

A.No. 214/24

17.09.2024

File taken up today on application for seeking early hearing.

Present : Sh. D.D. Sharma, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

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

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

In view of the statement of the Ld. counsel for appellant, the present appeal is dismissed as withdrawn. The next date of hearing i.e. 04.11.2024 stands cancelled.

Record of the respondent, if any, be returned along with copy of this order and appeal file be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 215/24

17.09.2024

File taken up today on application for seeking early hearing.

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

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

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

In view of the statement of the Ld. counsel for appellant, the present appeal is dismissed as withdrawn. The next date of hearing i.e. 04.11.2024 stands cancelled.

Record of the respondent, if any, be returned along with copy of this order and appeal file be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 214/24

17.09.2024

Statement of D.D. Sharma, Ld. counsel for appellant.
At Bar

I am the counsel for appellant in the present appeal. I have instructions to withdraw the present appeal, the same may be dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 215/24

17.09.2024

Statement of D.D. Sharma, Ld. counsel for appellant.
At Bar

I am the counsel for appellant in the present appeal. I have instructions to withdraw the present appeal, the same may be dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 603/24 & 613/24

17.09.2024

Present : Ms. Vatsala Chauhan, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the respondent.

Part arguments on interim application heard.

An adjournment is sought on behalf of the respondent as Mr. Ashutosh Gupta, Ld. counsel for respondent is not available today being out of station.

As the interim application is part heard, the status quo be maintained till the next date of hearing.

It is clarified that the observations made while passing of this order by this Tribunal 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 further arguments on the interim application on **25.09.2024**.

A copy of this order be given dasti as prayed for.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

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

17.09.2024

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

Mr. Aman Gupta, Ld. counsel submits that he has not received the record from his office and seeks a short adjournment to address arguments in this matter.

Re-list for arguments on interim application as well as appeal on **24.09.2024**.

The officer concerned is directed to be present on the next date of hearing along with relevant records.

Interim order to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 143/24

17.09.2024

Present : Sh. Kadam Kharb, Ld counsel for the appellant.
Sh. Prabhakar Mani Tripathi, Ld counsel for the
respondent joined through VC.

Part arguments heard.

Ld. counsel for appellant seeks some time to peruse
the case laws to address further arguments in the
matter.

Put up for further arguments on 07.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 101/24(M)

17.09.2024

**File is taken up on an application under Order XLVII
r/w Section 114 seeking restoration of the appeal.**

Present : Sh. Ashok Verma, Ld. counsel for the appellant.

Issue notice of application to the respondent for
06.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 568/23

17.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellent.
Ms. Bhavya Chauhan, Ld counsel for the respondent.

An adjournment is sought on behalf of the respondent to clarify the position as the main counsel Mr. Ashutosh Gupta is not available today being out of station.

Put up for arguments on the point of appeal on 04.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 66/24

17.09.2024

Present : Ms. Simran, Ld counsel for the appellant.
Sh. Sandeep Kumar, Ld counsel for the respondent.

Reply to the application 5 of the Limitation Act has been filed by the respondent, copy supplied.

Arguments on the application u/s 5 of the Limitation Act heard. It is submitted by Ld. counsel for appellant that he has received a show cause notice dated 28.06.2021 and thereafter gave reply to the department. He submits that thereafter the demolition order dated 02.07.2021 was never communicated to the appellant and later vacation notice 19.10.2024 was served upon her. He submits that thereafter the present appeal was filed and during the course of the appeal it came to the knowledge of appellant that demolition order has also been passed in this matter which is recorded in the order of this Tribunal dated 01.04.2024.

Ld. counsel for respondent opposes the application and submits that the appellant was aware about the proceedings before the Quasi Judicial Authority but did not take any step as per law even within limitation period.

Arguments heard and record perused. The grounds cited by the appellant for condonation of delay is the

non-service of demolition order dated 02.07.2021. Ld. counsel for respondent concedes there is no postal receipt or affixation proceedings available on record showing service of the demolition order upon the appellant.

On the other hand, the appellant has taken a plea that she came to know about the demolition order only during the pendency of the present appeal and thereafter they amended the appeal, which was allowed vide order dated 01.04.2024. The said order also records the submissions of the appellant regarding non service of demolition order.

In view of the aforesaid facts and circumstances, the appellant has been able to show sufficient cause. Application seeking condonation of delay is allowed. Delay is condoned.

Put up for arguments on appeal on 15.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024 J

A.No. 221/24

17.09.2024

Present : Sh. Hemant Chaudhary, Ld counsel for the appellant.
Ms. Bhavya Chauhan, Ld counsel for the respondent.

