

A.No. 134/2024

18.09.2024

Present : Sh. Puneet Srivastava, Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent No.1/
MCD.
None for respondent no. 2 / DDA.
Ms. Kritika Singh, Ld. counsel for respondent no.3/
Siddharth Bhardwaj.

Vide separate order of even date, the application under Section 5 of the Limitation Act is hereby dismissed. Accordingly, the appeal filed by the appellant against the Sanction Order dated 04.04.2022 is also dismissed.

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
18.09.2024

A.No. 780/24

18.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Jagdish Sethi, 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.

Vide order dated 29.08.2024 passed in W.P.(C) 11875/2024, the Hon'ble High Court of Delhi has directed that application for stay be considered as expeditiously as possible within a period of 15 days.

Put up for arguments on interim application(s) and appeal on 24.09.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 601/24 & 602/24

18.09.2024

Present : Sh. Sanjay Rathi, Ld counsel for the appellant.
Sh. Anubhav Gupta, Ld. Proxy counsel for the respondent.

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

An adjournment is sought on behalf of the respondent Corporation to file status report in the present matter. Put up for arguments on interim application as well as on appeal on **06.12.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 537/24, 538/24, 539/24, 540/24, 541/24, 542/24, 543/24 &
559/24

18.09.2024

Present : Sh. Sanjay Rathi and Sh. Mohit Rathi, Ld counsel for
the appellant.
Sh.V.K. Aggarwal, Ld counsel for the respondent.

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

Status report filed, copy supplied.

Ld. counsel for appellant seeks some time to file reply
of the application seeking condonation of delay.
Advance copy of the reply be supplied to the opposite
party.

Put up for arguments on application seeking
condonation of delay as well as appeal on 06.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No.520/24 & 521/24

18.09.2024

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

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

Status report filed, copy supplied.

An adjournment is sought on behalf of the respondent to file reply of the application u/s 5 of the Limitation Act.

Opportunity granted. Advance copy of the reply be supplied to the respondent.

Put up for arguments on an application seeking condonation of delay and appeal on 25.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 J

A.No. 778/24

18.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent.

Ld. counsel for respondent seeks an adjournment to address arguments in the matter as the brief has recently marked to him.

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

Put up for arguments on interim application as well as on appeal on **27.09.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 653/24

18.09.2024

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

An application under Order VI Rule 17 CPC is moved for seeking amendment in the prayer clause of the appeal. It is submitted by the Ld. counsel for appellant that inadvertently and due to typographical mistake the floor number could not be mentioned in the prayer clause and they are seeking amendment in prayer clause of appeal.

Ld. counsel for respondent does not oppose the application.

The amendment sought does not make any material change in the nature of the appeal and seeks to amend the typographical mistake only.

Accordingly the application for seeking amendment is allowed. Amended appeal is taken on record.

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.

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It is informed that the connected cases of the same property are listed on 24.10.2024.

Put up for arguments on interim application(s) and appeal on 24.10.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 J

A.No. 655/24

18.09.2024

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

Ld. counsel for respondent seeks some time to file status report in the present matter.

Put up for purpose already fixed on 24.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 654/24

18.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. V.K. Mantoo, 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.

Put up for arguments on interim application(s) and appeal on 24.10.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 J

A.No. 755/24

18.09.2024

Present : Sh. Manish Kumar, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld. counsel for respondent alongwith
Sh. Kushant Kumar AE(B).

Ld. counsel for respondent informed that an appeal in respect of the second floor and third floor of the property in question has already filed vide appeal No.671/24. He submits that two different appeals have been filed in respect of the same subject property.

Ld. counsel for appellant seeks a short adjournment to take instructions.

Accordingly put up for further proceedings on 23.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 J

A.No. 671/24

18.09.2024

Present : Sh. Harsh Tikoo and Sh. Manish Kumar, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the respondent alongwith Sh. Kushant Kumar AE(B).

A separate appeal bearing No.755/24 has been filed by Ms. Rashmita Choudhary who is stated to be occupier in the property in respect of second and third floor of the property in question, which is the subject matter of this appeal.

Ld. counsel for appellant seeks some time to take instructions for amending the appeal in the present case.

List on 23.09.2024 for arguments on interim application as well as appeal.

