

A.No. 401/21

23.09.2024

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

Arguments under Section 5 of the Limitation Act heard.

It is submitted by Ld. counsel for the appellant that the present appeal has been filed by them on 11.11.2021. He submits that the appellant came to know about the impugned sealing order dated 22.07.2021 only during the proceedings in WP (C) No. 12061/2021 and the said fact is also recorded in para no. 6 of the order dated 28.10.2021.

Ld. counsel for the respondent submits that the Show Cause Notice for sealing was sent by Registered Post to the appellant and they were given opportunity to participate in the proceedings.

Arguments heard and record perused.

I have seen the record of the Corporation which is placed before this Tribunal. The impugned sealing order is at P-70/C. There is nothing on record to show the service of the said document upon the appellant. The order dated 28.10.2021 in the aforesaid writ petition also records the submissions made by the appellant that the copies of the impugned sealing order supplied "just now".

In view of the aforesaid, the appellant has been able to show sufficient cause seeking condonation of delay. The application is allowed.

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

Put up for arguments on the appeal on **21.01.2025**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 145/2011

23.09.2024

Present : Appellant in person along with Ms. Mukta Garg and Mr. Amarjeet Singh, Advocates for the appellants.
Mr. Dharamvir Gupta, Ld. counsel for respondent.

Ld. counsel for applicant/appellant No.1 submits that applicant/appellant No.1 wish to withdraw application filed by her against appellant No.2 Dr. K.K. Goyal under section 340 Cr.PC.

Separate statement of the applicant/ appellant No.1 Smt. Kusum Jain has been recorded in this regard.

In view of the facts and circumstances, the application under section 340 Cr.PC filed by the applicant / appellant No.1 Smt. Kusum Jain is dismissed as withdrawn.

Put up for arguments on application order VI Rule 17 CPC on 23.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024(s)

A.No. 497/24

23.09.2024

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

Present : Sh. S.P. Sharma, Ld counsel for the appellant.

Ld. counsel for appellant submits that main gate of the property was sealed by the respondent on 09.09.2024 which causing great inconvenience to the appellant and request for a shorter hearing.

Accordingly, notice of the application be issued to the respondent for 01.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 J

A.No. 804/24

23.09.2024

Present :

Sh. A. K. Suri, Ld counsel for the appellant.

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

The matter was called in the morning session and thereafter it was deferred as concerned officer from the Department was not available and record was not produced.

It is now 2:45p.m. The record has been produced. It be deposited with the Registry and tagged with the file.

At this stage, Mr. Rajiv Kumar, AE Central Zone is present.

Part arguments heard but hearing could not take place as concerned AE seeks adjournment to file status report on behalf of the respondent Corporation.

Mr. Rajiv Kumar, AE, Central Zone is directed to show cause why adjournment cost be not imposed upon him.

Status report be filed with advance copy to the opposite party.

Put up for arguments on the interim application as well as on appeal on 03.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024(s)

A.No. Misc.application No.103/24 in appeal No.475/22

23.09.2024

Present : Sh.V.K. Khatri , Ld counsel for the appellant.

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

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

In view of the facts and circumstances, the application filed by the applicant is dismissed as withdrawn.

File be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. Misc.application No.103/24 in appeal No.475/22

23.09.2024

Statement of V.K. Khatri, Ld. counsel for appellant.

At Bar

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

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 810/24, 811/24 & 812/24

23.09.2024

Present : Sh. Dinesh 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.

An adjournment is sought on behalf of the respondent to file status report in the matter. Advance copy be supplied to the Ld. counsel for the appellant.

Put up for arguments on the interim application as well as on appeal on **22.10.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 752/24 & 754/24

23.09.2024

Present : Sh. G. R. Verma , Ld counsel for the appellant.
Sh. H. R. Aggarwal, Ld counsel for the respondent.

Part arguments on the point of appeal heard.