An adjournment is sought on behalf of the respondent to file reply to the application under Section 5 of the Limitation Act.

Last and final opportunity is granted to the respondent. Advance copy be supplied to the opposite party.

Put up for reply and arguments on the application under Section 5 of the Limitation Act on **07.10.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 677/14

17.09.2024

Present : Sh. Gourav Singhal, Ld counsel for the appellant M/s
GTL Infrastructure Ltd.
Sh. Dharamvir Gupta, Ld counsel for the respondent.

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

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

In view of the statement of appellant, the present
appeal filed by the appellant company is dismissed as
withdrawn.

Record of the respondent, if any, be returned
alongwith copy of this order. Appeal file be consigned
to record room.

Copy of this order be given dasti as prayed for.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 679/14

17.09.2024

Present : Sh. Gourav Singhal, Ld counsel for the appellant M/s
GTL Infrastructure Ltd.

Sh. Dharamvir Gupta, Ld counsel for the respondent.

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

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

In view of the statement of Ld. counsel for appellant,
the present appeal filed by the appellant company is
dismissed as withdrawn.

Record of the respondent, if any, be returned
alongwith copy of this order. Appeal file be consigned
to record room.

Copy of this order be given dasti as prayed for.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 578/14

17.09.2024

Present : Sh. Gourav Singhal, Ld counsel for the appellant M/s
GTL Infrastructure Ltd.
Sh. Dharamvir Gupta, proxy counsel for Sh. Ashutosh
Gupta, Ld. counsel for the respondent.

Part arguments addressed by the Ld. counsel for
appellant heard.

An adjournment is sought on behalf of Mr. Ashutosh
Gupta, Ld. counsel for respondent as he is not
available today being out of station.

Re-list for final arguments on 27.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 678/14

17.09.2024

Present : Sh. Gourav Singhal, Ld counsel for the appellant M/s
GTL Infrastructure Ltd.
Sh. Dharamvir Gupta, Ld counsel for the respondent.

Part arguments heard.

Re-list for final arguments on 27.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 856/15

17.09.2024

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

Part arguments addressed by Ld. counsel for appellant.

An adjournment is sought on behalf of Mr. Ashutosh Gupta, Ld. counsel for respondent as he is not available today being out of station.

Put up for final arguments on 04.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 86/24, 88/24 & 122/24

17.09.2024

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

It is submitted that Ld. counsel for Sh. Anubhav Gupta is not available today due to some personal reason. No adverse order is being passed today in the interest of justice.

Put up for arguments on 04.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 73/23

17.09.2024

Statement of Sh. Gagan Khanna, Executive Engineer
(B), Shahdara South Zone

On SA

The matter was attended alongwith Dy. Commissioner, Shahdara South Zone and it has been decided to withdraw the impugned order dated 21.12.2015 booked vide file No.510/B/UC/SS/15 dated 07.12.2015 passed in respect of property No.R-31A, Ramesh Park, Delhi. I may be allowed to withdraw the impugned order. The department will initiate fresh proceedings as per law.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 73/23

17.09.2024

Statement of Sh. Mohd Asim, aged 59 years, son of
Late Hafiz Ullah Khan, R/o R-31, Street No.1, Ramesh
Park, Laxmi Nagar, Delhi

On SA

In view of the statement given by Sh. Gagan Khanna,
Executive Engineer (B), Shahdara South Zone, I may
be permitted to withdraw the present appeal.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 73/23

17.09.2024

Present : Sh. Faizal Zafar, Ld counsel for the appellant
alongwith appellant in person.

Sh. V.K. Aggarwal, Ld counsel for the respondent
alongwith Sh. Anshul Sirohi, Dy. Commissioner,
Shahdara South Zone and Sh. Gagan Khanna, EE(B),
Shahdara South Zone.

Ld. counsel for respondent submits that respondent
department is ready to withdraw the impugned order
dated 21.12.2015 passed vide file No.510/B/UC/SS/15
dated 07.12.2015 in respect of property No.R-31A,
Ramesh Park, Delhi and to initiate fresh proceedings
as per law.

Separate statement of Sh. Gagan Khanna Executive
Engineer (B) has been recorded in this regard.

In view of the statement given by the Executive
Engineer (B), Ld. counsel for appellant submits that
appellant wants to withdraw the present appeal.

Separate statement of the appellant has also been
recorded in this regard.

In view of the statements given by the Executive
Engineer (B) and statement of appellant, The present
appeal is disposed off. Respondent department is at
liberty to initiate fresh proceedings, if any, as per law.