Concerned official is directed to remain present in person on next date of hearing.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 J

A.No. 419/23

18.09.2024

Present : Sh. Akhil Sharma, Ld counsel for the appellant.
Sh. Anubhav Gupta, Ld counsel for the respondent.
Sh. Anupam Sharma, Ld. counsel for DDA.

List of documents has been placed on record in compliance of the previous order, copy supplied.

Put up for arguments on interim application as well as appeal on 15.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 73/24 & 74/24

18.09.2024

Present : Proxy counsel for the appellant.
Sh. Ranjit Pandey, Ld counsel for the respondent
joined through VC.

An adjournment is sought on behalf of appellant as
main counsel Ms. Sunila Chaudhary is unavailable
today due to bad health.

Put up for purpose already fixed on 15.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 J

A.No. 114/20

18.09.2024

Present : Sh. Tivesh Gaur proxy counsel for the appellant
alongwith appellant in person.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

Ld. counsel for respondent seeks some time to file
status report in terms of the order dated 16.02.2024.

Opportunity granted.

Put up for purpose already fixed on 12.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 512/18

18.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

Arguments on an application u/s 5 of the Limitation Act
heard.

Put up for orders on 19.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 472/22 & 473/22

18.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Ravi Ranjan, Ld counsel for the respondent joined through VC.
Sh. Vishwendra Verma, Ld. counsel for intervener Delhi Co-operative Group Housing Society Limited.

An application under order 1 Rule 10 CPC moved by Delhi Co-operative Group Housing Society Limited is listed for today. Copy be supplied to the appellant.

Ld. counsel for appellant seeks short adjournment to file an affidavit in support of the application seeking condonation of delay.

Request is allowed.

Put up for arguments on an application under Order 1 Rule 10 CPC, interim application as well as appeal on 15.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 349/24

18.09.2024

Statement of Pankaj Malhotra S/o Late Subhash
Chander Malhotra, appellant R/o J8/71, Rajouri
Garden, New Delhi

On SA

I am the appellant in the present appeal. I wish to
withdraw the present appeal, the same may be
dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 349/24

18.09.2024

Present : Sh.Rashid Ali , Ld counsel for the appellant alongwith
appellant in person.
Sh. Anubhav Gupta, Ld counsel for the respondent.

Status report filed, copy supplied.

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

Separate statement of the 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
18.09.2024

A.No. 227/22

18.09.2024

Present : Ms. Shobhana Tanwar, Ld counsel for the appellant from LAC alongwith appellant in person.
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 the appellant has been recorded in this regard.

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

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
18.09.2024

A.No. 227/22

18.09.2024

Statement of Smt. Rampyari W/o Late Puran Singh,
appellant, R/o A-34(20 poing Plot), Village Ambrahi,
Sector-19, Dwarka ,Delhi-75

On SA

I am the appellant in the present appeal. I wish to
withdraw the present appeal, the same may be
dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 88/16

18.09.2024

Present : Sh. Yogesh Saxena, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Prithish Sabharwal, Ld. counsel for the respondent.
Ms. Sonia A. Menon, Ld. counsel for intervener joined through VC alongwith Ms. Varsha, Advocate present in the Court.

Part arguments on the point of appeal heard.

Ld. counsel for intervener submits that due to some personal exigency she is not in a position to address the arguments as permitted to the intervener (vide order dated 20.12.2016).

Ld. counsel for respondent submits that he will be requiring the assistance of the then AE(B) before addressing further arguments in the matter.

Accordingly, the then AE(B) is directed to remain present in person on next date of hearing.

Put up for further arguments on the point of appeal on 22.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 J

A.No. 516/23

18.09.2024

Present : Sh. Shoaib Khan, Sh. Aakash Bansal and Sh. Afroz Khan, Ld counsels for the appellant.
Sh. Jatin Aggarwal, Ld counsel for the respondent.
Ms. Parul Agarwal, Ld. counsel for intervener.

