

A.No. 968/24

03.12.2024

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

Status report is filed by the department, copy supplied.
The record has been produced. It be deposited with
Registry and tagged with the file.

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

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

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

Re-list for arguments on interim application and
appeal on **12.12.2024**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 J

A.No. 198/24

03.12.2024

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

Part arguments on the appeal addressed by Ld. counsel for the appellant.

Mr. Ashutosh Gupta, Ld. counsel for the MCD is not available today being busy in some other Court.

As the counsel for the MCD is not available, therefore, arguments could not be concluded today.

The official concerned who passed the order dated 09.02.2024 shall remain present in person before this Tribunal on the next date of hearing.

Put up for arguments on the point of appeal on **04.02.2025.**

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024

A.Nos. 197/24, 527/16 & 531/16

03.12.2024

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

Part arguments heard.

Put up for further arguments on appeal along with
connected case on **04.02.2025**.

Interim orders to continue till the next date of hearing
in appeal Nos.527/16 and 531/16.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024

A.No. 425/15

03.12.2024

Present : Sh. Lalit Gupta, Ld counsel for the appellant.
Sh. K. K. Arora, Ld counsel for the respondent.

Part arguments heard in the connected case bearing A.No.198/2024 wherein the rejection of regularization has been impugned.

Put up for further arguments with connected case on **04.02.2025.**

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024

A.No. 04/23(M)

03.12.2024

Present : None for counsel for the applicant/appellant.
Sh. Jasman Singh Sethi with Dewansh Gupta, Ld
counsel for the New Delhi Municipal Council.
Sh. K.D. Sharma with Sh. Manish Sharma, Ld.
counsel for the DDA.

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

It is 3.00 P.M. The present application seeking
restoration of appeal is dismissed in default.

File be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024

A.No. 05/23(M)

03.12.2024

Present : None for counsel for the applicant/appellant.
Sh. Jasman Singh Sethi with Dewansh Gupta, Ld
counsel for the New Delhi Municipal Council.
Sh. K.D. Sharma with Sh. Manish Sharma, Ld.
counsel for the DDA.

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

It is 3.00 P.M. The present application seeking
restoration of appeal is dismissed in default.

File be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024

A.No. 1043/24

03.12.2024

Present : Sh. Harshit Luthra and Sh. Pulkit Luthra, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent with Ms. Renu Soni, Nodal Officer and Sh. Kuldeep Chopra, AE(B).

Part arguments heard.

It is informed by Mr. Ashutosh Gupta, Ld. counsel for respondent that in respect of the same subject matter the appellants have already filed writ petition bearing No.15750/2023 which is pending before the Hon'ble High Court of Delhi and listed for tomorrow i.e. on 04.12.2024. He informs that the Hon'ble High Court of Delhi is seized with the subject matter and the appellant needs to clarify whether there is any embargo in respect of the present proceedings or not. Ld. counsel for appellant seeks an adjournment to seeks instructions in this regard.

Put up for consideration on 12.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 J

A.No. 567/24

03.12.2024

Present :

Sh. Manish Kumar, Ld counsel for the appellant.

Sh.H.R. Aggarwal , Ld counsel for the respondent.

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

Ld. counsel for the appellant submits that the show cause notice as well as demolition order were not served upon them. He submits that only during the course of proceedings before the Hon'ble High Court of Delhi they came to know about the impugned order and filed the present appeal. Ld. counsel for respondent opposes the application.

Arguments heard. Record perused. Appellant has disputed the service of the show cause notice and demolition order which goes to the root of the matter and needs to be adjudicated on merits.

At this juncture, the appellant has been able to show sufficient cause seeking condonation of delay. The application is 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
03.12.2024

A.No. 44/24

03.12.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent
with Sh. Nishant Rohilla, Advocate.

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

Ld. counsel for the appellant submits that appellant has not received the show cause notice as well as the demolition order. He submits that she came to know about the proceedings on 18.01.2024 when the MCD official visited the property.

