

A.No.515/23

27.09.2024

Present : Sh. Ajay Brahme, Ld counsel for the appellant.
Sh. Akhil Mittal, Ld counsel for the respondent.

The matter is listed today for orders on application under Section 5 of the Limitation Act. The appellant has taken a ground that initially they challenged the impugned order before the Hon'ble High Court of Delhi and, thereafter, the appeal before the present Tribunal was filed.

In order to ascertain the knowledge of the appellant in respect of the impugned orders, it will be necessary to look into the status report which was filed by the respondent department in the said Writ Petition.

Accordingly, the respondent is directed to place on record the status report which was filed in the said Writ Petition.

Put up for further arguments on application seeking condonation of delay on **19.12.2024** with connected matter.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 790/24

27.09.2024

Present : Sh. Sahil Garg and Sh. Mithil Malhotra, Ld counsels
for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

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

It is submitted by Ld. counsel for the respondent that
in order to have a complete picture of the affairs in the
present case, it will be relevant to look into the record
of the previous round of appeal bearing no. 268/2024
which was dismissed as withdrawn on 06.05.2024.

I find merits in the submissions of Ld. counsel for the
respondent.

Ld. counsel for appellant seeks a short date as they
are apprehending coercive action.

The Registrar is directed to place the record before
the Tribunal on the next date of hearing.

Re-list for further arguments on condonation of delay,
interim application as well as on appeal on
03.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 792/24

27.09.2024

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

Part arguments on interim application heard.

Some clarification are required from AE(B) who has passed the impugned order dated 07.08.2024.

The concerned official is directed to appear in person on next date of hearing.

Re-list for further arguments on interim application on 08.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024 J

A.No. 816/24

27.09.2024

Present :

Sh. Braj Bhushan Lal, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for 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.

Arguments on the interim application heard. When the Tribunal reserved its order, Ld. counsel for appellant submits that they want to address some further arguments in the matter.

The Tribunal has already heard the arguments at length from both the parties, the Tribunal does not appreciate the conduct and deprecate such practice.

During the course of arguments a copy of sale deed dated 31.10.2008, which is part of the chain of title documents, is placed on record.

Re-list for further arguments on the interim application and appeal on 13.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024 J

A.No. 744/24 & 745/24

27.09.2024

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

File is taken up today on an application u/s 151 CPC moved on behalf of the appellant.

Sh. Ashutosh Gupta, Ld. counsel for respondent accept the notice of the application.

Ld. counsel for appellant seeks short adjournment and place on record the order passed by the Hon'ble High Court of Delhi in the matter. He submits that the order is yet to be up-loaded on the website of the Hon'ble High Court of Delhi.

Accordingly, at request re-list on **30.09.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024 J

A.No. 695/24

27.09.2024

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

Status report filed by the respondent department, copy supplied.

Part arguments on interim application heard.

Appellant is relying upon the electricity bill and mutation certificate which are at page No.243 and 251 of the appeal.

Ld. counsel for respondent seeks short adjournment to verify the said record and produce before the Tribunal the site plan of the property in question filed alongwith the mutation /house tax at the time of registration by the appellant with the respondent department.

Ld. counsel for appellant also submits that he will take instruction to check whether any site plan was got registered with the Sale Deed or not and to produce the same before the Tribunal.

Put up for further arguments on interim application as well as appeal on 08.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024 J

A.No. 595/24 & 596/24

27.09.2024

Present : Sh. Prateek Jain, Ld counsel for the appellant joined through VC.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

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

An adjournment is sought as main counsel Sh. Prateek Jain is not available today.

In the interest of justice, put up for addressing the arguments on interim application as well as appeal on 25.11.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 780/24

27.09.2024

Present :

Sh. Jagdish Sethi, Ld counsel for the appellant.

Sh. Ashutosh Gupta, 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.

Part arguments heard.

Ld. counsel for appellant submits that MCD has already demolished the deviations in the property in question but the sealing order is silent in that regard. He submits that all the deviations have already demolished, no purpose would be served by sealing the premises.

