

A.No. 1021/24 & 1015/24

21.11.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Shiv Kumar, Ld. counsel for the appellant.

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

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

It is submitted by Ld. counsel for appellant that similar appeals pertaining to same khasra Number have been already listed before this Tribunal for 13.12.2024.

Accordingly, put up for arguments on interim application(s) and appeal on 13.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 1024/24

21.11.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Nitesh 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 alongwith the record of the proceedings, status report and reply on next date of hearing.

Put up for arguments on interim application(s) and appeal on 26.11.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 1025/24

21.11.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Nitesh 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 alongwith the record of the proceedings, status report and reply on next date of hearing.

Put up for arguments on interim application(s) and appeal on 26.11.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 1026/24

21.11.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Nitesh 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 alongwith the record of the proceedings, status report and reply on next date of hearing.

Put up for arguments on interim application(s) and appeal on 26.11.2024.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 948/24, 949/24 & 952/24

21.11.2024

Present : Sh. Deepak Sharma with Sh. Saurabh Kaushik, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent in appeal No.949/24.
Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal No. 988/24 & 952/24.

An application under order VI Rule 17 CPC is listed today.

Ld. counsel for the appellant submits that there are technical defects in the application and they will move fresh application and seeks permission to withdraw the present application.

Accordingly the application moved under Order VI Rule 17 CPC is dismissed as withdrawn.

Put up for arguments on maintainability of the appeal on 04.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 957/24, 958/24 & 960/24

21.11.2024

Present : Sh. Deepak Sharma with Sh. Saurabh Kaushik, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent in appeal No.957/24.
Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal No. 958/24 & 960/24.

An application under order VI Rule 17 CPC is listed today.

Ld. counsel for the appellant submits that there are technical defects in the application and they will move fresh application and seeks permission to withdraw the present application.

Accordingly the application moved under Order VI Rule 17 CPC is dismissed as withdrawn

Put up for purpose already fixed on 04.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 950/24 & 951/24

21.11.2024

Present : Sh. Deepak Sharma with Sh. Saurabh Kaushik, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent in appeal No.951/24.
Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal No.950/24.

An application under order VI Rule 17 CPC is listed today.

Ld. counsel for the appellant submits that there are technical defects in the application and they will move fresh application and seeks permission to withdraw the present application.

Accordingly the application moved under Order VI Rule 17 CPC is dismissed as withdrawn

Put up for purpose already fixed on 04.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 914/24

21.11.2024

Statement of Sh. Pawan Singh S/o Sh. Rampal,
appellant R/o H. No.WZ-39 B, Village Dashghara,
New Delhi-110012.

On SA

I am the appellant in the present appeal. Due to some technical difficulty in the appeal, I want to withdraw the present appeal with the liberty to file fresh appeal, the same may be dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 914/24

21.11.2024

Present : Sh. Deepak Sharma with Sh. Saurabh Kaushik, Ld counsel for the appellant alongwith appellant in person.

Sh. Atul Tanwar, Ld counsel for the respondent.

Ld. counsel for appellant submits that due to some technical difficulty in the appeal, they want to withdraw the present appeal with the liberty to file fresh appeal. Separate statement of the appellant has been recorded in this regard.

In view of the facts and circumstances, the appeal filed by the appellant is dismissed as withdrawn with the liberty to file fresh appeal within seven working days.

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
21.11.2024

A.No. 916/24 & 750/18

21.11.2024

Present : Sh. B.P. Gupta, Ld proxy counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by the department in appeal No.750/18, copy supplied.

An adjournment is sought on behalf of the appellant as main counsel Sh. Dalip Rastogi, is un-available today due to some personal exigency.

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

Put up for arguments on interim application and appeal on **11.03.2025**.

Official concerned is directed to remain present in person on the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 J

A.No. 373/18 & 150/18

21.11.2024

Present : Sh. Abhishek Sharma, Ld counsel for the appellant.
Fresh Vakalatnama filed, same is taken on record.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant seeks adjournment to inspect
the record before addressing arguments in the matter.
Put up for purpose already fixed on 01.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 611/24

21.11.2024

Present : Sh. Abhishek Sharma, Ld counsel for the appellant.
Fresh Vakalatnama filed, same is taken on record.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant seeks adjournment to inspect the record before addressing arguments in the matter.
Put up for arguments on the point of maintainability of appeal on 01.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 670/24

21.11.2024

Present : Sh. Manish Mohan Chaudhary, Ld counsel for the appellant.

