
alongwith Sh.Arun Rawat, AE(B).

Status report filed, copy supplied.

Ld. counsel for respondent seeks some time to produce the record in respect of the present appeal.

Ld. counsel for appellant is pressing the interim application. He submits that he has filed the present appeal impugning the sealing order. He submits that vide order dated 09.10.2019 the matter was remanded back to the Quasi Judicial Authority for deciding the same afresh. In para -5 of the same order the the Tribunal mentioned about the house tax returns of the year 2000. He further submits that the Quasi Judicial Authority in their impugned order dated 16.08.2024 has not considered the said house tax return.

Ld. counsel for the respondent seeks some time to take instructions from the department in that regard.

Ld. counsel for appellant submits that as the respondent department is seeking adjournment, therefore, status quo be maintained and their right by protected in the property.

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Accordingly, in view of the above facts and circumstances, the interim application is allowed and status quo be maintained in respect of the property in question till further orders and no coercive action be taken against the subject property.

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 appeal on 15.10.2024.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 744/24 & 745/24

13.09.2024

Present : Sh. Shiv Charan Garg, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Sh. Ashutosh Gupta, Ld. counsel for respondent submitted that he has been recently been appointed in this matter and needs to take instructions from the Department for filing status report in the present matter. He further submits that a Writ Petition is already pending in the Hon'ble High Court of Delhi in respect of the property in question and the next date of hearing is 18.09.2024 wherein respondent has been directed to file status report in the matter.

Ld. counsel also submits that the impugned order is of the year 2016 and the appeal has been preferred after inordinate delay of 8 years. They want to file their detail reply to application seeking condonation of delay.

Opportunity granted.

Accordingly, put up for reply and arguments on the application seeking condonation of delay on **28.11.2024**. Advance copy of the reply be supplied to the opposite party.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 564/24 & 624/24

13.09.2024

Present : Ms. Aditi Aggarwal, Ld counsel for the appellant joined through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Mohit Chaudhary, Ld. counsel for intervener.

Status report is filed by the department, copy supplied.
An application under Order 1 Rule 10 CPC is filed on behalf of the intervener Sh. Ravi Kant Sharma, copy supplied to the appellant.

It is submitted by Mr. Ashutosh Gupta, Ld. counsel for respondent that proceedings in respect of the property in question were also pending before the Hon'ble High Court and while disposing off the said case, the Hon'ble High Court has directed that no coercive action be taken in respect of the property in question till the time this Tribunal consider the interim application.

Ld. counsel for appellant submits that the order of the Hon'ble High Court has not been up-loaded on the web site and he will place the order as and when the same is uploaded.

Opportunity granted.

The respondent shall comply the directions of the Hon'ble High Court in that regard.

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Put up for filing and arguments on the application under Order 1 Rule 10 CPC as well as appeal on 14.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 449/24

13.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant joined through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Mohit Chaudhary, Ld. counsel for intervener.

Status report is filed by the department, copy supplied.
An application under Order 1 Rule 10 CPC is filed on behalf of the intervener Sh. Ravi Kant Sharma, copy supplied to the appellant.

It is submitted by Mr. Ashutosh Gupta, Ld. counsel for respondent that proceedings in respect of the property in question were also pending before the Hon'ble High Court and while disposing off the said case, the Hon'ble High Court has directed that no coercive action be taken in respect of the property in question till the time this Tribunal consider the interim application.

Ld. counsel for appellant submits that the order of the Hon'ble High Court has not been up-loaded on the web site and he will place the order as and when the same is uploaded.

Opportunity granted.

The respondent shall comply the directions of the Hon'ble High Court in that regard.

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Put up for filing and arguments on the application under Order 1 Rule 10 CPC as well as appeal on 14.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 11/24

13.09.2024

Present : Sh. M. P Bhargava, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

File is taken up today on an application seeking permission to temporary de-seal of the property in question for removal of water which has been logged inside the property due to heavy rain. It is stated that due to water logging filthy and sewer water smell is coming from the premises which leading to the mosquitoes and in order to keep the property sanitized, it is important that the water be removed from the premises.

Ld. counsel for the respondent submits that they have 'No Objection' for temporary de-sealing of the premises in question only for the purposes of removal of water and cleaning.