Ld. counsel submits that the demolition order in question is dated 18.04.2019. He submits that vide order dated 18.11.2024 passed in WP (C) 9126/2018 in respect of unauthorized construction of 103 plots at Madan Pur Khadar, Dairy Farm (Opposite Sarita Vihar Metro Station) Hon'ble High Court of Delhi has directed authorities concerned to conduct a joint inspection and book the unauthorized construction, if any, as per law. He submits that the booking in question is prior to that joint inspection and is in violation of the Hon'ble High Court of Delhi orders.

The status report filed today in the Court is stereotyped and does not whisper anything about the merits and the background of the case. Nothing has been commented to rebut the averments made in appeal and the report is filed merely as a formality. The Tribunal highly deprecates such kind of report where no endeavour has been made by MCD official to rebut the contentions in the appeal and to assist the Tribunal. Such kind of report is nothing but a sham and endeavour to give benefit to the appellant by not bringing the complete picture before the Tribunal.

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The Deputy Commissioner concerned is directed to file a report under his own signatures before this Tribunal on the next date of hearing. The representative from the DC Office as well as Legal Department shall also remain present on the next date of hearing to assist the Court to appreciate the controversy involved in the present matter.

Copy of this order be sent to the Commissioner, MCD as well as DC concerned.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 766/24

23.09.2024

Present : Appellant in person.
Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Pritish Sabharwal, Ld. counsel for the respondent joined through VC.

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

Ld. counsel for respondent seeks some time to file status report. Advance copy be supplied to the appellant.

Appellant seeks adjournment as his counsel is not available today.

Re-list for arguments on interim application as well as appeal on **12.11.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 J

A.No. 779/24

23.09.2024

Present : Sh. Gagan Singh, Ld counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent
alongwith Sh. Sanjay Kumar, AE(B).

Status report filed, copy supplied.

Arguments on the interim application as well as appeal
addressed by both the counsels at length heard.

Put up for orders o 27.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 J

A.No. 763/24

23.09.2024

Present : Sh. Ritu Raj Biswas, Ld counsel for the appellant
alongwith appellant in person.
Ms. Vasu Singh, Ld counsel for the respondent
alongwith Sh. Y.P. Singh, AE(B).

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

Ld. counsel for appellant on instruction submits that
they are pressing this appeal only in respect of
impugned sealing order dated 08.04.2024 and not in
respect of demolition order dated 08.04.2024 and
order dated 09.08.2024 passed by the Executive
Engineer (B-II) City SP Zone.

Part arguments on the interim application heard.

Ld. counsel for appellant seeks adjournment to cite
some case law before addressing the further
arguments.

Re-list for arguments on interim application as well as
appeal on 25.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 763/24

23.09.2024

Statement of Mukesh Kumr S/o Sh. Babu Ram Goyal,
appellant, R/o 2nd Floor, C-28, Preet Vihar, Delhi-
110092

On SA

I am the appellant in the present appeal. By way of the present appeal I am assailing the sealing order dated 08.04.2024. I am withdrawing the present appeal against the demolition order dated 08.04.2024 and also against the order dated 09.08.2024 passed by the Executive Engineer (B-II) City SP Zone. I shall file appeal against the demolition order separately.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 817/23

23.09.2024

Present : Sh. Mahesh Chand, Ld counsel for the appellant.
Ld. Proxy counsel for the respondent.

Adjournment is sought on behalf of the respondent as Ms. Bhavya Chauhan, Advocate who is the main counsel in this matter is not available due to bad health.

Accordingly, at joint request, the matter be listed on further arguments on the point of appeal on **03.10.2024.**

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 451/24
23.09.2024

Present :

Ms. Shachi Jain, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant submits that interim protection be granted to the appellant against the sealing order passed in respect of the property in question.

Ld. counsel for respondent submits that appellant has already filed a separate appeal impugning the demolition order wherein interim protection has been already granted. Ld. counsel submits that said appeal is listed on 25.10.2024.

He further submits that department will argue the interim application in both the matters together on next date of hearing and till next date of hearing without prejudice to their rights and contentions, they have No Objection in case the status quo is maintained in respect of property in question.

Accordingly, status quo be maintained in respect of the property in question for the purpose of sealing till next date of hearing.

Matter be listed for 25.10.2024 alongwith connected appeal.

