

A.No. 471/24

26.09.2024

Present : Sh. Ayaz Ahmad, Ld counsel for the appellant.  
Sh. S. Adil Hussain, Ld counsel for the respondent.

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

Status report is filed, copy supplied.

Put up for arguments on interim application as well as  
appeal on 07.11.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 713/24

26.09.2024

Present : Sh. Ayaz Ahmad, Ld counsel for the appellant.  
Sh. S. Adil Hussain, Ld counsel for the respondent.

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

Status report is filed, copy supplied.

List of documents has been filed by the appellant, copy supplied.

Put up for arguments on interim application as well as appeal on 07.11.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 599/24

26.09.2024

Present : Sh. Nitin Vats, Ld counsel for the appellant.  
Sh. Sandeep Kumar, Ld counsel for the respondent  
alongwith Sh. P.K. Jindal, AE(B).

Status report filed, copy supplied.

Ld. counsel for appellant appeared before the Court. He initially submits that he wants to withdraw the present appeal, then he submits that he will argue the interim application and thereafter he submits that he wants to amend the present appeal and seeks an adjournment.

The Court deprecate such practice of wasting the judicial time of the court. Accordingly the matter is adjourned subject to cost of Rs.5,000/- to be deposited with the Registry of this Tribunal.

Put up for arguments on interim application as well as appeal on 27.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 J

A.No. 627/24, 628/24 & 629/24

26.09.2024

Present : Sh. Rajeev proxy counsel for the appellant.  
Ms. Mehak Arora, Ld counsel for the respondent.  
Fresh Vakalatnama filed, same is taken on record.

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

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

Put up for arguments on interim application and  
appeal on 17.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 647/24

26.09.2024

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

Notice to respondent No.2 is not received back.  
Fresh Notice be issued to respondent No.2.  
Dasti be also provided to the appellant for effecting the  
service upon respondent No.2.  
Put up for further proceedings on 11.11.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 792/23, 794/23, 795/23 & 796/23

26.09.2024

Present : Sh. Ashish Rolania proxy counsel for the appellant  
joined through VC.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as  
main counsel is not available today due to death of a  
relative.

One last and final opportunity is granted to the  
appellant to address the arguments on interim  
application and appeal failing which the court shall be  
constrained to vacate the interim order.

Put up for arguments on interim application as well as  
appeal on 24.10.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 J

A.No. 797/23 & 798/23

26.09.2024

Present : Sh. Ashish Rolania proxy counsel for the appellant  
joined through VC.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main counsel is not available today due to death of a relative.

One last and final opportunity is granted to the appellant to address the arguments on interim application and appeal failing which the court shall be constrained to vacate the interim order.

Put up for arguments on interim application as well as appeal on 24.10.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 212/21

26.09.2024

Present : Sh. Vikrant Pachnanda, Ld counsel for the appellant.  
Sh. S. Adil Hussain, Ld counsel for the respondent.

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

Ld. counsel for appellant submits that they need some time to place on record the medical documents of the husband of the appellant for the year 2018 and 2019 and seeks short adjournment.

Accordingly, put up for further arguments on application u/s 5 of the Limitation Act on 03.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024



A.No. 540/23 & 541/23

26.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Sanjeet Malik, Ld counsel for the respondent in appeal No.540/23.  
Sh. Pankaj Sharma, Ld. counsel for respondent in appeal No.541/23.  
Sh. Vipin Gosain, AE(B-I), Civil Lines Zone.

Status report is filed by the respondent department informing that the regularization application moved by the appellant has been rejected due to non compliance of the Invalid Notice.

Ld. counsel for appellant submits that they have submitted all the documents in reply to the Invalid Notice which is recorded in parawise report but still their application has been rejected arbitrarily.

Clarification are sought from Mr. Vipin Gosain, AE(B) who is given the following statement in the Court today:

“As per the regularization policy of DDA in respect of addition & alteration in DDA flats there is no procedure of personal hearing to be given to applicant. Clarification are sought by serving Invalid Notice. In case anything remains un-clarified despite receipt of reply of the applicant to the Invalid notice the department does not seek any

clarification and reject the application on the basis of the available documents submitted by the appellant and record of the department.”

Clarifications are required in respect of process which is adopted by the officials/officers of the respondent department while dealing with regularization application.

Accordingly, the Commissioner, MCD is directed to depute a senior officer of Legal Department to appear in person and assist this Tribunal.