Accordingly, in view of the submissions made by both the parties, the application is allowed and the premises in question be de-sealed for a period of 48 hours.

At joint request, the temporary de-sealing be done on 17.09.2024 at 11:30 a.m and be re-sealed again within 48 hours or as and when the water is removed and property is cleaned.

A copy of this order be given dasti to the parties.

Put up on the date already fixed on 08.01.2025 for the purpose already fixed.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024s

A.No. 640/24

13.09.2024

Present : Sh. Rahul Tyagi, Ld counsel for the appellant.
Sh. Ranjeet Pandey, Ld counsel for the respondent
along with Ms. Sarita Gaur, ALO and Sh. Sanjeev
Kumar AE (B), C. L. Zone.

Part arguments on the point of appeal heard.

Ld. counsel for the appellant submits that they have
disputed about the address of the property number in
the present matter and seeks some time to file
affidavit of the appellant in this regard.

Put up for further proceedings on **06.11.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024s

A.No. 70/23(M) & 72/23(M),

13.09.2024

Present : Sh. Arjun Malik, Ld counsel for the applicant/appellant.
None for applicant/appellant No.2 & 3.
Sh. V.K. Aggarwal Ld. counsel for respondent/MCD.
Sh. Rajiv Wig, Ld counsel for the respondent No.5 to
7.

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

Opportunity granted.

Advance copy of the reply be supplied to the opposite
parties.

Put up for arguments on the application on
09.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 71/23(M) & 73/23(M),

13.09.2024

Present : Sh. Arjun Malik, Ld counsel for the applicant/appellant.
None for applicant/appellant No.2 & 3.
Sh. Mohit Sharma Ld. counsel for respondent/MCD.

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

Opportunity granted.

Advance copy of the reply be supplied to the opposite
parties.

Put up for arguments on the application on
09.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 161/18

13.09.2024

Present : Sh. Chirag Jamwal and Ajay Upadhaya, Ld counsel
for the appellant.
Sh.Ranjit Pandey , Ld counsel for the respondent.
Sh. Manish Chaudhary, Ld. counsel for respondent
No.2 to 5.

Ld. counsel for the appellant submits that settlement
talks between the parties are failed.

Arguments could not be heard today as the
documents are not maintained properly in the court
file.

The Registry is directed to arrange the file properly as
per the rules.

Relist for arguments on the point of appeal on
07.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 253/24 & 254/24

13.09.2024

Present : Sh. G.R. Verma, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

It is already 1.30 p.m.

Ld. counsel for appellant submits that he is not feeling well today and not in a position to argue the matter in post lunch session.

In the interest of justice, one more opportunity is granted.

Put up for arguments on interim application as well as appeal on 10.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 176/24

13.09.2024

Present : Sh. G.R. Verma, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Pritish Sabharwal, Ld. counsel for the respondent.

It is already 1.30 p.m.

Ld. counsel for appellant submits that he is not feeling well today and not in a position to argue the matter in post lunch session.

In the interest of justice, one more opportunity is granted.

Put up for arguments on interim application as well as appeal on 10.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 133/24

13.09.2024

Present : Sh. G.R. Verma, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Pritish Sabharwal, Ld. counsel for the respondent.

It is already 1.30 p.m.

Ld. counsel for appellant submits that he is not feeling well today and not in a position to argue the matter in post lunch session.

In the interest of justice, one more opportunity is granted.

Put up for arguments on interim application as well as appeal on 10.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 239/24, 240/24, 241/24, 242/24, 243/24, 244/24 & 158/24

13.09.2024

Present : Sh. Mamal Clerk of Ms. Aditi Aggarwal, Ld counsel for
the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Sh. Ravi Kumar, Ld. counsel for intervener.

It is submitted that main counsel is not available today
due to ill health.

Put up for purpose already fixed on 10.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 03/23

13.09.2024

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

Sh. V.K. Aggarwal, Ld counsel for the respondent.

Sh. Piyush Pahuja, Ld. counsel for intervener.

Ld. counsel for appellant submits that he is not available in the post lunch session due to death of an acquaintance and he has to attend the Kriya ceremony.

In the interest of justice, one more opportunity is granted.