Ld. counsel for the respondent MCD submits that on the last date of hearing they have relied upon the proceedings of Civil Suit No.70/23 pending before the Ld. Addl. Senior Civil Judge, Shahdara, KKD Court. He submits that they have verified that appellant was not the party in the said civil suit.

The record of the MCD shows that the postal article for serving the show cause notice received back unserved and the service of notice is not free from doubt. At this juncture appellant has been able to sufficient cause seeking condonation of delay. The application is 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
03.12.2024

A.No. 706/14

03.12.2024

Present : Sh. Kunal Kalra, Ld counsel for the appellant.
Sh. H.R. Aggarwal, Ld counsel for the respondent.
Proxy counsel for intervener.

It is already lunch time. Ld. counsel for appellant submits that he is not available in post lunch session. Accordingly, re-list for further arguments on the point of appeal on 20.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024

A.No. 52/23, 704/22, 685/22 & 315/19

03.12.2024

Present : Sh. Rakesh, Ld counsel for the appellant.
Sh. Mohit Sharma, Ld counsel for the respondent in appeal No.685/22 and 704/22.
Sh. Mayank Ahuja and Sh. Arnav Gupta, Ld. counsel for respondent in appeal No.52/23 joined through VC.
Sh. Jatin Aggarwal, Ld. counsel for respondent in appeal No.315/19.

Ld. counsel for the appellant submits that he is recently engaged in the matter and needs some time to inspect the file before addressing the arguments.

One last opportunity is granted to the appellant to address the arguments on the matter.

Put up for arguments on the point of appeal on 15.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024

A.No. 803/18 & 536/18

03.12.2024

Present : Sh. Ashok Mohan proxy counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent
in appeal No.803/18.
Sh. Ashutosh Gupta, Ld. counsel for the respondent in
appeal No.536/13.
Sh. Naval Kishore, Ld. counsel for intervener.

It is submitted that main counsel Mr. Rana Ranjit Singh is not available today being busy in a matter before the Hon'ble Supreme Court of India.

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 purposed already fixed on 21.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 J

A.No. 94/20 & 848/19

03.12.2024

Present : Ms. Sandhya Sharma, Ld counsel for the appellant.
Ms. Parveen Sharma, Ld counsel for the respondent.

It is informed by the Ld. counsel for appellant that they have moved a regularization application.

Respondent MCD is directed to apprise the status of the same on the next date of hearing.

The officer concerned is also directed to appear in person on the next date of hearing.

Put up for further proceedings on 15.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024

A.No. 589/15

03.12.2024

Present : Sh. Zakir Hussain, Ld counsel for the appellant.
Ms. Praveen Sharma, Ld counsel for the respondent
MCD.

Sh. Diviz Soni, , Advocate appeared on behalf of DDA through VC and seeks short adjournment to file the status report clarifying the issue raised in the order dated 29.08.2024. Opportunity granted.

A representative from DDA is also directed to appear in person before the Tribunal on the next date of hearing.

Put up for further proceedings on **09.04.2025**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 J

A.No. 357/24

03.12.2024

Present : Sh. Deepak Tyagi, Ld counsel for the appellant.
Sh. Tarun Sabharwal, Ld counsel for the respondent
no.1.
Sh. Dishant Sharma, Ld counsel for the respondent
no.4.

Vide separate order of even date, the present application seeking condonation of delay is dismissed. Accordingly, the appeal filed by the appellant is also dismissed.

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
03.12.2024

A.No. 1045/24

03.12.2024

Fresh appeal filed. Be checked and registered.

Present : Ms. Monika Singhal & Sh. Abhishek Gautam , 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 13.12.2024.

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(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 rk

A.No. 999/24

03.12.2024

Present : Sh. Pankaj Jain & Sh. Rahul Khanna, Ld counsel for the appellant.

Ms. Mehak Arora , Ld counsel for the respondent along with Sh. Rajesh Rohilla, AE(B).

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

Part arguments heard.

Appellant has relied upon the property tax return of the year 2005-06 (at page 39-40 of the appeal) wherein the covered area of third floor is stated as 20 sq. meters.