-2-

Record of the respondent, if any, be returned along with copy of this order and appeal file be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 228/24

17.09.2024

Present : None for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

None has appeared on behalf of appellant since morning despite various calls. Even on 02.05.2024 and 07.07.2024 none has appeared on behalf of appellant.

It is 02.20 PM. The present appeal is dismissed in default.

Record of the respondent if any be returned along with copy of this order and appeal file be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 347/14, 348/14 & 473/14

17.09.2024

Present : Sh. B.S. Mathur, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the
respondent in appeal No. 347/14 & 473/14.
Sh. V.K. Aggarwal, Ld. counsel for respondent in
appeal No.348/14.

Ld. counsel for appellant submits that the appellant
has died and he needs to seeks instructions for
moving an application seeking substitution of the L.Rs.
Accordingly put up for further proceedings on
22.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 320/21

17.09.2024

Present : Sh. Sanam Malhotra, Ld counsel for the appellant.
Sh. Sanjay Sethi, Ld counsel for the respondent.

Part arguments on application under Order VI Rule 17 CPC heard.

The present appeal has been filed by the appellant in the capacity of authorized representative. Now through this application, the applicant intends to change his capacity and also seeking some other amendments. The appellant/ applicant has relied upon Partnership Deeds as well as Will showing the transfer of title.

It is submitted that Ld. counsel for the appellant that the property was initially allotted to Gurbaksh Singh who executed Will in favour of Sudesh Malhotra. Thereafter, Sudesh Malhotra had executed a Will in favour of Tirath Kumar Aswani and later Mr. Tirath Kumar Aswani had executed a Will in favour of Mr. Deepak Sardara, who is the present appellants.

Ld. counsel for respondent submits that the authenticity of the documents cannot be vouched at this juncture as supporting affidavits have been filed. He further submits that the document at P-61 of the application are only a receipt and not an allotment letter. He further submits that the appellant has not placed on record Death Certificate of any of the

executors of the Will to show whether they are still alive or dead.

I find merits in the submissions of Ld. counsel for the respondent. The appellant is directed to clarify the status of the executors of Will and place on record their Death Certificate (if any). The original of the documents relied upon in support of application under Order VI Rule 17 CPC be produced before the Tribunal on the next date of hearing.

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

The appellant Deepak Sardana is also directed to remain present on the next date of hearing.

Put up for further arguments on the application on **16.01.2025.**

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024s

A.No. 66/22 & 441/21

17.09.2024

Present : Appellant in person along with Sh. V. K. Bajaj, Mr. Shubham and Mr. Parmeet Singh, Ld counsels for the appellant.

Ms. Shahina Hussain, Ld. Proxy counsel for the respondent.

Part arguments under Section 5 of the Limitation Act heard.

An adjournment is sought on behalf of the respondent to address further arguments as main counsel Mr. Umesh Kumar Barnwal is not available today.

No reasonable explanation has been tendered for his non-appearance. Request is allowed subject to costs of Rs.5,000/- imposed upon the respondent which is to be deposited in the Registry of this Tribunal.

Put up for further arguments on application under Section 5 of the Limitation Act on **04.12.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 917/18

17.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. R.K. Kashyap, Ld counsel for the respondent
joined through VC.

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

It is argued by Ld. counsel for appellant that demolition order dated 26.12.2017 was not communicated to them and only they came to know about the said order on 11.10.2018 when a Misc, application no. 20/18 was filed by the intervener before this Tribunal. Ld. counsel submits that after receiving the copy of the demolition order, the appellant has filed the present appeal on 17.12.2018.

On the other hand, Ld. counsel for respondent submits that after the matter was remanded back, the appellant participated in the proceedings before the Quasi Judicial Authority and the impugned order was duly received by one of the representative of the appellants.

A bare perusal of the record of the Quasi Judicial Authority shows that the impugned order is not sent to the other persons against whom it has been passed. The receiving is stated to have been done by one Mr. Satish Kumar, who has already refused to acknowledge his signatures on the said document.

The service of the demolition order and its receipt is a issue which needs to be adjudicated on merits in the present appeal and goes to the root of the matter.

In the application it is stated that appellant came to know about the impugned order only on 11.10.2028 and thereafter the present appeal was filed.

Accordingly, the appellant has been able to show sufficient cause. The application under Section 5 of the Limitation Act is allowed. The delay is condoned.