Put up for purposes already fixed on 09.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024 J

A.No. 784/23

13.09.2024

Present : Sh. Tilak Raj, proxy counsel for the appellant.
Sh. Kartik Gupta, Ld counsel for the respondent.

It is submitted that main counsel Sh. Joginder Kumar is not available today due to ill health.

In the interest of justice one more opportunity is granted.

Put up for arguments on interim application as well as appeal on 07.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 722/24

13.09.2024

Present : Sh. Charanpreet Singh, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Vide separate order of even date, the impugned demolition order dated is set aside. 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 **26.09.2024 at 02.00 PM**. 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.

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
13.09.2024

A.No. 785/24 & 786/24

13.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Dalip Rastogi.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 alongwith the record of the proceedings, status report and reply on next date of hearing.

Ld. counsel for appellant submits that they have impugned the demolition order as well as sealing order in the present appeals. He submits that the present appeals are filed collectively by 19 flat owners residing in the same building. He submits that the show cause notice and the demolition orders were neither served upon the appellants and nor they were given any opportunity of hearing as mandated u/s 343 of the DMC Act. He submits that a perusal of vacation order, demolition order and the sealing order (which are on page 476 to 478 of the appeal) shows that they are merely addressed to owner/occupier and not addressed to any individual.

Ld. counsel further submits that the flats/units have been mutated in the MCD record in the name of their respective owners well before the initiation of the demolition proceedings, but despite that the

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department has failed to issue notices to the respective owners.

Ld. counsel for the appellant submits that the appellants are residing in the flats/property alongwith their families and have no alternate arrangement. He submits that vacation notice and sealing orders have already been issued and in case interim protection is not granted at this juncture the families residing in the property will suffer irreparable loss in the absence of any alternate arrangement.

Accordingly, in view of the above facts and circumstances, status quo be maintained in respect of the property in question till further orders and no coercive action be taken against the subject property.

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 as well as appeal on appeal on 26.09.2024.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 784/24

13.09.2024

Present :

Fresh appeal filed. Be checked and registered.

Present : Sh. Krish Kalra, Ld counsel for the appellant joined through VC alongwith Sh. Rahul Kapoor, Advocate present in the court.

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.

Ld. counsel for appellant presses his interim application. He submits that the impugned demolition order has been passed without service of any notice and affording opportunity of being heard. He submits that the said order is addressed to owner/builder and not to any individual. He further submits that the appellant has already obtained a sanction of the building plan vide online ID No.10100978 dated 26.04.2022 but the impugned demolition order does not mention anything regarding the said sanction of building plan against the relevant field in the order. He submits that the impugned order has been passed

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by the respondent department in complete ignorance of the sanctioned building plan and is not sustainable. Accordingly, in view of the above facts and circumstances, status quo be maintained in respect of the property in question till further orders against the subject property.

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) and appeal on 07.10.2024.

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

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

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

13.09.2024

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

File taken up today on an application seeking early hearing.

Ld. counsel for appellant submits that they have placed on record documents showing that they are protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. It is submitted that the Court has issued notice of the interim application as well as appeal to the respondent/MCD. He submits that in addition to the demolition order a sealing order has already been issued by the respondent department. He submits that the appellant is carrying the commercial activity from the property in question and the appellant apprehends coercive action from the respondent department. He submits that in view of the upcoming holidays of Court from 14.09.2024 to 16.09.2024, the appellant will be left remediless and his interim application and appeal will become infructuous.

In the present case notice of the appeal and interim application has already been issued to the respondent corporation. The appellant has moved an interim application u/s 343 (3) read with Section 347 (C) of the DMC Act which is yet to be decided. The appellant is stated to be running business activities from the premises in question and is apprehending sealing and demolition action.

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Accordingly, in view of the above facts and circumstances, status quo be maintained in respect of the property in question till further orders and no coercive action be taken against the subject property.

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 and appeal on date already fixed i.e. 17.09.2024.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 748/24

13.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Vinay Kumar Arora, Ld counsel for the appellant.

Ld. counsel for appellant informs that the other connected matters are coming on 24.09.2024.

Accordingly, 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 24.09.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 752/24 & 754/24

13.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. G.R.Verma, 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 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
13.09.2024

A.No. 766/24

13.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Kishan 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.