The Dy. Commissioner, concerned is also directed to appear in person on the next date of hearing to assist the Tribunal in this regard.

Put up for arguments on aforesaid clarification, interim application as well as appeal on 15.10.2024 at 3.00 p.m.

Copy of this order be sent to Commissioner, MCD as well as Dy. Commissioner concerned for necessary compliance.

Copy of this also be also given dasti.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 540/23 & 541/23

26.09.2024

Statement of Sh. Vipin Gosain, AE(B-I), Civil Lines  
Zone, MCD

As per the regularization policy of DDA in respect of addition & alteration in DDA flats there is no procedure of personal hearing to be given to applicant. Clarification are sought by serving Invalid Notice. In case anything remains un-clarified despite receipt of reply of the applicant to the Invalid notice the department does not seek any clarification and reject the application on the basis of the available documents submitted by the appellant and record of the department.

RO&AC

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 329/23

26.09.2024

Present :

Sh. Abhishek Tiwari, Ld counsel for the appellant joined through VC.

Appellants Ms. Pooja Kumar and Sh. Pushpinder Kumar joined through VC.

Sh. V.K. Aggarwal proxy counsel for Ms. Praveen Sharma, Ld counsel for the respondent.

Prince Asad, proxy counsel for intervener.

Sh. Abhishek Tiwari seeks discharge in the present appeal as appellant has engaged new counsel.

Appellants do not oppose the said request.

Accordingly, Sh. Abhishek Tiwari is discharged.

Fresh Vakalatnama filed by counsel Sh. Arjit Benjamin, on behalf of the appellant.

Status report is filed on behalf of respondent department alongwith standard plan of the flats in question. Copy be supplied to the appellant.

Ld. counsel for appellant seeks some time to inspect the record as he has been recently engaged.

Re-list for arguments on application under Order 1 Rule 10 CPC, interim application as well as appeal on 13.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 J

A.No. 400/24

26.09.2024

Present : Sh. Rahul Dagar, Ld counsel for the appellant.  
Ms. Renu Soni, Nodal Officer on behalf of the  
respondent alongwith Sh. Harjit Singh, AE(B).

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

Status report filed, copy supplied.

Ld. counsel for respondent Sh. Avishek Kumar is not  
available today.

Put up for arguments on interim application as well as  
appeal on 12.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 303/20

26.09.2024

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

Vide order dated 24.05.2024 Ld. predecessor of this Court had directed the AE(B) to carry out the inspection of the third floor to ascertain the compoundable and non-compoundable deviations. Pursuant to that a report dated 10.07.2024 has been filed by Sh. Rajeev Jain AE(B), Karol Bagh Zone. Some clarification are required from the AE(B) Sh. Rajeev Jain. He is directed appear before this court alongwith EE(B) on 27.09.2024.

An application under order 1 Rule 10 CPC has been filed on behalf of intervener Mr. Atul. Copy supplied to the appellant.

Put up for appearance of EE(B) and AE(B) and for reply and arguments on an application under Order 1 Rule 10 CPC on 27.09.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 J

A.No. 151/24

26.09.2024

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

Vide order dated 24.05.2024 Ld. predecessor of this Court had directed the AE(B) to carry out the inspection of the third floor to ascertain the compoundable and non-compoundable deviations. Pursuant to that a report dated 10.07.2024 has been filed by Sh. Rajeev Jain AE(B), Karol Bagh Zone. Some clarification are required from the AE(B) Sh. Rajeev Jain. He is directed appear before this court alongwith EE(B) on 27.09.2024.

Put up for appearance of EE(B) and AE(B) on 27.09.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 961/15 & 962/15

26.09.2024

Present : Sh. Sidharth Swaropp & Nihal Ahmad, Ld counsel for  
the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent.

Status report is filed by the respondent department in  
terms of previous order, copy supplied.

Put up for purpose already fixed on 14.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024



A.No. 984/15 & 342/16

26.09.2024

Present : Sh. Sidharth Swaropp & Nihal Ahmad, Ld counsel for  
the appellant.  
Sh. Mohit Sharma, Ld counsel for the respondent.

Status report in terms of previous order has not been  
filed by the respondent.

Ld. counsel for respondent seeks time to file the status  
report.