Put up for arguments on the point of appeal on 20.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 757/24, 758/24, 759/24 & 770/24

17.09.2024

Present : Ms. Parul Agarwal, Ld counsel for the appellant.
Sh. Manish Kumar, proxy counsel of Sh. Narender Shukla counsel for the respondent in appeal Nos. 757/24, 758/24 & 759/24.
Ms. Vasu Singh, Ld. counsel for respondent in appeal No.770/24.

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

Ld. counsel for respondent submits that they have not received the copy of the appeal so far.

Appellant is directed to supply the copy of the appeal to the Ld. counsel for respondent during the course of the day.

Part arguments on the interim application heard.

Ld. counsel for appellant seeks some time to place on record the standard building plan of the apartment in question which was sanctioned by the DDA and also apprise the Tribunal about the built up area of the original flat.

Put up for arguments on interim application as well as appeal on 18.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 778/24

17.09.2024

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 along with the record of the proceedings, status report and reply on next date of hearing.

Ld. counsel for appellant submits that connected appeal is already listed on 18.09.2024.

Accordingly, put up with connected appeal 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
17.09.2024

A.No. 787/24

17.09.2024

Fresh appeal filed. Be checked and registered.

Present : Md. Akram, 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 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
17.09.2024

A.No. 788/24

17.09.2024

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 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
17.09.2024

A.No. 696/24

17.09.2024

Present : Sh. Malaya Kumar Chand , Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the respondent / MCD.

Status report is filed. Copy supplied.

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

List of documents is filed on behalf of appellant. Copy supplied.

Adjournment is sought on behalf of respondent as Sh. Ashutosh Gupta, Ld. counsel is not available today being out of station.

In the interest of justice, opportunity is granted to respondent to address the arguments.

Put up for arguments on interim application as well as appeal on 01.10.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 688/24

17.09.2024

Present : Ms. Anshree Mahindra, Ld proxy counsel for the appellant.

Ms. Renu Soni, Nodal Officer on behalf of the respondent / MCD.

Status report is filed. Copy supplied.

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

Adjournment is sought on behalf of respondent as Sh. Ashutosh Gupta, Ld. counsel is not available today being out of station.

In the interest of justice, opportunity is granted to respondent to address the arguments.

Put up for arguments on interim application as well as appeal on 01.10.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 517/24

17.09.2024

Present : Ms. Jyoti Yadav , Ld counsel for the appellant joined through VC.

Sh. H.R.Aggarwal, Ld. counsel for respondent along with Sh. T.P.Puri, AE(B). Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record.

Status is filed by respondent department. Copy supplied.

Vide separate order of even date the interim application and appeal are disposed off.

Record of the respondent, if any, returned along with copy of this order and appeal, file be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024 (rk)

A.No. 765/24

17.09.2024

Present : Sh. Jasbir Singh Malik & Ms. Rashmi Bath, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent. File Memo of appearance. 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.

During the course of arguments it is pointed out that appellant is claiming relief in appeal in respect of whole of the building but all the owners of the building have not been impleaded as appellant.

Ld. counsel for appellant seeks some time to take instructions in this regard and also to file site plan to clarify the position in respect of portions of property for which relief is being claimed.

Put up for arguments on interim applications as well as appeal on 20.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024 rk

A.No. 94/23

17.09.2024

Present : Md. Murshid Alam, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the
respondent / MCD.

Ld. counsel for appellant is placed on record a list of
documents. Copy be supplied to the respondent.

Put up for arguments on the point of appeal on
15.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 515/24, 530/24 & 531/24

17.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Fehaam Ahmad Khan, 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 30.09.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 250/23

17.09.2024

Present : Sh. Manpreet Kaur, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the
respondent / MCD along with Sh. R.K.Garg, AE(B).

Arguments at length by both parties heard.

Put up for orders on 19.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 682/24 & 681/24

17.09.2024

Present : Sh. Om Parkash, Ld counsel for the appellant.
Sh. V.K.Aggarwal, 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. counsel for appellant seeks adjournment to inspect the record for addressing arguments on interim applications as well as appeal.

Put up for the purpose already fixed on 15.10.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 311A/23

17.09.2024

Present : Sh. Sahil Khurana, Ld counsel for the appellant.
Ms. Bhavya Chauhan, Ld counsel for the respondent.
None for respondent no.2.

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

It is submitted by the Ld. counsel for appellant that the impugned order dated 20.04.2023 was initially challenged by them before the Hon'ble High Court of Delhi. The Hon'ble High Court of Delhi vide order dated 11.05.2023 in W.P.(C) No.6222/2023 directed to approach ATMCD and thereafter they filed present appeal on 22.05.2023. He submits that delay has been occurred because appellant was pursuing the remedy before the Hon'ble High Court of Delhi at first instance.