Next date of hearing i.e. 14.10.2024 is cancelled.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 J

A.No. 632/24

23.09.2024

Present : Appellant in person
Ms. Renu Soni, Nodal Officer on behalf of the
respondent.

An adjournment is sought on behalf of respondent to
file status report.

Appellant submits that as the VC of the Court is not
working today, therefore, his counsel is not able to
appear and request for short adjournment.

Put up for further proceedings on 15.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 J

A.No. 557/24 & 558/24

23.09.2024

Present : Sh. N.K. Mishra, Ld counsel for the appellant
alongwith appellant in person.
Sh. Atul Tanwar, Ld counsel for the respondent
alongwith Sh. Raja Ram Meena, AE(B).

Part arguments heard from both the parties at length.
Ld. counsel for appellant seeks short adjournment to
place on record chain of title documents in respect of
the property in question.
Put up for further arguments on interim application and
appeal on 19.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 421/24

23.09.2024

Present : Sh. G.R. Verma, Ld counsel for the appellant.
Sh. Avishek Kumar, Ld counsel for the respondent.

Affidavit of Smt. Shakuntala has been filed in terms of previous order, copy supplied.

It is already 4.45 p.m. No time left.

Re-list for purpose already fixed on 18.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 755/24

23.09.2024

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

Ld. counsel for appellant seeks a short adjournment
for clarification in terms of previous order.

Put up for further proceedings on 02.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 J

A.No. 671/24

23.09.2024

Present : Sh. Manish Kumar, Ld counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent
alongwith Sh. Kushant Kumar, AE(B).
Sh. A. Maitri, Ld. counsel for intervener.

Status report is filed, copy supplied.

An application under Order VI Rule 17 CPC is filed,
copy supplied.

Put up for arguments on the application under Order
VI Rule 17 CPC on 02.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 J

A.No. 209/18 & 210/18

23.09.2024

Present : Ms. Ashu Arora, Ld counsel for the appellant alongwith appellant Mahesh Chand in appeal No.210/18 and Sh. Anil Grover, husband of appellant in appeal No.209/18.

Sh. R.K. kashyap, Ld counsel for the respondent in appeal No.210/18.

Ms. Praveen Sharma, proxy counsel for Sh.V.K. Aggarwal, Ld. counsel for respondent in appeal No.209/18.

Status is filed by Mr. Pawan Kumar, AE(B) Karol Bagh Zone. In the report it is stated that application of the appellant seeking temporary desealing was considered and allowed for a period of 15 days. The status report is silent in respect of date from which desealing for 15 days will become effective.

Ld. counsel for respondent submits that the said order is yet to be officially communicated to the appellant and they will also inform the date from which the desealing will become effective.

Letter in this regard be communicated to the appellant within three days from today and the contact details of representative of respondent be also informed for assisting in necessary formalities.

Put up for further proceedings on 18.12.2024.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 530/22

23.09.2024

Present : Sh. Sachin Kumar and Mr. Deepak Garg, Ld counsels for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the respondent.

By order dated 31.05.2023, my Ld. Predecessor dismissed the application under Section 5 of the Limitation Act. Thereafter, the Appellate Court vide order dated 30.03.2024 reversed the said order and has condoned the delay in filing the appeal and the case is remanded back to this Tribunal for examining appeal on merits.

Ms. Renu Soni, Nodal Officer on behalf of the respondent seeks sometime to take instructions from her department for appointment of a counsel in this case.

Opportunity granted.

Accordingly, put up for arguments on appeal on **09.12.2024.**

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024(s)

A.No. 145/11

23.09.2024

Statement of Smt. Kusum Jain W/o Sh. Naresh Kumar Jain R/o UP-51, Pitampura, Delhi -110088

Presently residing at UP-47, Pitampura, Delhi -110088

ON SA

I am the appellant in the above said appeal. Copy of my Aadhar Card is Ex. C-1 (OSR). I wish to withdraw my application under section 340 Cr.PC. Same may be dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 1222/15

23.09.2024

Present : Sh. Sunil Dutt, Ld counsel for the appellant.
Sh. Sanjay Sethi, Ld counsel for the respondent.