Put up for purpose already fixed on 14.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 344/16

26.09.2024

Present : Sh. Amit Shukla, Ld counsel for the appellant joined through VC alongwith Sh. Amit Kumar and Sh. Ashish Verma, present in the Court.  
Ms. Renu Soni, Nodal Officer on behalf of the respondent.

Ld. counsel for appellant submits that appellant's company wants to withdraw the present appeal and seeks short adjournment.

At request, put up on 27.09.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 466/23

26.09.2024

Present : None for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An application seeking condonation of delay is pending.

Ld. counsel for respondent seeks short adjournment to file reply of the application. Advance copy of reply be supplied to the appellant.

Ld. counsel for respondent also submits that interim protection was granted in main matter bearing appeal No.670A/23 and the interim orders are continued on the basis of that in other cases also.

Accordingly, interim order to continue till next date of hearing.

Put up for arguments on an application seeking condonation of delay on 18.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 J

A.No. 695/23, 696/23 & 698/23

26.09.2024

Present : Sh. Ravinder Singh, Ld counsel for the appellant  
joined through VC.  
Ms. Bhavya Chauhan, Ld counsel for the respondent  
in appeal No.695/23.  
Sh. Ashutosh Gupta, Ld. counsel for respondent in  
appeal No.696/23.  
Sh. Anubhav Gupta, Ld. counsel for respondent in  
appealNo.698/23.  
Sh. Amarjit Singh, AE(B).

Part arguments on interim application heard.

Put up for further arguments on interim application as  
well as appeal on 18.12.2024.

AE(B) who have booked the property and the  
incumbent AE(B) are directed to remain present in  
person on next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 J

A.No. 273/21

26.09.2024

Present :

Ms. Sunita Choudhary, Ld counsel for the appellant.

Sh. Ranjit Pandey, Ld counsel for the respondent.

An application u/s 151 CPC is moved to place on record copy of order u/s 343 of the DMC Act dated 20.01.2023.

Ld. counsel for respondent does not oppose the application as the appellant is seeking permission to place on record the record pertaining to the respondent only. Application is allowed.

Arguments are addressed by both the parties at length.

Ld. counsel for appellant seeks short adjournment to move an application seeking amendment of the appeal as they want to impugn the order dated 20.01.2023.

Ld. counsel for respondent submits that he requires the assistance from the then AE(B) Sh. Anil Kumar who has passed the order dated 20.01.2023.

Notice be issued to Mr. Anil Kumar, AE(B) to appear before the court in person alongwith relevant record on next date of hearing.

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

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 J

A.No. 697/22

26.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.  
Sh. Sumit Gaba, Ld. counsel for intervener alongwith  
intervener in person.

Arguments on maintainability of the application under order 1 Rule 10 CPC heard.

Ld. counsel for intervener submits that he is neither the owner of the property in question nor occupier and has filed this application in the capacity of public spirited person.

In these 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 applicant 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.

Part arguments on the point of appeal addressed at length by the Ld. counsel for appellant as well as respondent.

Ld. counsel for appellant seeks short adjournment to tender clarification in respect of the documents placed on record by him.

Re-list for further arguments in the matter on 07.10.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 632/16

26.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments heard.

It is already 4.25 p.m. No time left.

Put up for further arguments on 13.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024



A.No. 172/23

26.09.2024

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

Part arguments heard.

It is already 4.25 p.m. No time left.

Put up for further arguments on 13.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 389/20

26.09.2024

Present : Sh. ,Dalip Rastogi, Ld counsel for the appellant.  
Sh. Pritish Sabharwal, Ld counsel for the respondent  
joined through VC alongwith Sh. Sanjeet Kumar,  
Advocate present in the court.

Status report is filed on behalf of the respondent, copy  
supplied.

Re-list for arguments on the application seeking  
condonation of delay as well as appeal on 13.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 411/20

26.09.2024

Present : Sh. ,Dalip Rastogi, Ld counsel for the appellant.  
Sh. Pritish Sabharwal, Ld counsel for the respondent  
joined through VC alongwith Sh. Sanjeet Kumar,  
Advocate present in the court.

Status report is filed on behalf of the respondent, copy  
supplied.

Re-list for arguments on the application seeking  
condonation of delay as well as appeal on 13.01.2025.  
Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No.180/23

26.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments on application seeking condonation of delay heard.