Ld. counsel for respondent seeks a short adjournment to take instructions in respect of submissions made by the Ld. counsel for appellant and file a status report in respect of deviations which are booked, demolished and still exists.

For the purpose of inspection, the respondent will be having a liberty to temporarily deseal the property in question for the purpose of carrying out the inspection and reseal the same after inspection.

At joint request of both the parties matter is re-list for filing status report on 04.10.2024 at 3.00 p.m.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024 J

A.No. 344/16

27.09.2024

Statement of Amit Shuka, Ld. counsel for appellant company.

At Bar

I am the counsel for appellant company in the present appeal. I have instructions to withdraw the present appeal vide email dated 25.09.2024 by the AR of the appellant company Sh. Tara Chand Sagar. The present appeal may be dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 344/16

27.09.2024

Present : Sh. Amit Shukla, Ld counsel for the appellant.
Sh. Mohit Sharma, Ld counsel for the respondent.

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

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

In view of the facts and circumstances, the appeal filed by the appellant's company 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
27.09.2024

A.No. 778/24

27.09.2024

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

Status report filed. Copy supplied.

Part arguments addressed by both the parties.

Ld. counsel for the appellant submits that in order to remove non-compoundable deviations, they have already demolished major portion of the property on their own. He submits that they apprehend removal of electricity connection at the instance of the Municipal Corporation. He states that in case coercive action is taken, they will not be able to carry further demolition exercise upon removal of electricity connection.

Ld. counsel for respondent assures that till the time the interim application in the present case is decided, they will not take any coercive action in respect of removal of electricity meter.

Clarifications are required in respect of inspection of the subject property which is stated in the impugned order dated 20.08.2024. The AE (B) concerned is directed to remain present on the next date of hearing to clarify the steps in that regard.

Put up for further arguments on 08.11.2024.

Copy of this order given dasti as prayed for.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024(s)

A.No. 434/24

27.09.2024

Present : Sh. H.S. Kohli, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent/
DDA.

Ld. counsel for respondent seeks a pass over to produce
the record in the present matter.

At request, matter is listed at 3.30 p.m.

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

At 4:00 p.m.

Present : Appellant in person.
Sh. H.S. Kohli, Ld counsel for the appellant joined
through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent/
DDA.

Mr. Ashutosh Gupta, Ld. counsel for respondent submits
that he has tried to contact with the concerned officer in
DDA but he is unable to get any positive response. He
submits that he is recently empanelled on the panel of
the DDA and requests that he may be given last
opportunity to file status report and produce the record.

Ld. counsel for the appellant strongly opposes the
requests.

It is clarified that in case on the next date of hearing
status report and the record is not produced, the Court
shall be constrained to decide the case on merits.

Put up for arguments on the point of appeal on
03.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 372/24

27.09.2024

Present : Ms. Zeba Parveen proxy Ld counsel for the appellant.
Sh. Om Parkash Singh, Ld counsel for the respondent.

Status report filed by the respondent department, copy supplied.

An adjournment is sought on behalf of the appellant as main counsel Mr. Ashok Kumar Soni is unavailable today being busy before the Hon'ble High Court of Rajasthan, Jaipur Bench.

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

Put up for purpose already fixed on 14.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 647/22

27.09.2024

Present : Sh. Adit Rathi, proxy counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.
Sh. Mayank Barua and Manoj Kumar Gupta, Ld.
counsels for intervener Smt. Sudesh Dahiya.

Ld. counsel for interveners submits that interveners wish to withdraw the present application.

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

In view of the facts and circumstances, the application filed by the interveners for their impleadment is dismissed as withdrawn.

An adjournment is sought on behalf of the appellant that main counsel Sh.Dinesh Kumar is not well today.

At request, put up for arguments on the point of appeal on 28.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024 J

A.No. 341/24

27.09.2024

Present : Appellant in person
Sh. Ashutosh Gupta, Ld counsel for the
respondent/MCD.
Sh. Vinit Bhela, Ld. counsel for respondent no.2.