Sh. Sanjay Sethi, Ld counsel for the respondent.

Ld. counsel for the MCD seeks short adjournment as concerned officers are not available today.

Put up on 01.04.2025 for the purpose fixed.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 (s)

A.No. 672/24, 673/24, 674/24 & 675/24

21.11.2024

Present : None for the appellant.
Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Prithish Sabharwal, Ld. counsel for the respondent.

None has appeared on behalf of the appellant in the court or through VC.

Put up at 2.00 p.m.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

2.30 p.m.

Present : None for the appellant.
Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Prithish Sabharwal, Ld. counsel for the respondent.

None has appeared on behalf of appellant in the court or through VC since morning despite various calls.

None was present on behalf of the appellant on the last date of hearing as well.

It is 02.30 PM. The present appeal is dismissed in default.

Appeal file be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 466/24

21.11.2024

Present : Sh. P.K. Sharma, Ld counsel for the appellant.
Sh. Pritish Sabharwal, Ld. counsel for the respondent
joined through VC alongwith Sh. Devraj Chaudhari,
AE(B).

Status report is filed by the department, copy supplied.
Vide separate judgment of even date, the present
appeal is allowed and the matter is remanded back to
the Quasi Judicial Authority for deciding the same
afresh.

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
21.11.2024

A.No. 194/24

21.11.2024

Present : None for the appellant.
Sh. Sandeep Kumar, Ld. counsel for respondent.

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

Put up for purpose already fixed on 01.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 442/23

21.11.2024

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

The appellant has filed reply to the status report filed by the MCD. Copy supplied.

It is submitted by Ld. proxy counsel for the appellant that main counsel Mr. Ashish Mehta is not available today due to some personal exigency.

Re-list on 01.04.2025 for purpose fixed.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 (s)

A.No. 151/23

21.11.2024

Present : Ms. Parul Aggarwal, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the
respondent.
Sh. Himanshu Ahuja, Ld. counsel for intervener.

Ms. Renu Soni, Nodal Officer submits that they are in
process of assigning the present matter to Sh.
Ashutosh Gupta, Advocate.

Mr. Ashutosh Gupta, Ld. counsel who is present in the
Court seeks sometime to take instructions from the
department and also requests to inspect the record
before addressing the matter.

Re-list on 06.02.2025 for the purpose fixed.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 (s)

A.No. 457/22

21.11.2024

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

Ld. counsel for the respondent submits that in order to appreciate the locus standi of the appellant it is necessary to see the original title documents which have been placed at page No.53-54 of the appeal.

I found merits in the submissions made by Ld. counsel for respondent.

Appellant is directed to produce the original title documents before the Tribunal on next date of hearing.

Put up for purposed already fixed on 03.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 319/21

21.11.2024

Present : Sh. Sanam Malhotra, Ld counsel for the appellant
joined through VC.
Ms. Vasu Singh, Ld counsel for the respondent.

Part arguments heard.

Put up with connected case for further arguments on
03.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 402/21

21.11.2024

Present : Sh. Sanam Malhotra, Ld counsel for the appellant
joined through VC.
Ms. Vasu Singh, Ld counsel for the respondent.

Part arguments on an application under Section 151
CPC heard.

Ld. counsel for respondent submits that the present
application is nothing but an attempt to bypass the
order dated 13.04.2023 passed by this Tribunal.

Ld. counsel for appellant submits that he has
instructions to withdraw the present application.

Accordingly, the application under Section 151 CPC is
dismissed as withdrawn.

Put up for arguments on the point of appeal on
03.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 J

A.No. 473/17, 53/17, 795/17 & 891/17

21.11.2024

Present : Sh. Anis Ur Rehman, Ld counsel for the appellant.
Sh. A.L. Agnihotri, Ld counsel for the respondent in appeal no.53/17.
Sh. Mohit Sharma, Ld counsel for the respondent in appeal no.473/17.
Sh. H.R. Aggarwal, Ld counsel for the respondent in appeal no.795/17.
Sh. R.K. Kashyap, Ld counsel for the respondent in appeal no.891/17.
Ms. Annu Arora, Ld. counsel for intervener in appeal Nos. 53/17, 795/17 & 891/17.

