

A.No. 1027/24

22.11.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Tushar Yadav, 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 19.12.2024.

Registry is directed to place on record the file of previous round of litigation bearing appeal No.163/11 on the next date of hearing.

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

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024

A.No. 943/24

22.11.2024

Present : Sh. S.S. Khatri and Sh. D.V. Khatri, Ld counsel for the appellant.

Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Prithish Sabharwal, Ld. counsel for the respondent joined through VC.

Status report is filed by the department, copy supplied. Ld. counsel for appellant seeks a short adjournment to inspect the record before addressing the arguments in the matter.

In the interest of justice one last and final opportunity is granted to the appellant to address the arguments in the matter.

It is clarified that in case appellant fails to address the arguments on the next date of hearing, the Tribunal shall be constrained to reconsider the interim protection granted in the matter.

Re-list for arguments on interim application and appeal on 17.02.2025.

Interim orders to continue till the next date of hearing.

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(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 J

A.No. 836/24

22.11.2024

Present : Sh. Maneesh Gumber, Ld counsel for the appellant.  
Sh.Apoorv Sisodia , Ld counsel for the respondent  
alongwith Sh. Abhay Chaturvedi, AE(B).

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

Status report is filed by the department, copy supplied.

Ld. counsel for appellant seeks an adjournment to  
take instructions for moving an application in respect  
of limitation period involved in the matter. Opportunity  
granted.

Put up for arguments on interim application as well as  
appeal on 14.02.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024

A.No. 454/12

22.11.2024

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

It is already lunch time. Ld. counsel for the respondent MCD submits that he is not feeling well and is not available in post lunch session.

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

Put up for arguments on the point of appeal on 02.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024

A.No. 347/14, 348/14 & 473/14

22.11.2024

Present : Sh. B.S. Mathur, Ld counsel for the appellant.  
Sh. Anubhav Gupta, Ld counsel for the respondent in appeal Nos. 347/14, & 473/14.  
Sh. V.K. Aggarwal, Ld. counsel for respondent in appeal No.348/14 alongwith Sh. Vinod Bansal, AE(B).

An application under Order 22 Rule 3 CPC is listed today. It is informed that the appellant Mrs. Ravinder Kaur has died on 24.07.2024. Alongwith application surviving members certificate is filed wherein it is stated that appellant is survived by her LRs Mrs. Anupama Panchal and Mrs. Komal Narula.

Ld. counsel for the respondent MCD does not opposes the application. Accordingly the application is allowed, the right to sue survives in favour of the LRs. Amended memo of parties is taken on record.

Ld. counsel for the appellant submits that the property in question is already regularized by the MCD and has placed on record letter dated 02.08.2024.

Ld. counsel for the respondent MCD seeks an adjournment to file status report in this regard.

Put up for further proceedings on **10.12.2024**.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 J

A.No. 704/24

22.11.2024

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

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

Status report is filed by the department, copy supplied.

Service report of respondent No.2 is not received  
back. Fresh notice of the appeal be issued to him.

Ld. counsel for the respondent MCD submits that a  
contempt case (C) No.1301/2022 in respect of the  
property in question is pending before the Hon'ble  
High Court of Delhi. He seeks an adjournment to take  
instructions from the department as to whether there is  
any embargo imposed by the Hon'ble High Court in  
respect of the present proceedings.

In the status report it is also informed that appeal  
No.221/23 in respect of the property in question was  
earlier filed before this Tribunal. The Registry is  
directed to produce the record of the said appeal  
before this Tribunal on the next date of hearing.

Put up for further proceedings on 21.02.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 J

A.No. 823/24

22.11.2024

Present : Sh. Rakesh Chander, Ld counsel for the appellant.  
Sh. Atul Tanwar, Ld counsel for the respondent.

Part arguments on interim application heard.

Ld. counsel for the respondent submits that he needs to take instructions from the department before addressing further arguments in the matter.

Ld. counsel for the appellant submits that protection be granted till next date of hearing.

Ld. counsel for respondent opposes the said request. He submits that the interim application be decided on merits. However, on instructions from the department he assures that the respondent will not carry out any demolition action against the property in question till next date of hearing.

Put up for further arguments on interim application seeking stay and appeal on date already fixed i.e. 20.12.2024.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024

A.No. 819/24

22.11.2024

Present : Sh. Ramit Malhotra, Ld. counsel for the appellant.  
Sh. Ashutosh Gupta and Mr. Nishant Rohilla, Ld  
counsels for the respondent in Appeal No. 819/2024.  
Sh. Sukhinder Bir Singh, Intervener in person.