Appellant submits that his counsel is not available
today and seeks short adjournment.

Re-list for arguments seeking condonation of delay as
well as on the point of appeal on **22.10.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 756/22

27.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Ravi Ranjan, Ld counsel for the respondent joined
through VC.
Mr. Vineet Bahl, Ld. counsel for respondent no. 2.

Part arguments heard.

Arguments could not be concluded today as it is 4:15
p.m.

Re-list for further arguments on the application
seeking condonation of delay on **22.10.2024**.

Interim order to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 757/22

27.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Ravi Ranjan, Ld counsel for the respondent joined
through VC.
Mr. Vineet Bahl, Ld. counsel for respondent no. 2.

Part arguments heard.

Arguments could not be concluded today as it is 4:15
p.m.

Re-list for further arguments on the point of appeal on
22.10.2024.

Interim order to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 321/24

27.09.2024

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

An application u/s 5 of the Limitation Act has been moved on behalf of the appellant, copy supplied.

An adjournment is sought today as the main counsel Sh. Kamal Singh is not available today due to death of his relative.

Put up for reply and arguments on application seeking condonation of delay on 14.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 721/22

27.09.2024

Present : Sh. Faizan Parvez proxy counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent
alongwith Sh. Anuj Kumar, AE(B).

Ld. counsel for appellant seeks some time to deposit
the cost as imposed vide order dated 20.02.2023.

Cost be deposited before the next date of hearing.

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

Put up for arguments on interim application as well as
appeal on 29.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024 J

A.No. 288/21

27.09.2024

Present : Sh. Vishal Mann, Ld counsel for the appellant joined through VC.

None for the respondent.

Dr. Ajay Chaudhary with Sh. Vikram Singh and Sh. Bharat Chaudhary, Advocates for Intervener.

Part arguments on the point of appeal are addressed by Ld. counsel for appellant as well as Ld. counsel for Intervener.

Ld. counsel for respondent is not available today.

No adverse order can be passed in the absence of Ld. counsel for respondent.

Re-list for further arguments on the point of appeal on 22.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 645/22, 694/22, 695/22 & 696/22

27.09.2024

Present : None for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent in appeal No.645/22.
Sh. Sandeep Kumar, Ld. counsel for respondent in appeal Nos. 694/22, 695/22 & 696/22.

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

Ld. counsel for respondent submits that the interim protection has already been granted in favour of the appellant and after that the appellant is not taking the matter seriously and trying to drag the proceedings to enjoy the interim protection.

I found merits in the submissions made by Ld. counsel for respondent. On the last date of hearing also none was appeared on behalf of the appellant.

Appellant is directed to appear in person before the Tribunal on the next date of hearing failing which the Tribunal shall be constrained to vacate the interim orders.

Put up for arguments on interim application as well as appeal on 23.12.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 293/22, 294/23 & 295/23

27.09.2024

Present : Sh. Shivaji Shukla, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments heard.

Arguments could not be concluded as it is already
4.50 p.m.

The Officer concerned is directed to appear in person
on next date of hearing.

Put up for further arguments on appeal on 29.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 743/22

27.09.2024

Present : Appellant in person.
Sh. Pritish Sabharwal, Ld counsel for the respondent.

Appellant submits that her counsel is not available today. She seeks short adjournment.

Part arguments addressed by Ld. counsel for respondent in respect of guidelines for floorwise sanction/regularization policy issued by the MCD.

During the submissions it has been informed that the policy in respect of the DDA flats is made by the DDA.

Further assistance will be required in this respect from the officials from MCD Building H.Q. as well as DDA Planning Department to clarify the status regarding the applicability of the policy to flats / Apartments owners.

Accordingly, notice be issued to the Vice Chairman, DDA and Commissioner, MCD with the request to depute the official to assist the Court in this regard.

Put up for further arguments in respect of aforesaid clarification as well as on the point of appeal on 19.11.2024 at 3.00 p.m.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024 J

A.No. 660/23

27.09.2024

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

Part arguments on the point of appeal heard.

