

A.No. 871/24

02.12.2024

Present : Sh. Ajay Sharma and Manoj Kumar, Ld counsels for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent.

Arguments on application under Section 5 of the Limitation Act as well as appeal heard.

The present appeal has been filed impugning the demolition order dated 16.07.2024 passed in respect of property No.A-40/2, Mahendru Enclave, Delhi.

It is submitted by the Ld. counsel for the appellants that the show cause notice as well as demolition order were never served upon them. The property in question was sealed on 12.08.2024 and thereafter they came to know about the proceedings against the property in question. They made an inquiry from the MCD officials and only on 18.09.2024 the copy of impugned order was supplied to them and the present appeal was filed on 30.09.2024.

The appellant has disputed the service of demolition order and notice and at this juncture has been able to show the sufficient cause seeking condonation of delay. Accordingly, the application seeking condonation of delay allowed. Delay is condoned.

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
02.12.2024

A.No. 1028/24

02.12.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Aditya Swarup, Ld counsel for the appellant joined through VC along with Sh. Md. Ilyas, Ld. counsel for the appellant 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 alongwith the record of the proceedings, status report and reply on next date of hearing.

Ld. counsel for the appellant presses for grant of ex-parte interim protection. It is submitted by Ld. counsel for the appellant that the permission for installation of mobile tower was granted to them vide 2003 Policy which does not have any provision for NOC from the other residents of the building.

Perusal of Policy dated 08.04.2010 and the settlement agreement arrived in the course of the mediation proceedings in LPA No. 572 of 2011 shows that there is a condition regarding NOC from the other residents. The policy of 08.04.2010 clearly mandates that the same has been issued in suppression of all earlier orders.

Therefore, in order to appreciate the contentions regarding applicability provision of 'NOC' of other residents, it will be prudent to give hearing to the respondent MCD and peruse their record before

deciding the application seeking interim stay on merits.

However, keeping in view of the exigency cited by appellant, a shorter date is given so that the interim application can be decided on merits on priority.

Put up for arguments on interim application seeking stay as well as on the point of appeal on **09.12.2024**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 (s)

A.No. 1018/2024

02.12.2024

Statement of Sh. Shiv Kumar S/o Sh. Shauraj Singh R/o H. No. 16/930, Block H, Street No. 5, Bapa Nagar, Karol Bagh, Delhi - 110005.

ON SA

I am the appellant No. 1 in the present matter. Copy of my Aadhar Card is Ex. C-1 (OSR). The arguments on interim application seeking stay part heard. I undertake that till the next date of hearing, I will not carry out any industrial or commercial activity from the premises in question and use it only for residential purposes as prescribed in MPD-2021 and building bye- laws.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12..2024

A.No. 1018/2024

02.12.2024

Statement of Sh. Tek Chand, Maha Sachiv of Shri Dukh Haran HanumanMandir Sewa Samiti R/o H. No. 16/225-I, Gali No. 2, Bapa Nagar, Karol Bagh, Delhi -110005.

ON SA

I am the appellant No. 2 in the present matter. Copy of my Aadhar Card is Ex. C-2 (OSR). The arguments on interim application seeking stay part heard. I undertake that till the next date of hearing, I will not carry out any industrial or commercial activity from the premises in question and use it only for residential purposes as prescribed in MPD-2021 and building bye- laws.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12..2024

A.No. 1031/24

02.12.2024

Present : Sh. Paran Kumar, Ld counsel for the appellants.
Sh. Syed Adil Hussain, Ld counsel for the respondent.

Status report filed. Copy supplied.

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

The present appeal has been filed in respect of the third floor of the property.

Ld. counsel for the appellants submits that they are ready to deposit the misuse charges and ready to use the property in compliance of the provision as prescribed under MPD-2021.

The MCD is directed to inform the appellants about the necessary charges in the present matter and file a status report before the next date of hearing.

Ld. counsel for the MCD submits that they require measurement of the property to calculate the charges.

Ld. counsel for the appellants submits that they are ready to deposit the misuse charges and use the property in question for the purposes as prescribed under MPD-2021.

Accordingly at joint request of the parties the inspection of the property be scheduled at 05.12.2024 at 12.00 p.m. for the purposes of taking measurement of the property to calculate misuse charges.

Appellants no. 1 and 2 are directed to remain present at site during the inspection and cooperate with the MCD officials.