Ld. counsel for respondent informs that as per the information received from the department, the second regularization application of the appellant is also dismissed.

Arguments are addressed by both the parties at length on the point of appeal.

Put up for orders on 25.09.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 J

A.No. 327/21

23.09.2024

Present : Sh. Sanam Malhotra, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

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

It is submitted by Ld. counsel for appellant that the demolition order dated 04.07.2016 was not served upon them. He submits that appellant has filed a civil suit bearing No.1529/21 titled Sushma Rastogi Vs North DMC challenging the sealing proceedings. He submits that only during the course of the proceedings of the said suit the appellant came to know about passing of the demolition order and thereafter the present appeal has been filed on 24.09.2021.

Ld. counsel for respondent submits that the demolition order in question was served by way of affixation at the spot. He submits that the said suit was also contested by the respondent/MCD, On 07.08.2021 a status report was filed before the civil court informing about the demolition order in question. He submits that on 07.08.2021 an application under Order 7 Rule 11 CPC was moved before the civil court objecting to the jurisdiction in view of Section 347 E of the DMC Act. He submits that on 07.08.2021 the appellant become aware about passing of demolition order but

despite the same he had not availed appropriate remedy and finally the said suit was dismissed by the Civil Court vide order dated 05.10.2021.

Arguments heard. Record perused. Appellant has placed on record the additional documents. The order dated 28.07.2021 passed by the civil court (which is at page-3 para -3) record the submission of plaintiff/appellant that no demolition order or sealing order is passed in respect of property. Thereafter report dated 07.08.2021 was filed by the MCD (which is at page-283). In the status report the MCD informed about the impugned demolition order on the said date. MCD also moved an application under order 7 Rule 11 CPC taking objection against jurisdiction which was decided vide order dated 05.10.2021. It is clear from the record of the civil proceedings that the appellant become aware about the demolition order in question on 07.08.2021 and has chosen to file this appeal on 24.09.2021.

On the one hand the appellant was pressing this application under Order 6 Rule 17 CPC in the civil suit seeking amendment of the plaint in respect of demolition order and on the other hand he parallelly filed the present appeal on 24.09.2021 before passing of the order dated 05.10.2021.

Ld. counsel for appellant concedes that factum of filing the present appeal on 24.09.2021 was not informed to the civil court when the order dated 05.10.2021 was

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passed. The appellant was pursuing the same remedy before different forums and conduct of the appellant cannot be appreciated.

However, keeping in view of overall circumstances and in view of the order dated 05.08.2021 passed by the civil court with the direction to the appellant to approach this Tribunal and seek redressal of his remedy, the application u/s 5 of the Limitation Act is allowed subject to cost of Rs.20,000/- to be deposited in the registry of this Tribunal. Delay is condoned.

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

Put up for arguments on appeal on 21.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 490/23 & 831/15

23.09.2024

Present : Sh. C.M. Verma, Ld counsel for the appellant.
Sh. Ravi Ranjan, Ld counsel for the respondent joined through VC in appeal No.490/23.
Sh. H.R.Aggarwal, Ld. counsel for respondent in appeal No.831/15.

An adjournment is sought to file an affidavit in support of application seeking condonation of delay.

Opportunity granted.

Put up for filing affidavit and arguments on application seeking condonation of delay on 22.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 958/17 & 166/24

23.09.2024

Present : Sh. Pawan Sharma, Ld counsel for the appellant.
Sh. Ashutosh Gupta , Ld counsel for the respondent
(in appeal no. 166/24)
Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Prithish
Sabharwal, Ld. counsel for the respondent joined
through VC (in appeal no. 958/17).

Status report is filed by the respondent in compliance
of order dated 28.05.2024.

It is clarified by Ld. counsel for the appellant that no
regularization application is pending with the
respondent corporation and they are ready to argue
on the appeal.

Part arguments on the point of appeal addressed by
both the parties at length. Ld. counsel for the appellant
seeks short adjournment to place on record policy in
respect of the DDA flats regarding the issue in the
present case. Opportunity granted.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 153/21

23.09.2024

Present : Sh. Jahiduddin appellant No.2 in person.
Sh. Dharamvir Gupta, Ld counsel for the respondent
alongwith Sh. Bhupender Kumar, AE(B).

