

A.No. 691/24 & 676/24

29.11.2024

Present : Sh. Vaibhav and Sh. Gaoraang Ranjan, Ld counsels
for the appellant.

Sh. Pritish Sabharwal, Ld. counsel for the respondent.

Status report is filed by the MCD. It is informed that record of the property in question has already been filed by the MCD in the connected cases which are listed for hearing on 28.01.2025.

Accordingly, the present appeal be also listed for arguments on interim application as well as on the point of appeal along with connected cases on **28.01.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024 (s)

A.No. 788/24

29.11.2024

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

Part arguments on the point of interim application and appeal heard.

Some clarifications are required in respect of the booking of the property which was done in the year 2014 and also regarding the inspection of the property in which the finding was given that the area of first floor to fourth floor is 75.57 sq.mtr.

The officers concerned who booked the property in the year 2014 and also officer concerned who inspected the property are directed to appear in person on the next date of hearing to clarify the issue and assist the Tribunal.

As the arguments on the interim application are part heard and some clarifications are required from the officer of the MCD, therefore, status quo be maintained in respect of the property in question till 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.

It is also directed that the appellant shall not carry out any further construction in the property in question without necessary approval as per law.

Put up for arguments on appeal on 16.12.2024.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024

A.No. 746/24

29.11.2024

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

In the interest of justice one more opportunity is granted.

Put up for purpose already fixed on 08.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024

1.25 P.M.

At this stage Ms. Shivani Gupta, Ld. counsel for appellant appeared. She is informed about the order passed today.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024

A.No. 193/24

29.11.2024

Present : Sh. Charanjit Sharma, Ld counsel for the appellant.
Sh. Avishek Kumar, Ld. counsel for the respondent no. 1 along with Mr. A. K. Mandal, AE (B).
Sh. R. S. Goswami, Ld counsel for the respondent nos. 2 & 3.

List of documents filed on behalf of appellant containing the order dated 18.10.2024 in Civil Suit No. 24/2024 passed by the Court of Sh. Fahad Uddin, Ld. ASCJ-cum-JSCC-cum-Guardian Judge, East, KKD Courts, Delhi.

Status report is filed by the MCD. Copy supplied to the appellant as well as respondent nos. 2 & 3.

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

Ld. counsel for the appellant submits that the sanctioned building plan has been obtained by misrepresentation. He submits that he is recently engaged and seeks short adjournment to take instructions from his client to argue on misrepresentation done by respondent nos. 2 & 3 while obtaining sanctioned building plan in question.

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

Contd...../2

Put up for arguments on the application seeking condonation, interim application as well as on the point of appeal on **03.02.2025**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024 (s)

A.No. 852/18

29.11.2024

Present : Sh. Surender Chauhan, Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.

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
29.11.2024

A.No. 236/23

29.11.2024

Present : Sh. Vikram Hegde and Sh. Abhinav, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Pritish Sabharwal, Ld. counsel for the respondent.
Ms. Neeta Behl, intervener in person.

It is already lunch time. Ld. counsel for the respondent MCD as well as intervener submits that they are not available in post lunch session due to some personal exigencies.

Ld. counsel for appellant does not oppose the request. Accordingly, matter be re-listed for arguments on interim application as well as appeal on 08.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024

A.No. 233/23 & 234/23

29.11.2024

Present : Sh. K.N. Singh, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Pritish Sabharwal, Ld. counsel for the respondent.

Part arguments on interim application as well as appeal heard.

Deliberations are made in respect of status report dated 09.06.2023 filed by the then AE(B) Mr. Kamal Prakash Yadav and JE(B) Mr. Atul Kumar, Karol Bagh Zone.

Mr. Kamal Prakash Yadav, AE(B) who is appearing in some other matter. Clarifications are sought from him and he seeks some time to clarify the issue. The then Executive Engineer is directed to appear in person before the next date of hearing. Representative from Building (HQs) and Law Department are also directed to appear in person before this Tribunal on the next date of hearing.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024 J

A.No. 583/23 & 584/23

29.11.2024

Present : Ms. Bandana Kaur Grover, Ld counsel for the
appellant.
Sh. Ashutosh Gupta , Ld counsel for the respondent.

Part arguments on the point of appeal heard.

During the course of arguments, it has surfaced that the appellant has filed the present appeal only in respect of the part portion of the all floors in the property in question.

Ld. counsel for the MCD in their status report dated 21.05.2024 have also clarified that the entire property has been erected as a single unit with single staircase / lift well. The other owners have not been impleaded in the present case. Ld. counsel for the respondent MCD informs that the other owners of the property in question have filed the separate appeals bearing appeal Nos. 332/2022 & 333/2022 which as per his information were dismissed in default.

Before proceeding further, it would be relevant to look into the records of the other appeals. The Registrar is directed to produce the records of appeal nos. 332/2022 & 333/2022 before this Tribunal on the next date of hearing.