Contd...../2

Put up for further proceedings on **14.02.2025**.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 (s)

A.No. 711/24

02.12.2024

Present :

Sh. Saurabh Jain, Ld counsel for the appellant alongwith Sh. Sahil Goyal and Sh. Mohan Kumar, Advocates.

Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Prithish Sabharwal, Ld. counsel for the respondent alongwith Sh. Amrjeet Singh, AE(B).

An application under Order VII Rule 14 CPC is moved on behalf the appellant to place additional documents on record.

Ld. counsel for respondent MCD does not oppose the application. Accordingly, the application under order VII Rule 14 CPC is allowed. Documents are taken on record.

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

Status report is filed by the department, copy supplied. In the status report it is informed by the MCD that the regularization application is pending disposal. Mr. Amarjeet Singh, AE(B) submits that, they will make their best endeavor to decide the said application within 15 day.

It will be prudent to hear further arguments in the matter once the application seeking regularization is decided by the respondent MCD.

Re-list for arguments on interim application as well as appeal on **14.02.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 188/19 & 187/19

02.12.2024

Present : Sh. A.K. Tyagi, Ld. counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent in
appeal No.188/19.
Sh. Mohit Sharma, Ld. counsel for respondent in
appeal No.187/19.

Part arguments heard.

It is already lunch time. Ld. counsel for the appellant
submits that he is not available in post lunch session
as he has to appear in some other court for recording
evidence.

In the interest of justice, put up for further arguments
on the point of appeal on 09.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 1032/24, 1033/24 & 1034/24

02.12.2024

Present : Sh. Reuben Samson alongwith Sh. Sundeep Srivasatava, Ld counsel for the appellant.

Ld. counsel for appellant submits due to some technical flaw, he has instructions to withdraw the present appeal with the liberty to file fresh appeal within two weeks.

Separate statement of the Ld. counsel for 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 two weeks from today.

Appeal file be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 1032/24, 1033/24 & 1034/24

02.12.2024

Statement of Sh. Reuben Samson, Ld. counsel for the
respondent

At Bar

I am the counsel for appellant in the present appeal.
Due to some technical flaw, I have instructions to
withdraw the present appeal with the liberty to file
fresh appeal within two weeks. The present may be
dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 870/24

02.12.2024

Present : Sh. Ajay Sharma and Manoj Kumar, Ld counsels for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent.

Arguments on application under Section 5 of the Limitation Act as well as appeal heard.

The present appeal has been filed impugning the sealing order dated 12.08.2024 passed in respect of property No.A-40/2, Mahendru Enclave, Delhi.

It is submitted by the Ld. counsel for the appellants that the show cause notice as well as demolition order were never served upon them. The property in question was sealed on 12.08.2024 and thereafter they came to know about the proceedings against the property in question. They made an inquiry from the MCD officials and only on 18.09.2024 the copy of impugned order was supplied to them and the present appeal was filed on 30.09.2024.

The appellant has disputed the service of sealing order and notice and at this juncture has been able to show the sufficient cause seeking condonation of delay. Accordingly, the application seeking condonation of delay allowed. Delay is condoned.

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
02.12.2024

A.No. 761/24 & 762/24

02.12.2024

Present : Sh. Navin Kumar Chaudhary, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent alongwith Sh. Rajat Chandra, JE(B).

Ld. counsel for the appellant seeks short adjournment to comply the previous order and place on record the site plan. Opportunity granted.

Put up for purposed already fixed on 09.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 420/24

02.12.2024

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

Status report is filed by the MCD in compliance of the previous order, copy supplied.

In the status report the aspect regarding covered area and site plan has been informed. It is also highlighted that the sanctioned building plan of the property has been already revoked.

Ld. counsel for appellant submits that they have already applied for regularization of the property in question and the same is pending before the MCD. He submits that he has instructions argue the matter only after the regularization application is decided by the MCD.

As the hearing in the matter is getting delayed due to pendency of regularization application, the MCD is directed to decide the application preferably before next date of hearing.

Put up for arguments on interim application and appeal on **09.04.2025**.

Copy of this order be communicated to the respondent MCD for information and compliance.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 J

A.No. 472/24

02.12.2024

Present : Sh. Rohit Gandhi, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent.

Part arguments on the point of interim application as well as appeal heard.

Put up for further arguments with connected appeal on 16.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 469/24

02.12.2024

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

Part arguments on the point of interim application as well as appeal heard.

Ld. counsel for the appellant seeks some time to take further instruction in the matter to address the arguments.