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
13.09.2024

A.No. 779/24

13.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Gajan Singh, 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 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
13.09.2024

A.No. 781/24 & 782/24

13.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Pankaj Vivek, 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
13.09.2024

A.No. 479/24 & 622/24

13.09.2024

Present : Sh. Manoj Kumar, Ld counsel for the appellant.
Sh. S.Adil Hussain, Ld counsel for the respondent.

Status report is filed. Copy supplied.

Put up for argument on the point of appeal on
25.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 623/24

13.09.2024

Present : Sh. Manoj Kumar, Ld counsel for the appellant.
Sh. S.Adil Hussain, Ld counsel for the respondent.

Status report is filed. Copy supplied.

Respondent seeks some time to file reply to the application under Section 5 of Limitation Act.

Reply be filed on or before the next date of hearing.

Advance copy be supplied to the opposite party.

Put up for arguments on interim application as well as appeal on 25.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 729/24

13.09.2024

Present : Sh. Puran Chand , Ld counsel for the appellant along
with appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed on behalf of the respondent
department. Copy supplied.

Put up for arguments on the point of appeal on
10.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 732/24

13.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh
Sabbharwal, Ld. Counsel for the respondent.

Status report is filed. Copy supplied.

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

Ld. proxy counsel for respondent seeks a short
adjournment to address the arguments as he is not
received copy of appeal from his department.

Opportunity granted.

Put up for arguments on interim application(s) as well
as appeal on 20.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024 rk

A.No. 730/24

13.09.2024

Present : Sh. M.S.Saini, Ld counsel for the appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent along with Sh. R.D.Choudhary, AE(B). Memo of appearance filed. It be taken on record.

Status report is filed. Copy supplied.

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

Ld. counsel for respondent submits that impugned order is passed in the year 2014 and appeal is filed in the year 2024. He submits that no application for seeking condonation of delay is filed along with the appeal.

Ld. counsel for appellant seeks adjournment to take instructions for filing the said application.

Put up for further proceedings on 25.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024 rk

A.No. 749/24

13.09.2024

Present : Sh. Gaurav Gupta, Ld counsel for the appellant.
Sh. Ashutosh Gupa, Ld counsel for the respondent.

Status report is filed on behalf of the respondent department.

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

Arguments on the application under Section 5 of Limitation Act as well as appeal heard.

Put up for orders on 19.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024 rk

A.No. 735/24, 736/24, 737/24, 738/24, 739/24, 740/24, 741/24 &
742/24

13.09.2024

Present : Sh. Prashant Diwan, Ld counsel for the appellant.
Sh. Inderjeet Singh & Dhurv Aggarwal, Ld. counsel for
the appellant in appeal no.735/24.
Sh. V.K.Aggarwal , Ld counsel for the respondent in
appeal nos. 737/24, 738/24 & 740/24
Sh. Atul Tanwar, Ld. counsel for the respondent in
appeal nos. 736/24, 739/24, 741/24 & 742/24.

Status report is filed. Copy supplied.

Status report is not filed in appeal no.738/24.

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

Part arguments on interim applications as well as
appeal heard.

Sh. Sushil Kumar, AE(B) is present in the court. He
submits that the properties in question are not booked
by him and concerned JE(B) and AE(B) who booked
the properties will be in a position to assist the court
for clarification regarding "old and residentially
occupied" status as mentioned in show cause notice
and demolition order.

Accordingly, concerned JE(B) and AE(B) who have
booked the property in question are directed to remain
present in person in the court on the next date of
hearing for clarifying the status in respect of "old and
residentially occupied" as stated in the demolition
order.

As the interim application is part heard, therefore, 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 subject to the direction of Hon'ble High Court of Delhi.

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 26.09.2024.

Copy of order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024 rk

A.No. 571/24

13.09.2024

Present : Sh. Varun Jangia , Ld counsel for the appellant along
with appellant.
Sh. Atul Tanwar, Ld counsel for the respondent.

Status report is filed by the respondent department.

Copy supplied.

Part arguments heard.

Put up for further arguments on interim application as
well as appeal on 27.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 572/24

13.09.2024

Present : Sh. Vishal Mehra, Ld counsel for the appellant joined through VC along with appellant present in the court.
Sh. Atul Tanwar, Ld counsel for the respondent.