1. Copy of order dated 09.10.2024 passed by the Court of Sh. Virender Kumar Bansal, Ld. Principal District & Sessions Judge, North-West District, Rohini Courts, Delhi is received on record. Order dated 24.09.2024 was impugned before the Ld. Appellate Court, wherein it was agitated that no status quo was granted by this Tribunal. The Ld. Appellate Court appreciated the contentions and submissions on merits and has declined any relief of injunction and the relevant portion is reproduced as below:

“20. In view of all these facts as his application and contention that the height of building is within the permissible limits of compounding has already been declined, under the circumstances, in my opinion he is not entitled to the relief of injunction. There is no merit in the appeal. Same is dismissed.”

2. Ld. counsel for the appellant submits that his interim application be heard on merits.



3. Ld. counsel for intervener points out that interim relief has been already declined to the appellant by the Appellate Court of Sh. Virender Kumar Bansal, Ld. Principal District & Sessions Judge, North-West District, Rohini Courts, Delhi and against that order the appellant had approached Hon'ble High Court of Delhi in CM (M) 3667/2024 and vide order dated 21.10.2024 status quo has been directed to be maintained till the next date of hearing i.e. 06.02.2024. He submits that as Hon'ble High Court of Delhi is seized of the matter, therefore, the Tribunal cannot exercise jurisdiction in respect of the interim application and appeal at this juncture. The Intervener has placed on record copy of order dated 21.10.2024 passed by the Hon'ble High Court of Delhi in CM (M) 3667/2024.
4. Ld. counsel for the respondent MCD submits that as the proceedings in respect of the property in question are pending before the Hon'ble High Court of Delhi and vide order dated 21.10.2024 status quo has been granted, therefore, he needs to take instructions from the department before addressing arguments in the present matter.
5. Ld. counsel for the appellant also seeks an adjournment to clarify whether there is any embargo on this Tribunal to hear the interim

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application and appeal in view of the proceedings pending in CM (M) 3667/2024 before the Hon'ble High Court of Delhi.

6. Accordingly, put up for further arguments and clarification on **14.01.2025**.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 (s)

A.No. 905/24

22.11.2024

Present : Sh. Ramit Malhotra, Ld. counsel for the appellant.  
Sh. V.K. Aggarwal, Ld counsels for the respondent.  
Sh. Sukhinder Bir Singh, Intervener in person.

Part arguments heard.

Put up for further arguments with connected appeal on  
**14.01.2025.**

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 (s)

A.No. 435/24

22.11.2024

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

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

Ld. counsel for appellant submits that she needs to inspect the record before addressing further arguments on the application. Opportunity granted.

Put up for arguments on an application seeking condonation of delay, interim application as well as appeal on 04.04.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 J

A.No. 92/24(M)

22.11.2024

Present : Applicant Divisht Kaushik in person along with Sh. Bharat Garg, Ld counsel for the applicant.  
Sh. V. K. Aggarwal, Ld counsel for the non-applicant/  
respondent.

Arguments on application under Section 151 CPC seeking recalling of order dated 19.04.2024 as well as restoration of appeal heard.

It is submitted by Ld. counsel for the appellant that the appeal was filed by the father of the applicant who had died on 29.12.2020. At that time case was pursued by appellant Mr. Satish Kaushik and his advocate. Thereafter, the family lost the contact with the then advocate and due to communication gap the appeal could not be pursued. It is stated that thereafter application seeking restoration of appeal was moved but due to medical exigencies in the family, the applicant Divisht Kaushik also could not pursue the application and the same was also dismissed in default.

Ld. counsel for the appellant submits that appellants have assailed the sealing order in the present case and in case appeal is not heard on merits, the appellant will suffer irreparable loss.

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On the other hand, Ld. counsel for the MCD opposes the application. He submits that initially application seeking substitution of LRs was not pursued by the LRs properly during the pendency of the appeal. Thereafter, application seeking restoration also dismissed for non- appearance.

Arguments heard and record perused. It is admitted position that during the pendency of the appeal, LRs have moved an application under Order XXII Rule 3 CPC seeking substitution of LRs but thereafter due to communication gap with erstwhile counsel and medical exigencies in the family, LRs were not able to pursue the matter and the application seeking restoration of appeal was also dismissed.