Appellant has also stated the covered area of third floor in her affidavit (at page 29 of appeal). The covered area is mentioned therein varies from the covered area which is shown in the property tax return. The unit of covered area calculation is also not specified in affidavit.

Ld. counsel for respondent, MCD submits that from the admitted documents of appellant it is clear that appellant has breached the status quo and has constructed property over and above of the covered area which is mentioned in the property tax return.

Ld. counsel for appellant seeks an adjournment to take instructions from the appellant in this regard.

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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 further arguments on application seeking stay and on the point of appeal on 29.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 rk

A.No. 980/24

03.12.2024

Present : Sh. Sanjeev Sharma, Ld counsel for the appellant.
Ms. Mehak Arora, Ld counsel for the respondent no.1.
Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record.
Sh. Parveen Suri, Ld. counsel for the respondent no.2.

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

Ld. counsel for respondent no.2 has placed on record list of documents. He informs that the show cause notice dated 13.11.2024 under Section 338 of DMC Act has been already issued to them and the office of Deputy Commissioner is seized the matter. He informs that they have already filed reply dated 21.11.2024 to the show cause notice. Ld. counsel for respondent, MCD confirms the receipt of the same.

Ld. counsel for respondent no.2 further points out that they have impugned the said show cause notice dated 13.11.2024 in WP(C) 16339/2024 before the Hon'ble High Court of Delhi and vide order dated 26.11.2024, the Hon'ble High Court of Delhi has disposed off the said petition with following directions:

"5. In these circumstances, I see no reason to entertain the writ petition at this stage, Section 338 of the Act provides for the cancellation of a sanction in the circumstances enumerated therein, including material misrepresentation of fraudulent statement given by the applicant. The petitioner has already responded to the show cause notice. She will have liberty to pursue the appellate remedy provided under Section 347B of the Act in the event an adverse order is ultimately passed."

From the aforesaid submissions, it is clear that the concerned Deputy Commissioner is seized of the matter in respect of adjudication under section 338 of DMC Act.

In this circumstance, it will be prudent to wait for the outcome of said proceedings before going ahead in present matter.

It is clarified that the concerned Deputy Commissioner shall be at liberty to decide the matter independently without being influenced from pendency of present appeal.

Put up for further proceedings on 09.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 rk

A.No. 413/24

03.12.2024

Present : Sh. Shiv Chopra , Proxy counsel for the appellant
joined through VC.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh
Sabbharwal, Ld. Counsel for the respondent.

Adjournment is sought on behalf of respondent to file
reply of application under Section 5 of Limitation Act.

Opportunity granted.

Advance copy be supplied to opposite party.

Put up for arguments on application seeking
condonation of delay and interim application as well as
appeal on 06.03.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 rk

A.No. 504/18 & 513/18

03.12.2024

Present : Sh. Abhishek Chandel, Proxy counsel for the
appellant joined through VC.
Sh. Ranjit Pandey, Ld counsel for the respondent.

Adjournment is sought on behalf of appellant as main
counsel Ms. Ashu Arora is unwell today.

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

Put up for the purpose already fixed on 13.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 rk

A.No. 23/21 & 22/21

03.12.2024

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

Part arguments on the point of appeal heard.

Some clarifications are required from the concerned AE(B) in respect of property numbers which have been booked vide demolition orders dated 10.11.2020 and 22.12.2020. The then AE(B) who has passed the aforesaid demolition orders, are directed to appear in person before this Tribunal on the next date of hearing.

Put up for further arguments on the point of appeal on 21.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 rk

A.No. 212/21

03.12.2024

Present : Sh. Nishant Pandit S/o appellant.
Sh. S. Adil Hussain, Ld counsel for the respondent
joined through VC.

Adjournment is sought on behalf of appellant as main
counsel Sh. Vikrant Pachnanda is unavailable today
due to bad health.

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

Put up for further arguments on application U/s 5 of
the Limitation Act on 10.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 rk

A.No. 407/19

03.12.2024

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

Arguments on application under Order 22 Rule 10 CPC heard.