Contd.....2/

Put up for arguments on interim application as well as on the point of appeal on **08.04.2025**.

Interim orders to continue till the next date of hearing in appeal no. 583/2023.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024 (s)

A.No. 476/19

29.11.2024

Present : Sh. Snehal Chandra proxy counsel for the appellant.
Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Prithish Sabharwal, Ld. counsel for the respondent.

An adjournment is sought on behalf of the appellant to file the documents in terms of the order dated 21.05.2024.

In the interest of justice one more opportunity is granted.

Put up for purposed already fixed on 08.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024

A.No. 477/19

29.11.2024

Present : Sh. Snehal Chandra proxy counsel for the appellant.
Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Prithish
Sabharwal, Ld. counsel for the respondent.

Part arguments heard.

Put up for further arguments on 08.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024

A.No. 564/23

29.11.2024

Present : Sh. Manoj Kumar Jha, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for the appellant seeks some more time to file the pleadings of the civil case in terms of previous order. Opportunity granted.

Advance copy be supplied to Ld. counsel for respondent.

Put up for purpose already fixed on 25.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024

A.No. 44/22

Ravinder Kumar Kalra

29.11.2024

Present : Sh. Ankit Kansal, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Pritish Sabharwal, Ld. counsel for the respondent.

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
29.11.2024

A.No. 1028/24

29.11.2024

Present : Sh. Adity Swroop, Ld counsel for the appellant joined through VC along with Sh. Md.Ilyas, Advocate present in the court.

Part arguments heard.

Ld. counsel for appellant seeks some time to file some additional documents in support of their appeal.

Put up for consideration on 02.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024 rk

A.No. 360/24
29.11.2024

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

Present : Sh. Samman Vardhan Gautam, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Vishal Maan, Ld counsel for the Intervener.

It is pointed out by Ld. counsel for appellant that in CM (M) 3845 / 2024 they impugned the order dated 12.11.2024 by which their interim protection was vacated. The Hon'ble High Court of Delhi vide order dated 19.11.2024 has granted liberty to applicant / appellant to file an application before this Tribunal for early hearing of interim stay application.

Mr. Ashutosh Gupta, Ld. counsel for respondent who is appearing in some other case, accepts the notice and seeks a short adjournment to file reply and take instructions from the department in this matter.

Ld. counsel for appellant requests for a short date in the matter as they wish to press the interim application.

Accordingly, at joint request of parties, the matter be listed for argument on interim application seeking stay as well as on the point of appeal on 06.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024 rk

A.No. 42/23

29.11.2024

Present : Sh. Vinay Gautam, Ld counsel for the appellant.
Sh. Anubhav Gupta, Ld counsel for the respondent along with Sh. Sh, Vinod Bansal, AE(B), Sh. Kamal Prakash Yadav, the then JE(B) and Sh. Dharmender Kumar, AE(HQ).

Appellant has raised a dispute to the identity of property which has been booked in the present matter. On the last of hearing, the then EE(B), AE(B) and JE(B) were directed to appear in person before the Tribunal today. It is informed that Mr. Srimandir, the then EE(B) and Sh. D.P.Sharma, the then AE(B) being out of station they are not able to appear before the Tribunal today.

Sh. Kamal Parkash Yadav, the then JE(B) has appeared and seeks sometime to address the queries raised by this Tribunal. He is directed to remain present on the next date of hearing.

Representative from the Building Department (HQ) and Law Department are also directed to remain present before this Tribunal on the next date of hearing.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024 rk

A.No. 436/24, 437/24 & 438/24

29.11.2024

Present : Ms. Aditi Aggarwal , Ld counsel for the appellant joined through VC.
Sh. H.R.Aggarwal, Ld counsel for the respondent in appeal no.437/24.
Sh. Avishek Kumar, Ld counsel for the respondent in appeal nos. 436/24 & 438/24 along with Sh. Vimal Narayan, AE(B).

Sh. Vimal Narayan, AE(B) seeks an adjournment to place on record photographs of affixation through which service was effected.

Opportunity granted.

Put up for filing photographs and arguments on interim application and appeal on 12.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024 rk

A.No. 499/24, 500/24, 501/24, 502/24, 503/24, 504/24, 505/24,
508/24, 509/24, 510/24, 512/24, 526/24, 446/24, 447/24 & 668/24.

29.11.2024

Present : Sh. Sh. Rajat Mathur, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent in
appeal nos.499/24, 501/24, 503/24, 508/24, 512/24
Sh. Atul Tanwar, Ld counsel for the respondent in
appeal nos.504/24, 526/24
Sh. Avishek Kumar, Ld counsel for the respondent in
appeal nos.505/24,
Sh. H.R.Aggarwal, Ld. counsel for the respondent in
appeal no.509/24.
Sh. Sanjeet Kumar, proxy counsel for Sh. Pritiesh
Sabbharwal, Ld. counsel the respondent in appeal
nos.500/24, 510/24, 466/24.
Ms. Renu Soni, Nodal Officer on behalf of the
respondent / MCD in appeal no. 447/2, 4502/24 &
668/24.