Part arguments on the point of appeal heard.

Ld. counsel for appellant submits that they have placed on record copy of property tax receipt dated 11.11.2016 (at page No.25 of the appeal No.473/17) showing deposit of property tax from the year 2004 to 2016. He seeks some time to place on record the relevant annexure wherein the area of the property was calculated for the purpose of self assessment of property tax. Opportunity granted.

Ld. counsel for respondent MCD seeks some time to take instructions from the department in respect of the property tax returns which were filed in respect of the property prior to the year 2004.

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Respondent MCD is directed to check their record and file the status report before this Tribunal by the next date of hearing.

Ld. counsel for intervener also seeks an adjournment to clarify the status of construction in the property which existed as on cutoff date as per National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act.

Put up for further arguments on the point of appeal on 01.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 J

A.No. 987/17 & 988/17

21.11.2024

Present : Ms. Annu Arora, Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.

Part arguments heard.

Put up for further arguments with connected cases on
01.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 599/13

21.11.2024

Present : Ms. Muskan Gupta, Ld counsel for the appellant.
Sh. V. K. Aggarwal, Ld counsel for the respondent.

Part arguments on the point of appeal heard from both the parties.

Ld. counsel for the respondent submits that he is recently engaged in the matter and require assistance of then AE concerned.

Accordingly, notice be issued to the then AE concerned to appear in person before this Tribunal on the next date of hearing.

Ld. counsel for the respondent also seeks sometime to clarify about the record of the present matter.

Put up for arguments on the point of appeal on 17.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 (s)

A.No. 555/18

21.11.2024

Present : Sh. N. Sehar, Ld counsel for the appellant.
Sh. R.K. Kashyap, Ld counsel for the respondent.

Ld. counsel for the appellant submits that main counsel Sh. S.D. Ansari is not available being busy before the Hon'ble High Court of Delhi and will be available in post lunch session.

Ld. counsel for the respondent MCD submits that he is not available in post lunch session.

Accordingly at joint request of the parties matter be relisted for arguments on the point of application seeking condonation of delay and appeal on 01.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 1016/24

21.11.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Summit Rana , 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 arguments on interim application(s) and appeal on 19.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 1020/24

21.11.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Sourav Ghosh, 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 arguments on interim application(s) and appeal on 19.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 1023/24

21.11.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Jayant Tiwari, 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 arguments on interim application(s) and appeal on 19.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 985/24

21.11.2024

Present : Sh. N.K.Nayyar , Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent
No. 1 to 3.
Respondent no.4 in person also for respondent no.5.
None for respondent no.6.

Ld. counsel for respondent / MCD seeks a short adjournment to file record as well as status report in the matter.

Advance copy of status report be supplied to appellant.

Service report of respondent No.6 Sh. S.N. Ojha is received back. He has not appeared in the Tribunal today despite service.

Put up for arguments on interim application as well as appeal on 05.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 rk

A.No. 931/24

21.11.2024

Present : Sh. Sandeep Dedha, Ld counsel for the appellant.
Sh. Atul Tanwar , Ld counsel for the respondent.

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

Ld. counsel for respondent / MCD requests a short adjournment to file status report in the present appeal.

Advance copy of status report be supplied to the appellant.

Ld. counsel for appellant seeks an adjournment to inspect the record to address arguments.

Put up for arguments on interim application and appeal on 11.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 rk

A.No. 938/24

21.11.2024

Present : Sh. Deepak Grover, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent.
Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record.

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

Ld. counsel for respondent / MCD requests a short adjournment to file status report in the present appeal. Advance copy of status report be supplied to the appellant.

Ld. counsel for appellant seeks an adjournment to inspect the record to address arguments.

Put up for arguments on interim application and appeal on 07.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 rk

A.No. 97/24

21.11.2024

Present : Sh. Sandeep Khatri, Ld counsel for the appellant
joined through VC.
Sh. V.K.Aggarwal, Ld counsel for the respondent.

Part arguments heard.

Arguments could not be concluded as there is
interruption in VC due to bad network at the end of Ld.
counsel for appellant.