Put up for further arguments on **19.11.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024 J

A.No. 683/24

27.09.2024

Present : All appellants in person.
Sh. H.R. Aggarwal, Ld counsel for the respondent.

List of documents were filed by the appellant on 11.09.2024, copy be supplied to the respondent.

Mr. Neeraj, Ld. counsel submits that he has been recently empanelled as additional standing counsel before the Hon'ble High Court by the MCD and cannot pursue this matter any more.

Appellants seek time to engage a new counsel.

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

Put up for further arguments on application on 24.10.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 830/24

27.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Krishan Kumar Baghel, 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 14.10.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 840/24

27.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. R.K.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 22.10.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 841/24 & 842/24

27.09.2024

Fresh appeal filed. Be checked and registered.

Present : Appellants in person.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Put up for further proceedings on 24.10.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 843/24, 844/24, 845/24 & 846/24

27.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Saurabh Kaushik, Proxy counsel for the
appellant.

Adjournment is sought on behalf of appellant as main
counsel Md. Ubaid is not available today due to bad
health.

Put up for further consideration on 23.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 850/24

27.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Dilip 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.

Put up for further proceedings on 07.10.2024

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 853/24 & 854/24

27.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Ayush Gupta, Ld counsel for the appellant joined through VC.

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 22.10.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 435/24

27.09.2024

Present : Ms. Farzana , Ld counsel for the appellant.
Ms. Beena Sharma, Ld counsel for the respondent.

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

Ld. counsel for appellant seeks short adjournment to file a detail affidavit in support of the application.

Put up for further arguments on the application under Section 5 of Limitation Act on 22.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 833/24

27.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Rajiv Dewan, Ld counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Put up for further proceedings on 23.10.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 797/24 & 798/24

27.09.2024

Present : Sh. A.K.Suri, Ld counsel for the appellant along with appellants.
Sh. Paras Aggarwal, Ld counsel for the respondent joined through VC.

Ld. counsel for respondent seeks some time to file status report and record in the matters.

Opportunity granted.

Put up for arguments on interim application(s) as well as on the point of appeal on 14.10.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 727/24

27.09.2024

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

An application under Section 151 CPC is moved on behalf of the appellant.

Ld. counsel for respondent accepts the notice of the said application. As the aforesaid application has been moved in the present case seeking hearing, it will not be prudent to pronounce the order on interim application before deciding the present application.

Accordingly, put up for reply and arguments on the aforesaid application, interim application as well as appeal on 13.11.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 793/24

27.09.2024

Present : Sh. R.B.Singh, Ld counsel for the appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent.
Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record.

Part arguments on the interim application heard.
Ld. counsel for appellant seeks some time to address further arguments and place on record some additional documents in support of their appeal.
Put up for further arguments on interim application as well as on the point of appeal on 25.10.2024

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 525/24

27.09.2024

Present : Sh. Ankur Aggarwal, Ld counsel for the appellant.
Sh. Bhavya Chauhan, Ld counsel for the respondent along with Sh. Samar Singh Meena, AE(B). Filed memo of appearance.

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

Part arguments on interim application heard.

Ld. counsel for appellant seeks some time to place on record standard plan of apartment in question as well as affidavit of the erstwhile owner authenticating alleged construction.

Respondent is at liberty to place on record standard plan of apartment in question issued by the DDA.

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

Put up for further arguments on interim application as well as appeal on 12.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024 rk

A.No. 473/24 & 600/24

27.09.2024

Present : Sh. K.N.Singh, Ld counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent.

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

Ld. counsel for appellant seeks short adjournment to inspect the record before addressing the arguments in the matter.

Opportunity granted.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 441/24

27.09.2024

Present : Sh. K.N.Singh, Ld counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent.

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

Ld. counsel for appellant seeks short adjournment to inspect the record before addressing the arguments in the matter.

Opportunity granted.