Status report is filed by the respondent department on
02.07.2024, copy supplied.

Appellant No.2 submits that his counsel is unavailable
due to personal exigencies.

Put up for arguments on appeal on 22.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 371/19

23.09.2024

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

None is appearing on behalf of the appellant despite various calls. It is already 2:35 p.m.

The matter is adjourned subject to cost of Rs.10,000/- upon the appellant which be deposited in the Registry. The appellant is given last opportunity for final arguments.

Re-list for final arguments on **20.11.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 768/24

23.09.2024

Present : Sh. Deepak Sain, Ld counsel for the appellant.
Sh. S.P.Saran, Ld counsel for the respondent.

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

Ld. counsel for appellant is moved an application under Order 1 Rule 10 CPC. Copy supplied.

Part arguments on interim application heard.

Ld. counsel for appellant submits that they need a short adjournment to place on record some documents in support of the appeal.

Accordingly, put up for further arguments on interim application(s) as well as appeal on 21.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 609/24

23.09.2024

Present : Sh. Raghav Saluja, Ld counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent
along with Sh. Yashwant Singh, AE(B).
Sh. Amit Chaubey, Ld. counsel for Intervener Sh.
Prem Raj.

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

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

Applications under Section 151 CPC and under Order
1 Rule 10 CPC moved on behalf of intervener Sh.
Prem Raj, copy supplied.

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

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 498/24

23.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh.Netra Pal 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 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
23.09.2024

A.No. 471/24

23.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Ayaz Ahmed, Ld counsel for the appellant.

List of documents placed on record on behalf of the Ld. counsel for 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 informs that they already filed an appeal against the sealing order which is listed on 26.09.2024.

Accordingly, put up for further proceedings on 26.09.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 582/23

23.09.2024

Present : Sh. A.K.Maitri, Ld counsel for the appellant.
Sh. Sanjay Sharma, Ld counsel for the respondent,
NDMC.

The notification regarding New Delhi Municipal Council conferring the powers to the undersigned has not yet been received and same is still awaited.

Renotify for 20.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 638/24

23.09.2024

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

Ld. counsel for appellant submits that a writ petition in respect of property in question is pending before the Hon'ble High Court of Delhi and is being listed on 26.09.2024. He seeks a short adjournment to take further instructions from the appellant before addressing the arguments in this case.

Put up for arguments on interim applications(s) as well as appeal on 15.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 760/24

23.09.2024

Present : Sh. Noor Alam Edrish, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Affidavit is filed by the appellant stating that they have filed present appeal impugning the demolition order in respect of part of first floor, part of second floor and fourth floor with terrace. The site plan of the property stated to be belonging to the appellant is filed along with affidavit.

Adjournment is sought on behalf of appellant to inspect the record before addressing arguments.

Put up for arguments on interim application(s) as well as appeal on 08.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 rk

A.No. 102/24 (M)

23.09.2024

Present : Sh.Balak Ram , Ld proxy counsel for the appellant.
Sh. S.Adil Hussain, Ld counsel for the respondent
along with Sh. Shailesh Kumar, SSA, General Branch,
Shahdara (North) Zone.

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

Put up for arguments on contempt petition on
18.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 343/24

23.09.2024

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

Adjournment is sought on behalf appellant as main
counsel Sh. Ashish Chauhan is not available today
due to personal exigency.

Put up for purpose already fixed on 27.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 80/23

23.09.2024

Present : Sh. Naman Gari, Ld. proxy counsel for the appellant.
MS. Parveen Sharma, Ld counsel for the respondent.

Adjournment is sought on behalf appellant as main counsel Sh. Ashish Chauhan is not available today due to personal exigency.

Put up for purpose already fixed on 27.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 367/15

23.09.2024

Present : Sh. Ravish Kumar Goel , Ld counsel for the appellant.
Sh. Mohit Sharma, Ld counsel for the respondent.

Part arguments heard.