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

Put up for further arguments on interim application and
appeal on 02.04.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 rk

A.No. 47/23

21.11.2024

Present : Sh. Sunil.K Kalra , Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld counsel for the respondent
Filed memo of appearance.

Ld. counsel for respondent seeks an adjournment to take instructions from the department before addressing arguments on the application seeking stay as well as appeal.

Opportunity granted.

In compliance of direction of Hon'ble High Court of Delhi, the interest of appellant / petitioner be protected and no coercive action be taken till the interim application of the appellant is decided by this court. The then AE(B) concerned is directed to appear in person in the Tribunal on the next date of hearing.

Put up for arguments on interim application seeking stay as well as appeal on 28.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 rk

A.No. 487/24

21.11.2024

Present : Sh. Deepak Vuttsya, Ld counsel for the appellant.
Sh. Pritiesh Sabharwal, Ld counsel for the respondent
joined through VC along with Sh. Sanjeet, Advocate
present in the Tribunal.

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

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

Adjournment is sought on behalf of appellant as main
counsel Sh. Rajiv Raheja is not available today due to
some health issues.

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

Put up for arguments on interim application and
appeal on 04.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 rk

A.No. 347/23 & 57/23

21.11.2024

Present : Sh. Parveen Kumar, Ld counsel for the appellant.
Sh.Ashutosh Gupta , Ld counsel for the respondent.
Sh. Anupam Sharma, Ld. counsel for the respondent ,
DDA joined through VC along with Sh. R.K.Singh,
Advocate present in the Tribunal.

Status report is filed on behalf of respondent, DDA.
Informing that K.No.169/5/3 min of Qadam Shareef,
Delhi belongs to DDA and appellant has no right, title
or interest therein. Copy supplied.

Ld. counsel for respondent, DDA seeks an
adjournment to place on record supporting documents
showing that the land in question belongs to DDA.

Opportunity granted.

Put up for further arguments on the point of appeal on
01.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 rk

A.No. 813/23

21.11.2024

Present : Sh. Joby P. Verghese & Sh. P. Verghese, Ld counsel for the appellant.
Sh. Sagar Dhama, Ld. counsel for the respondent no. 1 along with Sh. Harjit Singh, AE(B)-II, Shah.(S) Zone.
Sh. Sandeep Kumar, Ld counsel for the respondent No.2, joined through VC.
Ms, Richa Sharma, Ld. counsel for respondent nos. 3 to 7 along with Sh. Surender Chauhan, Advocate.
Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record.
Sh. Deepak Z Mehta, Ld. counsel for the Intervener
Sh. Rajinder Singh.

Status report is filed by respondent / MCD informing that the location where the lift is to be installed is common area of the society.

An application under Order 1 Rule 10 CPC is moved on behalf of Mr. Rajinder Singh for impleadment as appellant in present matter. Copy supplied to appellant.

Part arguments on the point of appeal heard.

Ld. counsel for appellant submits that area where the lift is to be installed is part of their property and respondent intends to encroach the area by way of installation of lift. He seeks an adjournment to file a

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detailed affidavit giving the details of sanctioned area of their apartment and also clarifying whether the area where lift is proposed to be installed is part of property of appellant or not.

Some clarifications are required in respect of the counter reply filed on behalf of the Management of Society by Mr. U.P.Tyagi. He is directed to remain present in person in the Tribunal on the next date of hearing.

Put up for filing reply, affidavit and further arguments on the application under Order 1 Rule 10 CPC as well as appeal on 06.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 rk

A.No. 148/20 & 147/20

21.11.2024

Present : Sh. Parul Agarwal, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

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

It is submitted by Ld. counsel for appellant that after passing of the impugned order he sent a letter dated 07.01.2019 to the MCD. The appellant was under impression that the said reply will be considered by the MCD and proceedings will be recalled. Thereafter, MCD executed the sealing action in property on 26.02.2020 and appellant pursued the legal remedy by way of filing appeal. Ld. counsel for appellant submits that appellant was under the bonafide impression that reply will be considered by MCD and did not pursued any remedy.

On the other hand, respondent / MCD opposes the application. Ld. counsel for respondent submits that appellant has participated in proceedings and impugned order was duly communicated and no sufficient reasons cited for seeking condonation of delay.