Put up for arguments on 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
27.09.2024

A.No. 823/24

27.09.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Rakesh Chander Aggarwal, 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
27.09.2024

A.No. 787/24

27.09.2024

Present : Sh. Atul Kumar Sharma, Ld counsel for the appellant.
Sh. V.K.Aggarwal , Ld counsel for the respondent
along with Sh. Y.P.Singh, AE(B), CSPZ.

Status report is filed by the respondent. Copy supplied.

Part arguments on interim application heard.

Ld. counsel for appellant submits that the impugned order dated 29.07.2024 admits that property was booked without inspection. He further submits that as per the case of MCD third floor is a tin shed and it is not understood how fourth floor has been booked by the impugned order.

Ld. counsel for respondent seeks some time to take instructions from the officers of MCD before arguing further in the present matter.

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

As the interim application is part heard, respondent is directed to maintain status quo 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.

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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 further arguments on interim application as well as appeal on 04.12.2024.

Copy of order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024 rk

A.No. 254/SCM/13 & 725/13

27.09.2024

Present : Sh. Amad Ahluwalia, Sh. Devang Kumar & Sh. Tribhuvan Singh, Ld counsel for the appellant.
Sh.Neelesh Sawhney , Ld counsel for the respondent joined through VC.
None for Land and Development Office (L&DO)
None for Monitoring Committee.

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

Put up for further proceedings on 13.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 448/24 & 481/24

27.09.2024

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

Part arguments heard.

Put up with connected appeal on 08.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 151/24

27.09.2024

Present : Sh. Dalip Rastogi , Ld counsel for the appellant.
Sh.H.R.Aggarwal, proxy counsel for Ms. Parveen
Sharma, Ld. counsel for the respondent along with Sh.
Rajiv Jain, AE(B).

Sh. Rajiv Jain, AE(B) submits that he is in process for
preparing the report in compliance of the order dated
24.05.2024 and needs some time to submit report
before the Tribunal.

Opportunity granted.

Put up for filing status report, arguments on interim
applications and appeal on 28.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 303/20

27.09.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellent.
Sh.H.R.Aggarwal, Ld. counsel for the respondent
along with Sh. Rajiv Jain, AE(B).
Ms. Simran Singh, Ld. counsel for the Intervener
joined through VC.

Part arguments heard.

Put up for filing reply, arguments on interim application
under Order 1 Rule 10 CPC and appeal on
28.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 663/23

27.09.2024

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

None has appeared on behalf of appellant in the Tribunal as well as through VC.

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

Put up for the purpose already fixed on 28.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 38/22 & 45/22

27.09.2024

Present : Sh. Gurpreet Singh, Ld counsel for the appellant
joined through VC along with Sh. Gautam son of
appellant present in the court.
Sh. Ankur Gupt , Ld counsel for the respondent.
Sh. J.K.Tripathi, Ld. counsel for the intervener.

Ld. counsel for respondent seeks an adjournment to
file reply to the application under Order VI Rule 17
CPC. Advance copy be supplied to the opposite
party.

Opportunity granted.

Put up for filing reply and arguments on interim
application on 28.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 196/15

27.09.2024

Present : Sh. Kuldeep Singh son of appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent.

Adjournment is sought on behalf of appellant as main counsel Sh. B.D.Sharma is not available today due to some personal exigency.

Ld. counsel for respondent points out that despite various opportunities appellant has failed to place on record the documents showing the construction in question was in existence prior cut of date. He submits that appeal be heard on merits.

I found merits in his submissions.

Put up for arguments on the point of appeal on 28.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024 rk

A.No. 821/17

27.09.2024

Present : Ms. Parul Garg , Proxy counsel for the appellant
joined VC.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Adjournment is sought on behalf of appellant as main
counsel Sh. Anuj Garg is not available today due to
exigency.

Put up for the purpose already fixed on 30.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 123/24

27.09.2024

Present : Ms. Vaishaly Singh, Proxy counsel for the appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent.

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

Adjournment is sought on behalf of appellant as main counsel Sh. Jitender Maherwal is not available today.