It is already 4:45 PM. No time left.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 99/24

23.09.2024

Present : None for the appellant.
Sh. Naveen Kumar, Ld counsel for the respondent
joined through VC.

It is already 04.45 PM. None appeared on behalf of
appellant in the court as well as video conferencing.
No adverse order is being passed today in the interest
of justice.

Put up for arguments on interim application(s) as well
as appeal on 21.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 126/24

23.09.2024

Present : Sh. Anil Kumar & Sh. Puran Chand, Ld counsel for the appellant.

Ms. Parveen Sharma, Ld proxy counsel for the respondent along with Sh. Kuldeep Chopra, AE(B).

Part arguments heard.

Notice be issued to the then AE(B) who has booked the property in question to remain present in person on the next date of hearing.

Put up for further arguments on the point of appeal on 21.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 rk

A.No. 408/23

23.09.2024

Present : Sh. Anil Kumar & Sh. Puran Chand, Ld counsel for the appellant.
Ms. Parveen Sharma, Ld proxy counsel for the respondent along with Sh. Kuldeep Chopra, AE(B).

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

The impugned order is set aside. The matter is remanded back to the Quasi-Judicial Authority for deciding the same afresh. Interim application is also disposed off in view of said observation.

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
23.09.2024 rk

A.No. 125/24

23.09.2024

Present : None for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent.

None has appeared on behalf of appellant since morning despite various calls in the court as well as video conferencing.

It is 04:45 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
23.09.2024

A.No. 201/24

23.09.2024

Present : Sh. G.R.Verma, Ld counsel for the appellant.
Sh. Aakash Chatterjee, Ld counsel for the respondent
joined through VC.

Matter is listed for arguments for seeking condonation of delay. Despite various opportunities respondent has failed to file reply to the application.

Accordingly, right to file reply to the application for condonation of delay stands closed.

Put up for arguments on the application under Section 5 of Limitation Act on 20.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 rk

A.No. 570/23

23.09.2024

Present : Sh. Kapil Kher, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant seeks an adjournment as he has to rush Dwarka Court due to exigency.

In the interest of justice, one opportunity is granted for addressing the arguments.

Put up for arguments on the point of appeal on 21.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 206/18 & 207/18

23.09.2024

Present : Sh. V.K.Arora, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant submits that they have already filed affidavit in compliance of court direction.

Copy supplied.

Put up for final arguments on 21.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 412/23

23.09.2024

Present : Ms. N.Sehar , Ld counsel for the appellant.
Sh. Sandeep Kumar, Ld counsel for the respondent
joined through VC.

By order dated 05.04.2024, cost of Rs.3000/- was imposed upon the appellant but cost is not deposited. Once again appellant has sought adjournment as main counsel Sh. S.D.Ansari is not available today. The court deprecates the conduct of the appellant in seeking repeated adjournments despite imposition of cost.

Appellant is given last and final opportunity to address the arguments subject to further cost of Rs.20,000/- to be deposited in the Registry of this Tribunal.

Put up for arguments on the point of appeal on 21.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 rk

A.No. 739/18

23.09.2024

Present : Sh. Dinesh Sharma, Ld counsel for the appellant.
Sh. H.R.Aggarwal, Ld counsel for the respondent.

Ld. counsel for appellant submits that erstwhile Principal of college Sh. Pawan Sharma has retired and Managing Committee of the Institute is yet to decide authorized representative in the matter. He seeks a short adjournment to place on record authority letter in favour of authorized representative as well as seeking instruction from the appellant to argue the matter.

Opportunity granted.

Put up for 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
23.09.2024 rk

A.No. 404/21

23.09.2024

Present : Sh. Rajan Choudhary, Ld counsel for the appellant.
Sh. R.K.Kashyap, Ld counsel for the respondent.

By order dated 07.08.2023, A.O. concerned was directed to remain present in person to tender clarifications. The officer is not present today.

Concerned AO is directed to remain present in person in the court on the next date of hearing for tendering clarifications in terms of previous order.