Ld. counsel for appellant submits that they have
already applied for regularization of property in
question in MCD. He seeks some time to file on
record an affidavit in respect of documents which they
are relying upon in support of their appeal.

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

Put up for arguments on interim application and
appeal on 28.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024 rk

A.No. 574/24, 575/24, 576/24, 577/24, 578/24, 579/24, 580/24, 544/24, 545/24, 546/24, 547/24, 548/24, 549/24, 550/24, 551/24, 552/24, 553/24, 554/24, 588/24, 589/24, 590/24, 591/24, 592/24, 593/24, 594/24, 581/24, 582/24, 583/24, 584/24, 585/24, 586/24 & 587/24,

29.11.2024

Present : Sh. Alamgir, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal nos. 545/24, 546/24, 553/24, 554/24, 577/24, 590/24, 594/24, 583/24, 585/24, 586/24 & 587/24.
Sh. Atul Tanwar, Ld counsel for the respondent in appeal nos.575/24, 578/24, 550/24 & 551/24.
Sh. H.R.Aggarwal, Ld. counsel for the respondent in appeal no.579/24 & 592/24.
Sh. V.K. Aggarwal, Ld. counsel for the respondent in appeal no.544/24, 581/24, 589/24 & 591/24.
Sh. Sanjeet Kumar, proxy counsel for Sh. Pritiesh Sabbharwal, Ld. counsel the respondent in appeal nos. 576/24, 580/24, 548/24, 549/24, 552/24, 588/24, 593/24, 582/24 & 584/24.
Sh. Mohit Sharma, Ld. counsel for the respondent in appeal no.574/24 & 547/24.

Ld. counsel for appellant submits that they are in process of applying regularization application of property in question and needs some more time to prepare the documents. He ensures that the regularization application will be applied within two weeks from today.

Ld. counsel for respondent, MCD opposes the adjournment request. He submits that interim application be decided on merits. He submits that in

the garb of regularization application appellant is delaying the hearing in the present appeal.

I find merits in the submissions made by Ld. counsel for respondent, MCD. On last date of hearing adjournment was sought on behalf of appellant to apply for regularization and no steps have been taken till date. Appellant will be at liberty to take appropriate steps in respect of application for regularization.

It is clarified that no further adjournment request of appellant will be entertained in the matter and arguments will be heard on merits on the next date of hearing.

Ld. counsel for appellant seeks some time to file on record an affidavit in respect of documents which they are relying upon in support of their appeal.

Put up for arguments on interim application seeking stay as well as appeal on 28.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024 rk

A.No. 298/21

29.11.2024

Present : Sh. Sanjay Sharma, Ld counsel for the appellant
joined through VC.
Sh. Dharamvir Gupta, Proxy counsel for the
respondent.

Adjournment is sought on behalf of respondent as
main counsel Sh. Umesh Burnwal is not available
today due to medical exigency in his family.

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

As requested put up for the purpose already fixed on
09.01.2025 at 2:30 PM.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024

A.No. 599/18, 653/18 & 851/18

29.11.2024

Present : Sh. Surender Chauhan, Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent
in appeal nos. 653/18 & 851/18
Sh. H.R.Aggarwal, Ld counsel for the respondent in
appeal no.599/18.

Part arguments on the point of appeal heard.

In the present appeal the impugned order alleges unauthorized construction in the form of deviations against the sanctioned building plan. After passing of the impugned order in the present case the sanctioned building plan was recalled thereby bringing the whole structure under scanner.

Vide separate judgment passed in appeal no.852/18, the revocation of sanction building plan has been set aside and the matter has been remanded back to the quasi judicial authority to decide same afresh.

Ld. counsel for respondent, MCD submits that in view of the above facts and circumstances they need to take further instruction from the department before addressing further arguments in the matter.

Put up for further arguments on interim application and appeal on 15.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024 rk

A.No. 779/23

29.11.2024

Present : Sh. Prem Dutt Sharma, Proxy counsel for the
appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent.

Adjournment is sought on behalf of appellant as main
counsel Sh. Rakshan Ahmed is unavailable today
being busy in Saket Court.

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

Put up for arguments on application under Order VI
Rule 17 CPC and interim application as well as
appeal on 08.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024 rk

A.No. 49/13

29.11.2024

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

Ld. counsel for respondent, MCD seeks a short adjournment to cross check the status of regularization application in respect of property in question.

Opportunity granted.

Put up for further consideration on 08.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
29.11.2024 rk