Relist for interim application and appeal on 16.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 782/24

02.12.2024

Present : Sh. Pankaj Vivek, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the respondent.

An adjournment is sought on behalf of the MCD as Mr. Ranjit Pandey is unavailable today due to bad health. In the interest of justice one more opportunity is granted to the respondent MCD to address the arguments in the matter.

A representative from the Law Department MCD appear in person on the next date of hearing to assist the Tribunal.

Re-list for arguments on an application seeking condonation of delay as well as appeal on **04.03.2025**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 781/24

02.12.2024

Present : Sh. Pankaj Vivek, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the respondent.

An adjournment is sought on behalf of the MCD as Mr. Ranjit Pandey is unavailable today due to bad health. In the interest of justice one more opportunity is granted to the respondent MCD to address the arguments in the matter.

Re-list for arguments with connected appeal on **04.03.2025**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 107/20 & 602/19

02.12.2024

Present : Ms. Gurman Kaur Dua, Ld counsel for the appellant.
Fresh Vakalatnama filed, same is taken on record.
Sh.Dharamvir Gupta , Ld counsel for the respondent
in appeal No.602/19.
Sh. Ajay Gaur, Ld. counsel for respondent in appeal
No.107/20.

Ld. counsel for appellant submits that she has been
recently engaged and needs time to inspect the
record.

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

Re-list for arguments on pending applications as well
as appeal on 17.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 J

A.No. 342/23

02.12.2024

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

It is submitted that main counsel Mr. K.K. Sharma is unavailable today as his sister is hospitalized.

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

Put up for arguments on interim application seeking stay as well as appeal on 17.03.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 222/24

02.12.2024

Present : Sh. Sandeep Dhama, Ld counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent.

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

Put up for arguments on interim application and appeal on 07.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 791/23

02.12.2024

Present : Sh. Arvind Kumar Gupta, Sh. Manav Kumar and Sh. Arun Bhattacharya, Ld counsels for the appellant.
Sh. S. Adil Hussain, Ld counsel for the respondent.
Sh. Gaurav Dua, Ld. counsel for respondent No.2.

Part arguments heard.

Ld. counsel for appellant seeks some more time to address further arguments in the matter.

Re-list for further arguments on an application seeking condonation of delay, interim application as well as appeal on 07.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 156/23

02.12.2024

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

In compliance of the order dated 21.05.2024 passed by my Ld. Predecessor, MCD has filed status report dated 23.08.2024. The said status report is re-produced as under:-

“In compliance of order dt.21.05.2024, the above mentioned property was inspected on 22.08.2024 and upon inspection it was noticed that only roof of the room as well as partition wall at fourth floor was demolished. Entire structure at fourth floor except the demolition action taken on 19.01.2023 & 30.01.2023 still exist at fourth floor.”

Ld. counsel for the appellant submits that they are willing to demolish the entire structure which exist on the fourth floor and will do the same before the next date of hearing after lifting of the GRAP restrictions.

Ld. counsel for the appellant submits that they are only pressing the present appeal in respect of structure which existed at the third floor of the property in question. He submits that in the site plan at page - 48 of the appeal, the area of the third floor is shown as 110 sq.yds.

Ld. counsel for the respondent submits that appellant is claiming the benefit under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act. He submits that the said benefit cannot be

extended to the property owners who have breached the status quo and extended the area after the cutoff date. He submits that in the affidavit giving construction details (at page-49 of the appeal) does not mention the unit of calculation of the area. He submits that the said affidavit is vague and does not clarify about the declaration in respect of the covered area which exists at the site on third floor.

Ld. counsel for appellant submits that they have no objection, in case the property is inspected and the covered area of third floor is measured.

I found merits in the submissions made by Ld. counsel for respondent MCD. The affidavit at page-49 of the appeal is silent about the unit value in which the area is mentioned. The covered area of the property in question goes to the root of the matter and needs to be ascertained before proceeding further.

Accordingly on joint request of the parties, joint inspection be scheduled on 10.12.2024 at 12.00 p.m.. The appellant is directed to cooperate with the MCD officials. The SHO, PS: Mukerjee Nagar is directed to provide necessary assistance and security to the MCD officials. Status report be filed before the Tribunal on the next date of hearing.

Put up for further arguments on **03.03.2025**.

Interim orders to continue till the next date of hearing.

Copy of the order be given dasti.