Put up for arguments on the pending interim applications and on the point of appeal on 19.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 rk

A.No. 393/21

23.09.2024

Present : Sh. Rajan Choudhary, Ld counsel for the appellant.
Sh. A.L.Agnihotri, Ld counsel for the respondent.

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

Concerned AO is directed to remain present in person in the court on the next date of hearing for tendering clarifications in terms of previous order.

Put up for arguments on the pending interim applications and on the point of appeal on 19.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 rk

A.No. 143/21

23.09.2024

Present : Sh. Ankit Chaudhary, Ld proxy counsel for the
appellant along with appellant.
Ms. Vasu Singh, Ld counsel for the respondent.
None for intervener.

Adjournment is sought on behalf of appellant as main
counsel Mr. Aman Sharma is not available today due
to personal exigency.

In the first call intervener had appeared but none is
present in the court as well on video conferencing on
behalf of intervener.

Put up for further arguments on the interim
applications as well as appeal on 24.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 rk

A.No. 462/21

23.09.2024

Present : Sh. Ajay, Ld. proxy counsel for the appellant along with appellant.
Sh. Sanjay Sethi, Ld counsel for the respondent.
Sh. S.B.Sharma, Ld. counsel for the intervener.

Adjournment is sought on behalf of appellant as main counsel Sh. Avishek Kumar is not available today due to health issues.

In the interest of justice, one opportunity is granted.

Put up for the purpose already fixed on 22.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024

A.No. 164/23

23.09.2024

Present : None for the appellant.
Sh. Ravi Ranjan, Ld counsel for the respondent joined through VC.
Sh. Sandeep Koli, Ld. proxy counsel for the intervener.

None appeared on behalf of appellant in the court as well as on video conferencing.

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

Put up for the purpose already fixed on 27.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 rk

A.No. 390/19

23.09.2024

Present : Sh. Vicky Kumar, Ld counsel for the appellant.
Sh. R.K.Kashyap, Ld counsel for the respondent.

Part arguments heard.

Ld. counsel for appellant is placed on record letter dated 23.09.2024 issued by TPDDL.

On the other hand Ld. counsel for respondent informs that the verification report from TPDDL is still awaited.

Notice be issued to concerned AE(B) to appear in person in the court on 24.09.2024.

Put up for arguments on the point of appeal on 24.09.2024.

Copy of order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 rk

A.No. 787/23 & 788/23

23.09.2024

Present : Sh. Satender Kumar, Ld counsel for the appellant.
Ms. Parveen Sharma, Ld counsel for the respondent.

Arguments on application under Section 5 of Limitation Act heard.

Ld. counsel for appellant submits that appellant came to know about the demolition order in the present case during the proceedings before the Hon'ble Delhi High Court in WP (C) 5073/2020. He submits that vide order dated 03.11.2023 Hon'ble Delhi High Court directed to MCD to supply appellant demolition order as well as sealing order. He submits that in compliance of the said direction demolition order and sealing order were supplied to appellant vide letter dated 09.11.2023 which was received on 13.11.2023. Ld. counsel for appellant submits that they were under the impression that appeal needs to be filed within 30 days as per Section 347 of DMC Act, 1957 and before filing the present appeal they have withdrawn earlier appeal wherein the rejection of regularization has been challenged. He submits that appellant after coming to know about the demolition order, has taken appropriate steps and request for condoning the delay in filing the appeal.

On the other hand, it is submitted by the respondent that appellant has failed to tender any reasonable cause in respect delay caused after receipt of the orders. She submits that withdrawal of appeal against

cancellation of regularization application cannot tantamount to reasonable cause for condoning delay and opposes the application.

I have heard the arguments and perused the record. It is admitted position of record that demolition order and sealing order have been supplied to appellant pursuant to the direction issued by the Hon'ble Delhi High Court vide order dated 03.11.2023. The said orders are stated to have been received by the appellant on 13.11.2023. Appellant in his application has clarified that they were under the impression that appeal can be filed within 30 days and took steps to withdraw pending appeal against cancellation of regularization. Appellant is impugning the demolition order and has raised 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 for seeking condonation of delay is allowed and delay is condoned.

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.

Put up for arguments on the point of appeal on 27.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
23.09.2024 rk