On the other hand, Ld.counsel for respondent opposes the application. She submits that the show cause notice was sent by registered post to appellant and appellant should have been filed appeal on time.

I heard arguments and perused the record. It is not in dispute that appellant initially sought remedy by filing W.P.(C) No.6222/2023 and vide order dated 11.05.2023 the Hon'ble High Court directed the appellant to approach ATMCD. On 22.05.2023

this appeal was filed. Appellant is impugning the demolition order and has raised in grounds of the appeal which goes to the root of the matter and needs to be adjudicated on merits.

Accordingly, appellant is able to show sufficient cause, the application under Section 5 of Limitation Act is allowed and delay is condoned.

Put up for arguments on the point of appeal on 20.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024 (rk)

A.No. 01/24

17.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Ms. Bhavya Chauhan, Ld counsel for the respondent.

Part arguments addressed by Ld. counsel for appellant heard.

Ld. counsel for respondent seeks some time to take instructions from the department to address the arguments.

She also requests to call concerned AE(B) to assist her on the next date of hearing.

Accordingly, notice be issued to AE(B) to remain present in person on the next date of hearing to assist the court as well as Ld. counsel for respondent.

Put up for arguments on the point of appeal on 04.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024(rk)

A.No. 499/23 & 700/18

17.09.2024

Present : Sh. M.F.Nizami, Ld. proxy counsel for the appellant.
Sh. Anubhav Gupta, Ld counsel for the respondent
joined through VC in appeal no.499/23.
Sh. H.R.Aggarwal, Ld counsel for the respondent in
appeal no.700/18.

Adjournment is sought on behalf of appellant as main
counsel Sh. S.S.Nizami unavailable today.

Perusal of records shows that in past appellant had
sought various adjournments to file certain documents
on record, but despite various opportunities appellant
has failed to bring on record the said documents in
support of his appeal.

Accordingly, matter be listed for arguments on the
point of disposal of appeal on 16.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024 rk

A.No. 85/24(M)

17.09.2024

Present : None for the applicant / appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.

Reply to the application under Order 9 Rule 9 CPC is filed on behalf of respondent. Copy placed on record. None appeared on behalf of appellant in court as well as in video conferencing since morning despite various call. On last hearing also none appeared for applicant. It is 3:45 PM. The present application is dismissed in default.

Record of the respondent, if any be returned along with copy of this order and appeal file be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 311/21, 321/21, 322/21, 323/21 & 328/21

17.09.2024

Present : Sh.Sanam Malhotra, Ld counsel for the appellant.
Sh. H.R. Aggarwal, Ld counsel for the respondent in
appeal no.311/21.
Ms. Vasu Singh, Ld. counsel for the respondent in
appeal no. 321/11, 322/21, 323/21 & 328/21

Part arguments on application under Order VI Rule 17
CPC heard.

Ld. counsel for appellant seeks some time to clarify
about the chain of documents and produce original
documents. Appellant is also directed to remain
present in person on the next date of hearing.

Put up for arguments on interim applications(s) as well
as appeal on 16.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024 rk

A.No. 302/22

17.09.2024

Present : Sh. Sanam Malhotra , Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the
respondent / MCD.

The matter is listed for maintainability on the point of
appeal.

Adjournment is sought on behalf of respondent as the
main counsel Sh. Ashutosh Gupta is not available
today being out of station.

Put up for the purpose already fixed on 16.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 269/19

17.09.2024

Present : Sh. Jitesh Kumar Singh, Ld Proxy counsel for the appellant.

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

Adjournment is sought on behalf of appellant as main counsel Sh. Shekar Nanawati is not available due to personal exigency.

Put up for the purpose already fixed on 15.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 423/18

17.09.2024

Present : Ms. Priyanshu, Ld proxy counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.

Adjournment is sought on behalf of appellant as the main counsel is not available today due to medical issues.

Put up for the purpose already fixed on 15.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024

A.No. 276/17

17.09.2024

Present : Sh. Anurag Malik, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh
Sabbharwal, Ld. Counsel for the respondent.
Sh.M.N.Siddiqui , Ld counsel for the respondent no.2
joined through VC.

Part arguments on the application under Section 5 of
Limitation Act heard.

Ld. counsel for appellant seeks a short adjournment to
place on record list of dates and events in support
application under Section 5 of Limitation Act.

Advance copy be supplied to opposite party.

Put up for further arguments on the application under
Section 5 of Limitation Act on 02.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.09.2024