An application seeking waiver of cost imposed vide order dated 03.04.2024 is moved by the appellant. Medical exigencies have been cited in the application. In view of the reasons cited in the application, the application for waiver of cost is allowed. Cost waived. Arguments on maintainability of the application under order 1 Rule 10 CPC heard. Ld. counsel for intervener submits that intervener is the owner of ground floor of the property in question. Even if it is presumed that all the averments made in the application is correct, then also in this proceeding between the appellant and the MCD the applicant has no right to participate and he cannot become a party as there is a clear-cut judgment of Delhi High Court in case ***Hardayal Singh Mehta Vs MCD, AIR 1990 Delhi 170*** in which it is held that in the matter between the appellant and the MCD, no third person can join and become a party to such proceedings and in such proceedings the application under order 1 Rule 10 CPC is not maintainable. Any dispute between the

intervener and the appellant has to be dealt with and to be decided by the Civil Court separately. Accordingly, application moved by applicant under order 1 Rule 10 CPC is hereby dismissed. However, the applicant is permitted to file the documents, if any and to orally argue the matter at the final arguments stage.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 78/24

18.09.2024

Present : Sh. B.K. Pandey, Ld counsel for the appellant.
Sh. Anubhav Gupta, proxy counsel for Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Rohit Kalra, Ld. counsel for intervener alongwith Intervener Sh. Sanjay Garg, in person.

Ld. counsel for intervener submits that intervener does not want to pursue his application filed under Order 1 Rule 10 CPC.

Separate statement of the intervener has been recorded in this regard.

In view of the facts and circumstances, the application filed by the intervener under Order 1 Rule 10 CPC is dismissed as withdrawn.

Put up for arguments on application seeking condonation of delay as well as appeal on 17.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 J

A.No. 78/24

18.09.2024

Statement of Sanjay Garg, aged 53 years S/o Sh. Kishan Chand Garg, intervener, R/o A-149, Ground Floor, Yojna Vihar, Delhi-92

On SA

I am the intervener in the present appeal. I wish to withdraw my application filed under Order 1 Rule 10 CPC, the same may be dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 432/23 & 433/23

18.09.2024

Present : Sh. Pankaj Kumar , Ld counsel for the appellant.
Sh. Anuj Gupta, Ld. Proxy counsel for the respondent Corporation.

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

Put up for purpose already fixed on **16.01.2025**.

Interim order to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 783/24

18.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. M.G.Vacher, 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 01.10.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 789/24

18.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Ashwani 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 04.10.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 790/24

18.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Sahil Garg, 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 25.09.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 791/24

18.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Radhye Shyam, 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
18.09.2024

A.No. 792/24

18.09.2024

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 25.09.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 793/24

18.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. A.P.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 27.09.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 506/24

18.09.2024

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

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

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

Adjournment is sought by both the parties as the main counsels are not available today.

Put up for arguments on the point of appeal on 28.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 728/24

18.09.2024

Present : Sh. B.S.Saini, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent along with Shri P.K.Jindal, AE(B). Memo of appearance filed. It be taken on record.

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

It is informed by the Ld. counsel for appellant that pursuant to the direction of this Tribunal regularization proceedings have been revived and inspection has already been carried out.

The department is still deliberating and processing the regularization application, it will take some time.

Accordingly, put up for further proceedings on 05.12.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 rk

A.No. 448/24 & 481/24

18.09.2024

Present : Sh. Dalip Rastogi , Ld counsel for the appellant.
Sh. Mohit Sharma , Ld counsel for the respondent.

Put up with connected appeal on 27.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 753/24

18.09.2024

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

Adjournment is sought on behalf of respondent to file
status report as well as to produce the record.

Put up with connected appeal bearing no.791/24 on
30.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

At this stage Sh. Raja Ram Meena, AE(B) appeared
and bring the record. AE(B) is directed to deposit the
same with Registry and tag with file. He also bring the
status report. Copy placed on record.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 494/24

18.09.2024

Present : Sh. Sandeep Khatri, Ld counsel for the appellant
joined through VC.

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

Ld. counsel for appellant submits that due to death of his relative, he is not in a position to argue the matter today.

Accordingly, put up for the purpose already fixed on 18.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 rk

A.No. 698/24

18.09.2024

File is taken up today on an application for seeking early hearing under Section 151 CPC.

Present : Sh. Man Mohan Goel, Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent along with Sh. P.K.Jindal, AE(B).

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

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

Part arguments heard.

Ld. counsel for appellant seeks some time to place on record the chain of title documents of the property in question in support of his arguments.

Put up on the date already fixed for arguments on interim application as well as appeal on 16.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 rk

A.No. 761/24

18.09.2024

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

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

List of documents is placed on record by Ld. counsel for appellant. Copy supplied.