Status report is filed by the respondent department.

Copy supplied.

Part arguments heard.

Put up for further arguments on interim application as well as appeal on 27.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 364/24

13.09.2024

Present : Ms. Sarita Dixit, Ld counsel for the appellant.
Sh. Avishek Kumar, Ld counsel for the respondent.
Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record.

Status report is filed by the respondent department.
Copy supplied.

Ld. counsel for respondent seeks some time to file reply to the application under Section 5 of Limitation Act. Advance copy be supplied to appellant.

Opportunity granted.

Put up for arguments on interim application as well as appeal on 26.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 644/23

13.09.2024

Present : Sh. Arjun Malik, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh Sabbharwal, Ld. Counsel for the respondent no.1 & 2 in appeal no.644/23
None for the respondent no.3 & 5.
Sh. Rajiv Vig, Ld. counsel for respondent no.5 to 7.

The matter is listed for arguments on application seeking condonation of delay.

None appeared for respondent no.3 & 4.

Ld. counsel for respondent, MCD as well as respondent no.5 to 7 submits that they already filed their replies.

Put up for arguments on application on 09.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 746/23

13.09.2024

Present : Sh. Arjun Malik, Ld counsel for the appellant.
Sh. R.K.Jain, Ld counsel for the respondent no. 1 & 2
in appeal no.746/23.
Sh. Rajiv vig, Ld. counsel for the respondent no.5 to 7.
None for the respondent no.3 & 4.

Ld. counsel for respondent no. 1 & 2 seeks some time
to file reply. Advance copy be supplied to the
appellant.

Ld. counsel for respondent no. 5 to 7 submits they
have already filed their replies.

Last and final opportunity is granted.

Put up for arguments on application on 09.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 90/23(M)

13.09.2024

Present : Sh. J.S.Chauhan, Ld counsel for the appellant.
Sh. Naresh Sharma, Ld counsel for the respondent.

Reply to the application under Order 41 Rule 19 is filed by the respondent department on the non-applicant. Copy supplied.

Put up for arguments on aforesaid application on 08.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 55/24 & 56/24

13.09.2024

Present : Sh. Satish Chandra, Ld counsel for the appellant.
Sh. Anubhav Gupta, Ld counsel for the respondent.

Ld. counsel submits that main counsel Sh. Manish Bhardwaj is not available today for addressing the arguments.

Put up for arguments seeking condonation of delay on 10.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 06/24, 05/24,

13.09.2024

Present : Sh. Satish Chandra, Ld counsel for the appellant.
Sh. Anubhav Gupta, Ld proxy counsel for the respondent.

Ld. counsel submits that main counsel Sh. Manish Bhardwaj is not available today for addressing the arguments.

Put up for arguments on the point of appeal on 10.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 491/12

13.09.2024

Present : Sh.K.N.Singh , Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.

It is already 1:30 PM. Ld. counsel for appellant submits that he is not available in post lunch session due to personal exigency.

Put up for arguments on the point of appeal on 09.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 519/12

13.09.2024

Present : Sh.K.N.Singh , Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.

Put up with connected appeal on 09.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024

A.No. 709/22

13.09.2024

Present : Ms. Risha Mittal , Ld counsel for the appellant joined through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Kamal, Clerk of Ms. Aditi Aggarwal. Ld. counsel for respondent no.2.

Part arguments heard on the appeal address by Ld. counsel for appellant.

An adjournment is sought on behalf of respondent no.2, as main counsel Ms. Aditi Aggarwal is not available today due to bad health.

In the interest of justice, last opportunity is granted to respondent no.2 to address their arguments.

Put up for final arguments on the point of appeal on 26.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024 rk

A.No. 272/19 & 225/19

13.09.2024

Present : Sh. Subash Chawal, Ld counsel for the appellant.
Sh. Ravi Ranjan , Ld counsel for the respondent in appeal no.225/19.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh Sabbharwal, Ld. Counsel for the respondent in appeal no.272/19.

It is already 1:20 PM. Adjournment is sought on behalf of Ld. counsel for appellant as he is not available in post lunch session due to medical exigency.

Put up for arguments on interim application as well as appeal on 09.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
13.09.2024 rk