In the application, the applicant has stated sufficient reasons for recalling of order dated 19.04.2024 and restoration of appeal.

In view of the peculiar facts and circumstances, the application is allowed and the appeal be restored to its original number.

At this juncture, Mr. Divisht Kaushik submits that a Relinquishment Deed is made in his favour by other LRs and he will move a fresh application under Order XXII Rule 3 CPC and seeks permission to withdraw the existing application.

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Accordingly, the application under Order XXII Rule 3 CPC is dismissed as withdrawn with liberty to the applicant / LRs to file a fresh application as per law within a period of two weeks from today.

Put up for further proceedings on **02.04.2025**.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 (s)

A.No. 186/24

22.11.2024

Present : Sh. S.D. Ansari, Ld counsel for the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent.

It is already lunch time. Ld. counsel for the respondent MCD submits that he is not feeling well and is not available in post lunch session.

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

Put up for purpose fixed on 02.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024



A.No. 42/23  
22.11.2024  
Present :

Sh.Manish Dua , Ld counsel for the appellant  
alongwith appellant in person.

Sh. Anubhav Gupta, Ld counsel for the respondent.

Part arguments on the point of application seeking  
condonation of delay and appeal heard.

Ld. counsel for the appellant has disputed the address  
written in the show cause notice as well as demolition  
order.

On the other hand, Ld. counsel for respondent submits  
that the address written in the impugned order belongs  
to the appellant only.

Respondent MCD is directed to place on record the  
mutation record of property No. X/5914, Subhash  
Mohalla, Ragubarpura-II, Gandhi Nagar, Delhi-110031  
clarifying the name of the person in whose favour the  
mutation of the property exists in the MCD record.

Put up for further arguments on the application  
seeking condonation of delay as well as appeal on  
26.11.2024.

Officer concerned is directed to remain present in  
person alongwith record on next date of hearing.

Interim orders to continue till the next date of hearing.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 J

A.No. 106/18 & 107/18

22.11.2024

Present : Sh. S.D. Ansari, Ld counsel for the appellant.  
Sh. Dharamvir Gupta, Ld counsel for the respondent.  
Sh. Harish Kumar Mehra, Ld. counsel for intervener  
alongwith intervener in person.

It is already lunch time. Ld. counsel for appellant submits that he is not available in post lunch session due to some personal exigencies.

In the interest of justice one last and final opportunity is granted to the appellant to address the arguments in the matter.

Put up for purpose already fixed on 03.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024

A.No. 774/17, 697/18 & 743/16

22.11.2024

Present : Sh. Rohit Goel, Ld counsel for the appellant.  
Sh. Dharamvir Gupta, Ld counsel for the respondent.

Part arguments on the point of application seeking condonation of delay heard.

Ld. counsel for the appellant seeks an adjournment to inspect the record before addressing further arguments.

Re-list for further arguments seeking condonation of delay on **03.03.2025**.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 (s)

A.No. 578/14

22.11.2024

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

Arguments on an application under Section 5 of the Limitation Act heard.

Ld. counsel for the appellant submits that on 23.06.2014 the tower in question was sealed. On 14.07.2014 the appellant sent a letter to MCD requesting to supply the sealing order which was not supplied and thereafter the present appeal was filed on 01.08.2014.

He submits that the delay in filing the appeal has occurred due to no supply of the sealing order and reasons beyond control of the appellant.

It is submitted by the Ld. counsel for respondent that the sealing order was duly served upon the appellant and no explanation has been tendered for condoning the delay.

Arguments heard. Record perused. The appellant has disputed the service of sealing order. The record of the MCD shows that no service report is there on record. The mode of service is also not clear from the record. At this juncture, it is prima-facie clear that the service of sealing order is not free from doubts. Appellant has been able to show sufficient cause for

condoning the delay. Accordingly the application is allowed and delay is condoned.

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

Put up for arguments on the point of appeal on 06.03.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 J

A.No. 50/18

22.11.2024

Present : Sh. Pholl Kumar Singhania proxy counsel for the appellant.  
Sh. H.R. Aggarwal, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main counsel Mr. Vimal Dhingra, is unavailable due to bad health.

Ld. counsel for respondent MCD does not oppose the request for adjournment but submits that the case be decided on priority. He submits that appellant despite various opportunities has failed to bring on record any document in respect of second floor of the property in question.