In the interest of justice, one more opportunity is granted to the appellant to address the arguments on interim application, failing which this Tribunal shall be constrained to vacate the interim stay order.

Put for arguments on application seeking condonation of delay, interim application as well as appeal on 20.12.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 437/23

27.09.2024

Present : Sh. A.S.Chandhok, Ld Sr.counsel for the appellant,
Sh.Taranjeet Singh Shawney & Ms. Jasmeet Karu,
advocates.
Sh. Ranjit Pandey, Ld counsel for the respondent.

Part arguments are addressed by the Ld. counsel for appellant. Written submissions are also filed by the Ld. counsel for appellant.

Ld. counsel for respondent submits that he needs to take instruction from the department regarding status of regularization application and also seeks adjournment to address the Tribunal on the legal issue under Section 337 of DMC Act, 1957.

Opportunity granted.

Put up for further arguments on the point of appeal on 06.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 536/23

27.09.2024

Present : Sh. Shirish Gupta, Proxy counsel for the appellant.
Sh. Ashutosh Gupta , Ld counsel for the respondent no.1.
Ms. Shalini Kapoor, Ld. counsel for the respondent no.2 joined through VC along with Sh. Udit Bhatiaru & Sh. Tayabba Barqui, advocates present in the court.

Arguments on the application seeking condonation of delay heard. It is submitted by Ld. counsel for appellant submits that they have challenged the impugned sanction letter dated 12.12.2022 in the Civil Court in the first round of litigation. The said case was filed on 24.04.2023, Civil Court disposed off this case with direction to the appellant to avail alternate remedy as per DMC Act. Thereafter, present appeal was filed on 17.08.2023.

Ld. counsel for respondent no.1 & 2 opposes the present application.

Arguments heard and record perused. It is admitted position on record that the appellant was pursuing the legal remedy in respect of the impugned sanction order in civil court and after dismissal of said suit has approached this Tribunal to ventilate his grievances.

The appellant has raised issues in the appeal which needs to be adjudicated upon the merits. Accordingly, the appellant has able to show sufficient cause for seeking condonation of delay application is allowed and delay is condoned.

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Put up for arguments on the point of appeal on
13.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 261/24, 262/24 & 263/24

27.09.2024

Present : Ms. Aditi Aggarwal , Ld counsel for the appellant
joined through VC.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for respondent submits that officer concerned is not available due to some communication gap.

Officer concerned AE(B) is directed to remain present in person on the next date of hearing to tender clarifications as sought vide order dated 22.05.2024.

Put up for arguments on interim application as well as appeal on 28.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 519/22

27.09.2024

Present : Sh. Harry Chhibber, proxy counsel for the appellant.
Sh. Ashutosh Gupta , Ld counsel for the respondent.

Adjournment is sought on behalf of appellant as main counsel Sh. Gaurav Tyagi is not available today due to some exigency.

Appellant to comply the order dated 09.04.2024 by next date of hearing.

Put up for purpose already fixed on 28.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 448/16 & 449/16

27.09.2024

Present : Ms. Parul Garg , Proxy counsel for the appellant
joined VC.
Sh. Mohit Sharma, Ld counsel for the respondent.

Adjournment is sought on behalf of appellant as main
counsel Sh. Anuj Garg is not available today due to
exigency.

Put up for the purpose already fixed on 30.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 209/22 & 210/22

27.09.2024

Present : Appellant in person.
Sh. Saurav Vats, Ld counsel for the respondent.

Joint adjournment is sought as respective counsels
are not available today.

Put up for the purpose already fixed on 29.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 678/14

27.09.2024

Present : Sh. Gaurav Sehgal , Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.

Arguments could not be concluded. It is already 5:00 pm. No time left.

Put up for arguments on the point of appeal on 22.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024

A.No. 578/14

27.09.2024

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

Arguments could not be concluded. It is already 5:00 pm. No time left.

Put up for arguments on the point of appeal on 22.11.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
27.09.2024