

A.No. 697/24

08.10.2024

Present : Sh. Sanjiv Aggarwal, Ld counsel for the appellant.  
Sh. Atul Tanwar , Ld counsel for the respondent.

This order will decide the application under Section 5 of Limitation Act.

It is submitted by Ld. counsel for appellant that they have received the show cause notice dated 02.05.2023 and also appellant filed reply dated 10.05.2023 but thereafter demolition order dated 12.05.2023 was not served upon appellant. He submits that during the course of civil proceedings when the MCD filed status report on 03.06.2024, they came to know about the demolition order dated 12.05.2023 and filed the present appeal on 10.07.2024.

On the other hand, Ld. counsel for respondent submits that they have served the demolition order by way of affixation.

Arguments heard and record perused. Perusal of service report of demolition order shows that the postal receipt returned back unserved as per the postal tracking report. The demolition order is stated to be served by way of affixation. No public witnesses have been involved. It is submitted that appellant came to know about the demolition order when status report is filed in civil suit on 03.06.2024. Appellant has

been able to show sufficient cause in respect of delay.

The application is allowed and delay is condoned.

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

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

Put up for arguments on interim applications and appeal on 13.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
08.10.2024