In the interest of justice appellant is given last and final opportunity to address arguments in this case. It is clarified that no further request for adjournment shall be entertained in the matter.

Put up for arguments on interim application and appeal on 05.03.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 J

A.No. 404/15

22.11.2024

Present : Sh. Sameer Abhyankar, Ld counsel for the appellant  
joined through VC.  
Sh. Dharamvir Gupta, Ld counsel for the respondent.

Part arguments on the point of appeal heard.

Some clarifications are required in respect of conversion charges in the present matter and the assistance of the officer from Building (HQ) as well from Legal Department of MCD is required.

The Worthy Commissioner, MCD is requested to depute official / representative from both the departments to appear in person and assist the Tribunal on next date of hearing.

Put up for further arguments on appeal on **24.02.2025**.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024

A.No. 344/18

22.11.2024

Present : Sh. Virender Sharma, Ld counsel for the appellant.  
Ms. Aarti Bansal, Ld counsel for the respondent joined through VC.

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

Ld. counsel for the appellant submits that in support of the application they have filed a detailed affidavit dated 14.05.2014. He submits that in the year 2014 the demolition order as well as the sealing order were passed and thereafter the property was sealed on 14.07.2024. He submits that the appellant has given a representation to the MCD dated 06.02.2014 requesting to re-inspect the property. He submits that appellant did not receive any reply to the application and the appellant was under the impression that the said reply had been considered by the MCD and proceedings stands recalled. He submits that appellant received vacation notice dated 09.05.2018 and thereafter took legal advice and filed the present appeal on 24.05.2018. He submits that the delay has been occurred because the appellant was under the bonafide impression that his representation dated 06.02.2014 had been considered by the MCD.



On the other hand, respondent / MCD opposes the application. She submits that it is an admitted position on record that the appellant was served with the sealing order as well as demolition order and has filed reply with the department. She submits that no cogent ground has been tendered in the application and the reason for delay is not justified. She submits that the application is liable to be dismissed.

Arguments heard and record perused. It is admitted position on record that the demolition order was passed on 30.01.2014 and thereafter appellant had given a representation dated 06.02.2014 to the MCD in respect of the property in question. The appellant was under the impression that his representation will be considered and only after receipt of the vacation notice dated 09.05.2018 it came to his knowledge that the MCD has not considered his representation and thereafter he has filed the present appeal. From the contents of the application it is clear that the appellant was aware about the demolition as well as sealing proceedings and also sent his reply to the department and did not impugned the same before the appropriate forum. Appellant is challenging the demolition order and in case any opportunity to defend the case is not given to appellant, he will suffer irreparable loss.

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Accordingly, keeping in view the aforesaid facts and circumstances, the application seeking condonation of delay is allowed and the delay is condoned subject to the cost of Rs.5,000/- to be deposited with the Registry of this Tribunal.

Put up for arguments on the point of appeal on 02.04.2025.

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

Interim orders granted vide order dated 31.05.2018 to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 J

A.No. 684/24

22.11.2024

Present : Appellant in person.  
Sh. Chetan Hasija, Ld counsel for the respondent.

Matter is listed today for orders.

Some clarifications are required in respect of the inspection dated 17.05.2024 done by the JE(B) and the photographs of the property taken during the said inspection.

Re-list for further arguments on the point of clarification on 21.01.2025. The JE concerned is directed to appear in person on the next date of hearing.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 J

A.No. 1019/24

22.11.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Man Mohan Swaroop, 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 20.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024

A.No. 969/24

22.11.2024

File is taken up today on an application seeking early hearing.

Present : Sh. Ghanshyam Nagar, Ld counsel for the appellant.

Ld. counsel for appellant submits that he is not pressing the application. Accordingly, application is dismissed as withdrawn.

Put up on the date already fixed i.e.11.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024

A.No. 994/24

22.11.2024

Present : Sh. Hari Kishan Dass Nijhawan, Ld counsel for the  
appellant.

Part arguments heard.

Put up for further arguments and consideration on the  
point of appeal on 27.11.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024

A.No. 188/23 & 159/23

22.11.2024

Present : Sh. Abhinav Tyagi, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal no.159/23.  
Ms. Parveen Sharma, Ld. counsel for the respondent in appeal no.188/23.  
Sh. Anukrit Gupta, Ld. counsel for the intervener joined through VC.

List of documents is filed on behalf of intervener.  
Copy supplied.