Ld. counsel for appellant seeks short adjournment to file a detailed affidavit in support of the application for condonation of delay giving time lines of the event due to which they were constrained not to file the appeal in time.

Re-list for arguments on the application seeking condonation of delay on 12.12.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 J

A.No.181/23

26.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments on application seeking condonation of delay heard.

Ld. counsel for appellant seeks short adjournment to file a detailed affidavit in support of the application for condonation of delay giving time lines of the event due to which they were constrained not to file the appeal in time.

Re-list for arguments on the application seeking condonation of delay on 12.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 J

A.No. 837/24

26.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Om 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 18.10.2024.

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

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 835/24

26.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Ankit Hooda & Sh. Mohit Rathee, Ld counsel for the appellant along with 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 Hon'ble High Court of Delhi in WP (C) No.12735/2024 dated 18.09.2024 has passed the following directions:

“7. The Court, therefore, allows the petitioner to withdraw the instant writ petition with liberty so prayed for.

8. The order passed by this Court dated 11.09.2024 had restrained the respondents from taking any coercive steps with respect to the property in question.

9. In view of the aforesaid, let the petitioner to file an appeal before the AT-MCD within seven days. Upon such appeal being filed, till the prayer for interim relief is considered by the AT-MCD, the order dated 11.09.2024, which restrained the respondents from taking any coercive steps, shall remain in force.”

Accordingly, in compliance of directions issued by the Hon'ble High Court of Delhi, status quo be maintained in respect of the property in question and no further coercive action be taken against the subject property till the interim application seeking stay is decided by this Tribunal.

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(s) as well as on the point of appeal on 15.10.2024.

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

Copy of order be given dasti.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 rk



A.No. 803/24

26.09.2024

Present : Sh. K.P.Singh & Sh. Vikrant , Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report filed. Copy supplied

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

Part arguments on the interim application heard.

During the course of arguments it is pointed out by Ld. counsel for the respondent that the present appeal emanates from Writ Petition bearing no. 11284/2022 titled as *Brigadier Raj Singh Solanki V. MCD* which is pending before the Hon'ble High Court of Delhi and listed for hearing on 26.10.2024. He submits that the appellant / plaintiff is impugning the order in question on the ground of non-service of notice. He submits that he has been informed that some of the appellants were appearing before the Hon'ble High Court of Delhi in the said matter and were aware about the proceedings and he needs to cross check his record in that regard. He submits that in case appellants were appearing before the Hon'ble High Court of Delhi and are aware about the impugned orders, then the question of limitation also needs to be looked into.

On the other hand, Ld. counsel for appellants submits that he needs to take instructions from his client to clarify the position in this regard.

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The appellants are directed to file an affidavit apprising the position in that regard before this Tribunal on the next date of hearing, with direction to supply advance copy to the opposite party.

Put up for further arguments on interim application as well as on the point of appeal on **21.10.2024 at 3:00 p.m.**

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 785/24 & 786/24

26.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Ashutosh Gupta , Ld counsel for the respondent.

Status report filed. Copy supplied

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

Part arguments on the interim application heard.

During the course of arguments, it is pointed out by Ld. counsel for the respondent that the present appeal emanates from Writ Petition bearing no. 11284/2022 titled as *Brigadier Raj Singh Solanki V. MCD* which is pending before the Hon'ble High Court of Delhi and listed for hearing on 26.10.2024. He submits that the appellant /plaintiff is impugning the order in question on the ground of non-service of notice. He submits that he has been informed that some of the appellants were appearing before the Hon'ble High Court of Delhi in the said matter and were aware about the proceedings and he needs to cross check his record in that regard. He submits that in case appellants were appearing before the Hon'ble High Court of Delhi and are aware about the impugned orders, then the question of limitation also needs to be looked into.

On the other hand, Ld. counsel for appellants submits that he needs to take instructions from his client to clarify the position in this regard.

The appellants are directed to file an affidavit apprising the position in that regard before this

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Tribunal on the next date of hearing, with direction to supply advance copy to the opposite party.

Put up for further arguments on interim application as well as on the point of appeal on **21.10.2024 at 3:00 p.m.**

Interim order to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 727/24

26.09.2024

Present : Sh. V.P.Singh, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, 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.

Arguments on interim application under Section 347C (3) of DMC Act are addressed at length by both the parties.