Copy of the order be sent to the SHO concerned.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 J

A.No. 1044/24

02.12.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Pooran Singh Mahar , Ld. counsel for the appellant along with Ms. Manu, Advocate.

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 13.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No. 1042/24

02.12.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Mandeep Singh, Ld. counsel for the appellant along with Sh. Vijay Kumar & Sh. Dheeraj Kumar, Advocates.

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
02.12.2024 rk

A.No. 1018/24

02.12.2024

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

Part arguments on the point of appeal heard.

It is argued by Ld. counsel for appellant that their case falls in exempted household service industry as stipulated in clause 7.4 of MPD-2021 and mentioned at serial no.99 in the list of group 'A' household industries appended to that chapter.

Ld. counsel for appellant seeks an adjournment to file a detailed affidavit giving the details of requirements as per clause 7.4 of MPD-2021. He is further directed to give details of number of workers with their particulars, number of machines and their invoices, details of electricity connections, covered area of property in question, mode of payment of salary to workers, details of their ESI enrolments, details of registration with the Labour Department (if any), details of fire safety appliances etc and site plan of placement of machines on floor.

Respondent, MCD is directed to file detailed status report clarifying the aspects and permissibility to run such units as per clause 7.4 of MPD-2021. The status report shall also highlight the requirement in respect of registration of household industries, fire safety guidelines and charges (if any) to be followed by such units.

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Ld. counsel for appellant submits that appellants are apprehending sealing action and interim protection be granted till the next date of hearing. He submits that till the Tribunal decides the interim application, appellants are willing to use property for residential purposes.

Separate statements of appellant no.1 & 2 are recorded.

As the interim application is part heard and both the appellants are willing to use premises for residential purposes only the status quo be maintained in respect of the property in question till next date of hearing.

Put up for further arguments on interim application as well as on the point of appeal on 14.02.2025.

Copy of order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No. 978/24

02.12.2024

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

Ld. counsel for respondent, MCD seeks a short adjournment to file status report as well as record in the matter. Opportunity granted. Steps be taken before the next date of hearing.

Advance copy of status report be supplied to appellant.

Service report in respect of respondent no.2 & 3 is not received back. Accordingly, fresh notice be issued to respondent no.2 & 3 for next date of hearing.

Put up for appearance of respondent no.2 & 3 and arguments on the point of appeal on 24.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No. 710/24

02.12.2024

Present : Sh. Virender Singh, Ld counsel for the appellant.
Sh. H.R.Aggarwal, Ld counsel for the respondent.
Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record. Along with Sh. Adnan Amir, AE(B).
Sh. G.R.Verma, Ld. counsel for the intervener Sh. Jagat Singh.

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

An application under Order 1 Rule 10 CPC is moved by applicant Mr. Jagat Singh is listed today. Copy supplied to appellant.

Ld. counsel for appellant seeks a short adjournment to peruse the reply filed by MCD and file reply to the application under Order 1 Rue 10 CPC.

Along with the status report MCD has filed show cause notice dated 23.10.2024 issued by BSES, Mr. Subash Tanwar seeking explanation in respect of missing meter no.24211524 which is electricity connection relied upon by appellant in favour of his case (electricity meter bill is placed at page 29 of the appeal).

Respondent, MCD is directed to clarify about the status of said electricity meter as to whether the said electricity meter was installed in the premises in

Contd...

question or not and also clarify what is the impact of show cause notice of missing meter in the present case on the next date of hearing.

It is clarified that no further adjournment will be entertained in this matter.

Put up for arguments on application under Order 1 Rule 10 CPC and interim application seeking stay as well as on the point of appeal on 15.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No. 708/24

02.12.2024

Present : Sh. Amit Kumar Khandel , Ld counsel for the appellant
joined through VC.

Sh. Dharamvir Gupta, Ld counsel for the respondent.

Ld. counsel for appellant seeks an adjournment as he
is not available today due to family function.

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 05.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No. 111/24(M)

02.12.2024

Present : None for the appellant.

It is informed by the Registrar that record of the present matter has been summoned by the Court of Hon'ble Principal District & Session Judge(HQs).

Put up for consideration on 09.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 669/24

02.12.2024

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

Adjournment is sought on behalf of appellant as main counsel Sh. Satender Singh, is not available today due to bad health.

Put up for arguments on interim application and appeal on 24.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No. 467/24

02.12.2024

Present : Sh. Pranay Abhishek, Ld counsel for the appellant joined through VC.

Sh. Sahil Aeron, Ld counsel for the respondent Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record. Along with Sh. Devraj Chaudhari, AE(B).