Adjournment is sought on behalf of respondent to file status report as well as reply to interim application.

Opportunity granted.

Advance copy be supplied to opposite party on or before the next date of hearing.

Put up for arguments on interim application as well as appeal on 23.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 rk

A.No. 762/24

18.09.2024

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

List of documents is placed on record by Ld. counsel for appellant. Copy supplied.

Adjournment is sought on behalf of respondent to file record, status report as well as reply to interim application.

Opportunity granted.

Advance copy be supplied to opposite party on or before the next date of hearing.

Put up for arguments on interim application as well as appeal on 23.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 rk

A.No. 407/24, 408/24 & 409/24

18.09.2024

Present : Sh. Anroop P.S., Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the
respondent / MCD along with Sh. Rohit Goel, AE(B).

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

Concerned AE(B) is directed to remain present in
person on the next date of hearing.

Renotify for arguments on interim applications as well
as appeal on 03.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 rk

A.No. 237/22

18.09.2024

Present : Sh. Ankur Aggarwal, Ld proxy counsel for the appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent.
Sh. Roshan Lal, Ld. counsel for Intervener joined through VC.

Adjournment is sought on behalf of appellant as main counsel Sh. Mohit Gupta is not available today due to personal exigency.

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

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

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 505/23

18.09.2024

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

Part arguments on the point of appeal address by both the counsels.

Issue notice to Sh. Hanumant Trivedi, AE(B), City – SP Zone to be present in the court on the next date of hearing.

Put up for further arguments on the point of appeal on 16.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 359/24

18.09.2024

Present : Sh. S.D.Ansari, Ld counsel for the appellant.
Sh. H.R.Aggarwal, Ld counsel for the respondent.

Ld. counsel for appellant submits that the application for regularization has already been rejected by the respondent corporation.

Arguments addressed at length by counsels of both the parties.

Put up for orders on 20.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 412/24

18.09.2024

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

Objections to the status report of MCD filed by the appellant.

An application under Order 1 Rule 10 CPC is filed on behalf of intervener Mr. Mahender Singh. Copy supplied.

Record shows that the application for condonation of delay under Section 5 of Limitation Act is pending. Respondent seeks some time to file reply.

Opportunity granted subject to supply of advance copy to opposite party.

Put up for arguments on aforesaid application, pending interim application as well as appeal on 18.11.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 rk

A.No. 178/24

18.09.2024

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

Adjournment is sought on behalf of appellant to
withdraw the present appeal as authorized person is
not available today.

Put up for further proceedings on 22.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 437/15

18.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. H.R.Aggarwal, Ld counsel for the respondent.

Part arguments on an application under Order 22 Rule 10 CPC heard.

Ld. counsel for applicant seeks some time to place on record the affidavits of the applicants and also relinquishment deed executed heirs of Ms. Santosh Aggarwal in favour of Sunil Aggarwal.

Opportunity granted.

Put up for further arguments on the application under Order 22 Rule 10 CPC on 22.10.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 rk

A.No. 484/19

18.09.2024

Present : Sh. D.D.Joshi, Ld counsel for the appellant.
Sh. Ravi Ranjan, Ld counsel for the respondent joined through VC.
Sh. Alok Bajaj, Ld. counsel for the Intervener joined through VC.

Reply to the application under Order 1 Rule 10 CPC is filed by the appellant.

Put up for arguments on the aforesaid application on 12.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 rk

A.No. 232/19

18.09.2024

Present : Sh. D.D.Joshi, Ld counsel for the appellant.
Sh. Ranjeet Pandey, Ld counsel for the respondent
joined through VC.
Sh. N.K.Guru, Ld. counsel for the Intervener.

Ld. counsel for appellant submits that he was under the impression that the intervener has withdrawn their application.

Ld. counsel for intervener submits that they have not withdrawn the application and presses for the same.

Put up for arguments on the interim application on 12.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 rk

A.No. 674/23

18.09.2024

Present : Sh.G.D.Mishra , Ld counsel for the appellant joined through VC.
Sh. K.K.Arora, Ld counsel for the respondent.

Part arguments heard.

Ld. counsel for respondent submits that he needs assistance of concerned AE(B) to apprise whether the alleged unauthorized construction in respect of property in question is new erection or alteration in the old structure.