Put up for orders on 27.09.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 783/13

26.09.2024

Present : Sh. Rajan Babjaj , Ld counsel for the appellant.  
Ms. Akansha Anand, Ld counsel for the respondent.

Appellant is filed an affidavit informing that they have deposited all the relevant charges with the MCD.

Ld. counsel for respondent seeks some time to verify the details.

Put up for further proceedings on 29.10.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 735/24

26.09.2024

Present : Sh. Inderjeet Singh & Sh. Dhruv Aggarwal, Ld counsel for the appellant.  
Sh. Atul Tanwar , Ld counsel for the respondent along with Sh. Vimal Narayan, AE(B), Sh. Dwarka, JE(B) & Sh. Shishir, JE(B).

Status report filed. Copy supplied

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

Part arguments on the interim application heard.

During the course of arguments it is pointed out by Ld. counsel for the respondent that the present appeal emanates from Writ Petition bearing no. 11284/2022 titled as *Brigadier Raj Singh Solanki V. MCD* which is pending before the Hon'ble High Court of Delhi and listed for hearing on 26.10.2024. He submits that the appellant /plaintiff is impugning the order in question on the ground of non-service of notice. He submits that he has been informed that some of the appellants were appearing before the Hon'ble High Court of Delhi in the said matter and were aware about the proceedings and he needs to cross check his record in that regard. He submits that in case appellants were appearing before the Hon'ble High Court of Delhi and are aware about the impugned orders, then the question of limitation also needs to be looked into.

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On the other hand, Ld. counsel for appellants submits that he needs to take instructions from his client to clarify the position in this regard. The appellants are directed to file an affidavit appraising the position in that regard before this Tribunal on the next date of hearing with direction to supply advance copy to the opposite party.

Put up for further arguments on interim application as well as on the point of appeal on **21.10.2024 at 3:00 p.m.**

Interim order to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024



A.No. 13/15 & 14/15

26.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Dharamvir Gupta , Ld counsel for the respondent  
along with Sh. R.K.Meena, AE(B).

Status report dated 08.09.2022 is placed on record by  
Ld. counsel for appellant.

Part arguments heard.

Clarifications have been sought from Sh. R.K.Meena,  
AE(B) regarding bookings which have been done in  
respect of other portions of the property in question  
and reliefs, if any, which have been granted to them.  
Mr. R.K.Meena has failed to assist the Tribunal and  
answer the clarifications sought.

In this circumstances, EE(B) is directed to remain  
present in person on the next date of hearing to assist  
the Tribunal.

Put up for further arguments on 04.10.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 rk

A.No. 281/18 & 100/17

26.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. V.K.Aggarwal, Ld counsel for the respondent in  
appeal no.281/18.  
Sh. H.R.Aggarwal, Ld counsel for the respondent in  
appeal no.100/17.

Status report is filed on behalf of respondent informing  
that they are in process of seeking clarification from  
Layout Scrutiny Committee (LOSC).

Ld. counsel for respondent seeks sometime to place  
on record further report as and when the clarifications  
are received.

Put up for further proceedings on 14.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 rk

A.No. 670A/23

26.09.2024

Present : Sh.Shobhit Sharma , Ld counsel for the appellant joined through VC and Sh. Aman Kant Mishra, Advocate present in the court.  
Sh. Pritiesh Sabbharwal, Ld counsel for the respondent joined through VC and Sh. Sanjeet Kumar, Advocate present in the court along with Sh. Amarjeet Singh, AE(B) –I, South Zone.

The matter is listed today for appearance of concerned Deputy Commissioner. Exemption application is filed.

In view of the reasons mentioned in the application, the exemption application is allowed.

Perusal of record shows that an application under Order VI Rule 17 CPC is pending.

Ld. counsel for respondent seeks some time to file its reply. Advance copy be supplied to opposite party.

Opportunity granted.

Ld. counsel for respondent submits that the interim protection has already been granted in this matter and due to direction for appearance of concerned Deputy Commissioner, matter is getting delayed. He requests to proceed further with the matter and concerned Deputy Commissioner shall appear and assist the Court as and when required.

Accordingly, put up for arguments on application under Order VI Rule 17 CPC on 18.12.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 rk

A.No. 664/23

26.09.2024

Present : Ms. Divyani Sehgal , proxy counsel for the appellant.  
Sh. Ranjit Pandey, Ld counsel for the respondent.

Ld. counsel for respondent submits that they have already filed their status report in the matter.