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

Part arguments on the point of appeal heard.

Ld. counsel for appellant seeks an adjournment to place on record title chain of documents prior to year 2016.

Opportunity granted.

It is pointed out by Ld. counsel for appellant that in W.P.(C) 9209/2024 vide order dated 18.07.2024, the Hon'ble High Court of Delhi has directed that status quo be maintained in respect of property in question till the application seeking stay is disposed off.

As the application is part heard, therefore in compliance of directions issued by the Hon'ble High Court of Delhi, status quo be maintained in respect of property in question 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.

Contd....

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 seeking stay as well as appeal on 17.02.2025.

Copy of order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No.276/17

02.12.2024

Present : Sh. Anurag Malik, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh Sabbharwal, Ld. Counsel for the respondent.
Sh. M.N.Siddiqui, Ld. counsel for the respondent no.2.

List of relevant dates and events is placed on record by Ld. counsel for appellant.

Ld. counsel for respondent no.2 submits that they have not received the same. Copy of aforesaid list is placed on record and be provided to respondent no.2 against due acknowledgment.

An adjournment is sought on behalf of respondent, MCD as main counsel Mr. Pritish Sabbharwal is not available today due to some personal exigency.

In the interest of justice, one more opportunity is granted to respondent, MCD to argue the matter.

Put up for further arguments on the application under Section 5 of Limitation Act on 09.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No. 631/24

02.12.2024

Present : Sh. D.B.Yadav, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the
respondent / MCD.

Part arguments on the point of appeal heard.

Ld. counsel for appellant seeks an adjournment to
take instruction from appellant for filing additional
documents in the present case.

In the interest of justice, one more opportunity is
granted to appellant to address arguments. It is
clarified that no further adjournment request will be
entertained in the present matter.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No. 218/23 & 219/23

02.12.2024

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

Part arguments heard.

It is already lunch time. Ld. counsel for appellant submits that he is not available in post lunch session.

Put up for further arguments on pending application as well as appeal on 20.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024

A.No. 237/17 & 151/17

02.12.2024

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

Part arguments heard.

It is already lunch time. Ld. counsel for appellant submits that he is not available in post lunch session. Put up for further arguments on pending application as well as appeal on 20.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No. 29/22

02.12.2024

Present : Sh. B.S.Saini, Ld counsel for the appellant.
Sh. R.K.Kashyap , Ld counsel for the respondent.

Part arguments on the point of appeal heard.

Ld. counsel for appellant seeks a short adjournment to address further arguments in the matter.

The then AE(B), who booked the property, is directed to appear in person before the Tribunal on the next date of hearing.

Put up for further arguments on the point of appeal on 10.12.2024.

Copy of order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No. 693/23

02.12.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Jasleen Kaur, Ld counsel for the respondent.
Sh. Md. Azhar Saifi, Applicant / Intervener in person.

Written submissions have been filed on behalf of Intervener Mr. Md. Azhar Saifi. Copy supplied.

Part arguments on the point of appeal heard.

The impugned demolition order has been issued in respect of property no. D-49 and D-50, Swami Dayanand Colony, Sarai Rohilla, Delhi-110007..

During the course of arguments, it is pointed out that both the properties are separate though they have been booked by one impugned demolition order.

Some clarifications are required from the then AE(B), who booked the property in question, he is directed to appear in person before the Tribunal on the next date of hearing.

Put up for arguments on the point of appeal on 09.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No. 252/24

02.12.2024

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

It is informed that main counsel Mr. Surender Mishra is unavailable due to short circuit / fire emergency at his residence.

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

Put up for the purpose already fixed on 09.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No. 14/20

02.12.2024

Present : Sh. Aditya Kapur, Proxy counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
None for respondent nos. 2 & 3.

Part arguments on application seeking condonation of delay heard.

None is appearing on behalf of respondent nos. 2 & 3. In the interest of justice, one last and final opportunity is granted to respondent no.2 and LRs of respondent no.3 to address arguments on the pending application(s) on the next date of hearing, failing which the Tribunal shall be constrained to proceed further as per law.

Put up for further arguments on application seeking condonation of delay and appeal on 21.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024 rk

A.No. 684/23 & 288/23

02.12.2024

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

Part arguments heard.

Ld. counsel for appellant seeks some time to take further instructions in the matter from appellant.

Put up for consideration on status report dated 18.11.2024 on 05.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
02.12.2024