Arguments heard and record perused. It is admitted position on record that appellant had given a reply dated 07.01.2019 to MCD. Appellant was stated to be under the impression that the said reply shall be considered. Thereafter on execution of sealing action

appellant got alarmed and filed the present appeal. Appellant has impugned the demolition order as well as sealing order and has raised grounds in the appeal which needs to be considered on merits. In case an opportunity to defend the case is not given to appellant, he will suffer irreparable loss.

In view of overall facts and circumstances, the application seeking condonation of delay is allowed and delay is condoned.

Put up for arguments on the point of appeal on 03.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 363/18

21.11.2024

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

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

It is submitted by Ld. Counsel for appellant that neither demolition order dated 24.10.17 nor demolition order dated 24.11.2017 was served upon the appellant. She submits that appellant came to know about the demolition proceedings on 14.05.2018 when MCD officials came to property for carrying out demolition action. She submits that on 15.05.2018 appellant has applied for certified copy and obtained the show cause notice and thereafter present appeal is filed on 31.05.2018. She submits that due to non-service of demolition orders the appeal could not be filed in time. On the other hand, Ld. counsel for respondent submits that the demolition order as well as show cause notice in both cases were served by way of registered post and postal receipts are already on record.

Arguments heard and record perused. Appellant is disputing the service of show cause notice and demolition orders in the present case. MCD record contains the postal receipts but tracking report is not

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on record. The aspect of service of show cause notice and demolition orders needs to be appreciated on merits. At this juncture, appellant is able to show sufficient cause seeking condonation of delay. Application is allowed and delay is condoned.

Put up for arguments on the point of appeal on 03.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 rk

A.No. 562/18

21.11.2024

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

Ld. counsel for appellant seeks an adjournment to take instruction in respect of application under Section 5 of Limitation Act.

Put up for the purpose already fixed on 03.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024

A.No. 343/19

21.11.2024

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

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

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

Put up for the purpose already fixed on 02.04.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 rk

A.No. 86/17

21.11.2024

Present : Ms. Kanika Sharma, Proxy counsel for the appellant
joined through VC.
Sh. V.K.Aggarwal, Ld counsel for the respondent.

It is already lunch time.

It is submitted that the main counsel Mr. Rakesh Lakra
is not available in post lunch session due to personal
exigency.

Put up for the purpose already fixed on 01.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 rk

A.No. 898/16

21.11.2024

Present : Sh. Varun Jain, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. counsel for the respondent.
Filed Memo of appearance.

It is submitted by Ld. counsel for appellant that appellant Mr. Chakresh Kumar has died on 08.06.2023 and they will move appropriate application for substitution of legal heirs.

Opportunity granted.

Put up for further proceedings on 17.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 rk

A.No. 666/24

21.11.2024

Present : Sh. P.N.Dhar, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Vide separate judgment of even date appeal is allowed. The appeal is remanded back to the Quasi-Judicial Authority for deciding the same afresh.

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
21.11.2024

A.No. 818/23
21.11.2024

Present : Sh. Anil Sehrawat, Ld counsel for the appellant.
Sh. Avishek Kumar, Ld counsel for the respondent along with Sh. Sushil Kumar, AE(B) and Sh. Arvind Kumar, JE(B).

Part arguments on the point of appeal heard.

During the course of arguments it is submitted by Ld. counsel for appellant that the stone slabs which are shown (at page 52 of the appeal) in plot no. 4 were unauthorizedly kept there by the owner / occupier of plot no.5. He submits that they have made police complaint in this regard on 30.11.2023 which was marked to Police Station, Sector-23, Dwarka, New Delhi and call was attended by SI Sh. Anil Kumar from the Police Station.

In order to appreciate the controversy, it will be important to look into the daily diary entry record which was made in respect of complaint made vide ID no.8202372.

Accordingly, SHO, Police Station, Sector 23, Dwarka, New Delhi is directed to produce the record in respect of said complaint on or before next date of hearing. Copy of this order be sent to the SHO for compliance. AE(B) and JE(B) are directed to remain present in person in the Tribunal on the next date of hearing.

Put up for further arguments on the point of appeal on
21.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
21.11.2024 rk