Ld. counsel for appellant seeks some time to inspect the record.

Put up for arguments on the application seeking condonation of delay, other interim applications as well as appeal on 06.12.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 293/20

26.09.2024

Present : Sh. Brajesh Dwivedi , proxy counsel for the appellant along with appellant.  
Ms. Vasu Singh, Ld counsel for the respondent no. 1 & 2 joined through VC.  
Ms. Sayantani Basak, Ld. counsel for the respondent no.3 & 4 joined through VC.

An adjournment is sought on behalf of appellant as main counsel is unavailable today.

Ld. counsel for respondent seeks some time to place on record the detail status report apprising about the proceedings before the MCD as well as the status of the case pending before the Hon'ble High Court of Delhi.

Accordingly, put up for further proceedings on 23.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 660/23

26.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments on the point of appeal are addressed by both the Ld. counsels at length.

The issue involved in the present case revolves around the guidelines for floorwise sanction / regularization dated 28.06.2022.

In appeal no. 743/22 clarifications in respect of said guidelines have also been sought and the officer from the Law Department, MCD is requested to assist the court.

Accordingly, matter is listed with the appeal no 743/22 on 27.09.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024 rk

A.No. 395/20

26.09.2024

Present : Sh. Shashwat Kumar, Ld counsel for the appellant.  
Sh. Mohit Sharma, Ld counsel for the respondent.  
Sh. S.B.Pandey & Sh. Mahavir Singh, Advocate Ld.  
counsel for the Intervener for Sh. Dharambir Arora.

Arguments on application under Order 1 Rule 10 CPC heard.

Ld. counsel for intervener concedes that they are the owner or occupier of property in question and residing at ground floor in the building.

Arguments on maintainability of the application under order 1 Rule 10 CPC heard. 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 applicant 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

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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 22.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024



A.No. 539/23

26.09.2024

Present : Sh. Md. Wasim, Ld counsel for the appellant.  
Sh. V.K.Aggarwal, Ld counsel for the respondent.  
Sh. A.K.Sharma, Ld. counsel for the intervener.

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

Copy of written submissions dated 24.05.2024 were  
filed on behalf of intervener in respect of application  
under Order 1 Rule 10 CPC. Copy be supplied to the  
appellant.

Put up for further arguments on application under  
Order 1 Rule 10 CPC of Limitation Act on 27.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

A.No. 638/17

26.09.2024

Present : Sh. Dalip Rastogi , Ld counsel for the appellant.  
Sh. Sanjiv Kumar , Ld counsel for the respondent.

Part arguments heard.

Ld. counsel for respondent submits that he is not feeling well today and seeks a short adjournment.

Put up for further arguments on the point of appeal on 14.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024

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

26.09.2024

Present : Sh. Prashant Diwan, Ld counsel for the appellant.  
Sh. V.K.Aggarwal, Ld. counsel for the respondent in appeal nos. 737/24, 738/24 & 740/24.  
Sh. Atul Tanwar, Ld counsel for the respondent in appeal nos.736/24, 739/24, 741/24 & 724/24 along with Sh. Vimal Narayan, AE(B), Sh. Dwarka, JE(B) & Sh. Shishir, JE(B).

Status report filed. Copy supplied

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

Part arguments on the interim application heard.

During the course of arguments it is pointed out by Ld. counsel for the respondent that the present appeal emanates from Writ Petition bearing no. 11284/2022 titled as *Brigadier Raj Singh Solanki V. MCD* which is pending before the Hon'ble High Court of Delhi and listed for hearing on 26.10.2024. He submits that the appellant /plaintiff is impugning the order in question on the ground of non-service of notice. He submits that he has been informed that some of the appellants were appearing before the Hon'ble High Court of Delhi in the said matter and were aware about the proceedings and he needs to cross check his record in that regard. He submits that in case appellants were appearing before the Hon'ble High Court of Delhi and are aware about the impugned orders, then the question of limitation also needs to be looked into.

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On the other hand, Ld. counsel for appellants submits that he needs to take instructions from his client to clarify the position in this regard.

The appellants are directed to file an affidavit apprising the position in that regard before this Tribunal on the next date of hearing, with direction to supply advance copy to the opposite party.

Put up for further arguments on interim application as well as on the point of appeal on **21.10.2024 at 3:00 p.m.**

Interim order to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
26.09.2024