Concerned AE(B) is directed to remain present in person on the next date of hearing.

Put up for further arguments on the point of appeal on 23.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 665/23

18.09.2024

Present : Sh. Devraj, Ld counsel for the appellant.
Ms. Monika Tyagi, Ld proxy counsel for the
respondent along with Sh. Purshottam Meena, AE(B)
& Sh. Ashish Kumar, JE(B).

Ld. counsel for appellant submits that Civil Suit in
respect of property in question is referred to mediation
by the concerned court.

He seeks a short adjournment to take further
instructions from the appellant in this case.

Put up for the purpose already fixed on 20.12.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024 rk

A.No. 675/23

18.09.2024

Present : Sh. Junaid Alam, Ld counsel for the appellant joined through VC.
Sh. Paras Aggarwal, Ld counsel for the respondent.

Part arguments heard on the application under Section 5 of Limitation Act. The internet connection at the end of Ld. counsel for appellant is breaking due to which arguments could not be concluded today.

Put up for further arguments on the application on 21.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 801/24

18.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Sahil Gupta, 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.

The present appeal has been filed impugning the show cause notice and work stop notice dated 11.09.2024 in respect of ground floor in property in question. Ld. counsel for appellant presses his interim application.

It is submitted by the Ld. counsel for appellant that the impugned order dated 11.09.2024 does not specify the exact deviations or alternations on the basis of which proceedings were initiated. He submits that appellant is only carrying on the repair in the property in question as permissible in the Building Bye-Laws. He submits that by letter dated 01.05.2024 (i.e. well before the issuance of show cause notice) appellant informed the MCD about the intended repair in her portion in the building. The details of repair intended to

be carried out are also mentioned in the said letter. He submits that appellant has also applied for permission to erect / re-erect vide application dated 07.09.2024 wherein the proposed extension in the built up area is also mentioned. He submits that when the appellant is admittedly seeking permission from the MCD to extend built up area, the allegations made in the show cause notice cannot be said to be credible. Ld. counsel for appellant submits that show cause notice for sealing is also issued in respect of property in question and in case protection is not granted at this juncture, appellant will suffer irreparable loss.

I have heard the arguments and perused the record. The averments made in appeal goes to the root of the matter and needs to be decided on merits after seeking response from the respondent.

Accordingly, in view of the submissions made by Ld. counsel for appellant it is directed 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.

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 impermissible construction in the property in question without necessary approval as per Law.

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Put up for arguments on interim application as well on appeal on 07.10.2024.

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

Copy of this order be given dasti and be also sent to the Respondent Department for information and necessary compliance.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024

A.No. 800/24

18.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Sahil Gupta, 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.

The present appeal has been filed impugning the show cause notice and work stop notice dated 13.09.2024 in respect of first floor in property in question. Ld. counsel for appellant presses his interim application.

It is submitted by the Ld. counsel for appellant that the impugned order dated 13.09.2024 does not specify the exact deviations or alternations on the basis of which proceedings were initiated. He submits that the impugned notice has been sent to the owner of ground floor of the property and not served to the appellant which is owner of the first floor. He submits that appellant is only carrying on the repair in the property in question as permissible in the Building Bye-Laws. He submits that by letter dated 01.05.2024 (i.e. well

before the issuance of show cause notice) appellant informed the MCD about the intended repair in her portion in the building. The details of repair intended to be carried out are also mentioned in the said letter. He submits that appellant has also applied for permission to erect / re-erect vide application dated 07.09.2024 wherein the proposed extension in the built up area is also mentioned. He submits that when the appellant is admittedly seeking permission from the MCD to extend built up area, the allegations made in the show cause notice cannot be said to be credible. Ld. counsel for appellant submits that show cause notice for sealing is also issued in respect of property in question and in case protection is not granted at this juncture, appellant will suffer irreparable loss.

I have heard the arguments and perused the record. The averments made in appeal goes to the root of the matter and needs to be decided on merits after seeking response from the respondent.

Accordingly, in view of the submissions made by Ld. counsel for appellant it is directed 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.

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 impermissible construction in the property in question without necessary approval as per Law.

Put up for arguments on interim application as well on appeal on 07.10.2024.

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

Copy of this order be given dasti and be also sent to the Respondent Department for information and necessary compliance.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.09.2024