Ld. counsel for intervener has pointed out the directions passed by the Hon'ble High Court of Delhi vide order dated 22.05.2024 in WP (C) 4111/21.

Ld. counsel for respondent, MCD seeks a short adjournment to take instruction from the department in respect of requirement of inspection and file status report.

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

Put up for consideration on the point of inspection in terms of aforesaid order on 27.02.2025 and further arguments.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 rk

A.No. 139/24

22.11.2024

Present : Ms. Parul Agarwal , Ld counsel for the appellant.  
Sh. V.K.Aggarwal, Ld counsel for the respondent.

Status report is filed on behalf of respondent department informing that regularization application has been rejected. Copy supplied.

Ld. counsel for appellant submits that she has no instruction to address arguments on interim application seeking stay at this juncture. Accordingly, it is clarified that no interim protection is granted by this Tribunal in respect of property in question.

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

Copy of order be given dasti.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 rk



A.No. 706/23

22.11.2024

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

It is submitted that main counsel Mr. Pankaj Vivek is not available today due to marriage in his family.

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.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 rk

A.No. 908/24 & 873/24

22.11.2024

Present : Sh.R.A.Kaushik & Sh. Mahesh Kumar , Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal no. 873/24.  
Sh. Raujas Sharma, Proxy counsel for Sh. Ajay Gaur, Ld. counsel for appellant.

An application under Order 1 Rule 10 CPC is moved on behalf of intervener Sh. Rajiv Pandey. Copy supplied to Ld. counsel for appellant.

Appellant seeks an adjournment to file reply to the said application. Advance copy be supplied to opposite party.

Put up for arguments on application under Order 1 Rule 10 CPC and interim application seeking stay as well as appeal on 28.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 rk

A.No. 855/24, 856/24, 857/24 & 858/24

22.11.2024

Present : Sh. Vikas Yadav, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent  
along with Sh. Nishant Rohilla, Advocate.

Reply to the application under Section 5 of Limitation Act seeking condonation of delay is filed on behalf of respondent department. Copy supplied.

Part arguments on the interim application heard.

Ld. counsel for appellant submits that in respect of other properties / building the Tribunal in appeal nos. 735/24 to 742/24 has already granted interim protection till next date. He submits that present appeal is filed by various apartment owners residing in the building. He submits that winter season is approaching and in case interim protection is not granted, the appellants have no alternate arrangement to protect them.

Ld. counsel for appellant seeks an adjournment to take instructions from appellants in respect of regularization application.

Ld. counsel for respondent also seeks some time to take further instruction in the matter from the department.

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

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As interim application is part heard, status quo be maintained till next date of hearing in respect of property in question.

Put up for further arguments on interim application seeking stay as well as appeal on 09.12.2024.

Copy of order be given dasti.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024

A.No. 573/13

22.11.2024

Present : Sh. Maninderjeet Singh , Ld counsel for the appellant.  
Sh. V.K.Aggarwal, Ld counsel for the respondent,  
MCD.  
Sh. Anupam Sharma, Ld. counsel for respondent,  
DDA.

Part arguments heard.

Ld. counsel for DDA submits that he has received the intimation in respect of present matter only yesterday and he needs to inspect the record as well as to take instruction from the department before addressing the arguments.

Ld. counsel for appellant submits that it is an old matter and prays that matter be heard on priority and no further adjournment be granted.

Accordingly, at joint request of parties, matter be relist further arguments on the point of appeal on the date already fixed on 17.01.2025 at 3:00 PM.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 rk

A.No. 79/24

22.11.2024

Present : Sh. Paramveer , Proxy counsel for the appellant.  
Sh. Anupam Sharma, Ld counsel for the respondent/  
DDA.

Matter is listed today for arguments on interim application seeking stay. In the morning a pass over was sought on behalf of appellant as main counsel Sh. Ram Chauhan is busy in Hon'ble High Court of Delhi. Despite pass over Ld. counsel for appellant failed to appear before the Tribunal to argue the matter. The Tribunal has proposed to keep the matter in post lunch session but Mr. Paramveer submits that they cannot appear in post lunch session also. It is apparent that appellant is not cooperating in scheduling hearing.

Ld. counsel for DDA opposes the adjournment request and submits that in the garb of interim protection of the Tribunal, unauthorized colonies are being developed in the area. It has been informed by Ld. counsel of DDA that the area in question is already notified as development area. Ld. counsel for DDA points out that appellant has not filed any title documents along with appeal and appellant be directed to file title documents of the property in question to clarify his title and locus.