It is submitted by the Ld. counsel for appellant that shop no.6, Ground Floor, Block-JD, CSC at Pitampura, Delhi-110034 is transferred in favour of Sh. Manoj Bansal vide gift deed dated 01.08.2023. It is submitted that stall no.2, Ground Floor, Block-JD, CSC at Pitampura, Delhi-110034, which is adjoining the aforesaid shop is transferred in favour of Smt. Anju Bansal vide agreement to sell dated 26.07.2023. Ld. counsel for appellant submits that both the person are necessary party in the matter as rights in property in question is transferred in their favour.

Ld. counsel for respondent, MCD does not opposes the application.

In view of the aforesaid, application is allowed and the amended memo of parties is taken on record.

Put up for arguments on interim application as well as appeal on 15.04.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 rk

A.No. 408/19

03.12.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent.
Sh. Ashok Aggarwal, Intervener in person along with
Sh. Anubhav Gupta & Ms.Simran Mehta, Advocates.

Part arguments heard.

In the present case the demolition order has been passed alleging the deviations / excess coverage against the sanction building plan of the DDA.

Some clarifications are required in respect of sanction building plan and the covered area from Mr. O.S.Rana, the then AE(B), who has passed the impugned order.

Notice be issued to him Mr. O.S.Rana, the then AE(B) with the direction to appear in person before the Tribunal on the next date of hearing.

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

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024

A.No. 698/19

03.12.2024

Present : Sh. Dipesh Singhal, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh
Sabbharwal, Ld. Counsel for the respondent.

Ld. counsel for appellant seeks some time to take
instruction from the appellant in the present case.

Put up for the purpose already fixed on 16.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024

A.No. 97/19

03.12.2024

Present : Sh. Vipin Nandwani, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh
Sabbharwal, Ld. Counsel for the respondent.
None for Intervener.

Matter is listed today for arguments on application seeking condonation of delay as well as application under Order 1 Rule 10 CPC.

Perusal of record shows that application under Order 1 Rule 10 CPC was already disposed off vide order dated 13.04.2021.

Part arguments on application seeking condonation of delay heard. Arguments could not be concluded as Mr. Pritiesh Sabharwal, Ld counsel for respondent, MCD is unavailable due to some personal exigency.

In the interest of justice, one last opportunity is granted to respondent, MCD to address arguments.

An application under Order VI Rule 17 CPC is moved on behalf of appellant. Copy supplied.

Put up for further arguments on application seeking condonation of delay, filing reply and argument on application under Order VI Rule 17 of CPC on 17.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 rk

A.No. 694/19

03.12.2024

Present : Sh.S.S.Jain , Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.

Ld. counsel for appellant submits that inadvertently they applied for regularization in the HQ and have been guided to apply for regularization in concerned zone. He submits that they are in process of applying regularization application in concerned zone and seeks an adjournment.

Put for the purpose already fixed on 15.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 rk

A.No. 228/17

03.12.2024

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

It is informed that Ld. counsel for respondent Ms. Kanta Chaudhary is unavailable today due to some personal exigency.

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

Put up for the purpose already fixed on 15.04.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 rk

A.No. 123/22

03.12.2024

Present : Ms. Sumita Hazarika, Ld counsel for the appellant joined through VC.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh Sabbharwal, Ld. Counsel for the respondent no.1.
Sh. Rakesh Lakra, Ld counsel for the respondent no. 2 & 3 joined through VC.
None for the respondent no.4 to 6 joined through VC.

Ld. counsel for appellant submits that there is bereavement in her family and seeks an adjournment.
Ld. counsel for respondent, MCD does not oppose the request on the aforesaid ground.

It is clarified to both the parties that no further request for adjournment shall be entertained in the matter.

At joint request of parties, matter be relisted for arguments on interim application seeking condonation of delay on 17.12.2024 at 2:00 PM.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024 rk

A.No. 357/23

03.12.2024

Present : Ms. N.Sehar , Proxy counsel for the appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent no.1.
None for respondent no.2 to 5.

It is informed that Ld. counsel for appellant Mr.
S.D.Ansari has expired.

An adjournment is sought to take further instruction
from the appellant in the present matter.

Put up with connected appeal on 17.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
03.12.2024