It is clear that appellant is not taking interest in arguing the case and despite opportunity Ld. counsel for

appellant is not coming forward to address arguments on interim application.

Under these circumstances, the Tribunal is left with no other option and is constrained to vacate the ex parte interim protection which was granted vide order dated 11.03.2024 by my Ld. Predecessor.

Appellant is directed to produce the original title documents of the property in question on the next date of hearing.

Put up for arguments on interim application seeking stay and appeal on 02.04.2025.

Copy of order be given dasti.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 rk

A.No. 417/24  
22.11.2024

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. Arman Monga is not available today due to death of his father-in-law.

Ld. counsel for respondent / MCD does not oppose the request on the aforesaid ground. He submits that ex parte interim protection has been granted in the matter and hearing on the interim application be expedited and prays for a short adjournment.

I found merits in submissions made by respondent / MCD.

Appellant is given one last and final opportunity to address arguments, failing which Tribunal shall be constrained to reconsider the interim protection granted in the matter.

Put up for arguments on interim application and appeal on 27.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 rk



A.No. 94/24

22.11.2024

Present : Proxy counsel for the appellant.  
Sh. Mahender Shukla, Ld counsel for the respondent.  
Sh. Praduman Sharma along with intervener Ms.  
Tajinder Kohli.

Adjournment is sought on behalf of appellant as main counsel Sh. Arman Monga is not available today due to death of his father-in-law.

Ld. counsel for appellant submits that they have not reply to the application under Order 1 Rule 10 CPC. Copy be supplied.

Ld. counsel for respondent submits that they have not received the copy of appeal. Copy be supplied within a week time from today.

Put up for arguments on application under Order 1 Rule 10 CPC and interim application as well as appeal on 02.04.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 rk

A.No. 363/15

22.11.2024

Present : Sh. R.K.Bedi , Ld counsel for the appellant.  
Sh. Anubhav Gupta, Ld counsel for the respondent.

It is already 1:10 PM. Ld.counsel for appellant submits that he is not available in post lunch session due to personal exigency and requests a short adjournment to address further arguments in the matter.

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

Put up for further arguments on interim application and appeal on 07.03.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 rk

A.No. 479/15

22.11.2024

Present : Sh. J.P.Singh , Proxy counsel for the appellant joined through VC.  
Sh. Anubhav Gupta, Ld counsel for the respondent.

Ld. counsel Mr. R.K.Bedi submits that on the last of hearing inadvertently his attendance has been marked as Ld. counsel for appellant in this case and he is not representing appellant Mr. Vijay Gupta in the present matter.

Clarification is taken on record.

Adjournment is sought on behalf of appellant as main counsel Sh. Viplav Sharma is not available today.

Ld. counsel for respondent / MCD opposes the adjournment request.

It is clarified that in case further adjournment request is made on behalf of appellant, the Tribunal shall be constrained to reconsider the interim protection granted in the matter.

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

Put up for arguments on interim application and appeal on 07.03.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 rk

A.No. 678/14

22.11.2024

Present : Sh. Gaurav Singhal, Ld counsel for the appellant.  
Sh. Dharmvir Gupta, Ld counsel for the respondent.

Part arguments heard.

Put up for further arguments on the point of appeal  
with connected appeal on 06.03.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024

A.No. 247/17

22.11.2024

Present : Ms. Anu Solanki , Ld counsel for the appellant along  
with appellant in person.  
Sh. Dharamvir Gupta, Ld counsel for the respondent.

Part arguments heard.

. It is already 4:00 PM. No time left.

Put up for further arguments on the point of appeal on  
24.03.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024

A.No. 278/17

22.11.2024

Present : Proxy counsel for the appellant.  
Sh. Ashutosh Aggarwal, Ld counsel for the respondent  
along with Sh. Nishant Rohilla, Advocate.

Status report is filed on behalf of respondent department informing that a letter dated 20.11.2024 has already been written by the MCD to office of the Chief Fire Officer, Delhi seeking verification of letter No. F.6/DFS/2005/2506/HQ/196 dated 28.06.2005. Copy supplied. The Chief Fire Officer, Delhi is directed to look into the issue and issue directions for expediting verification of said documents.

Copy of order be communicated to the Chief Fire Officer, Delhi.

Put up for further arguments on the point of appeal on 24.02.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
22.11.2024 rk