

A.No. 10/24

05.12.2024

Present : Sh. Vardhan Gupta, Ld counsel for the appellant.
Sh. Vijay Tyagi, Ld counsel for the respondent.

Arguments on application seeking condonation of delay heard.

It is submitted by Ld. counsel for the appellant that they have received the impugned order on 27.12.2023 and the appeal was filed on 05.01.2024. He submits that there is a delay of two days in filing the present appeal as the Courts were closed for Winter Vacation and sometime was consumed in procedural aspects for preparation of file.

Ld. counsel for the MCD opposes the application. Arguments heard and record perused. The appellant has filed the present appeal impugning demolition order and has raised the grounds which need to be adjudicated on merits. Appellant has been able to show sufficient cause for condonation of delay. Therefore, the application seeking condonation is allowed and the 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
05.12.2024 (s)

A.No. 904/24

05.12.2024

Present : None for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent.
Fresh Vakalatnama filed, same is taken on record.

Status report filed.

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

Put up for purpose already fixed with connected case on 10.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 J

A.No. 789/24

05.12.2024

Present :

Sh. Sohail Khan, Ld counsel for the appellant.
Sh. Pritish Sabharwal, Ld counsel for the respondent
joined through VC.

Ld. counsel for appellant submits that they are not pressing their application under order 6 Rule 17 CPC and seeks permission to withdraw the same. Accordingly, the application under Order 6 Rule 17 CPC is dismissed as withdrawn.

Ld. counsel for appellant submits that in the present appeal they have impugned sealing order as well as demolition order. He submits that they have filed a separate appeal impugning the sealing order. He submits that he may be permitted to abandon claim in respect of sealing order and wants to pursue the present appeal only against the impugned demolition order.

Separate statement of the Ld. counsel for the appellant has been recorded in this regard.

Arguments on the point of limitation heard.

Ld. counsel for appellant seeks some time to move an application seeking condonation of delay. Advance copy of the application be supplied to the Ld. counsel for respondent.

Put up for further proceedings on 06.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 J

A.No. 789/24

05.12.2024

Statement of Sohail Khan, Ld. counsel for appellant.

At Bar

I am the counsel for appellant in the present appeal. I have instructions to withdraw the present appeal in respect of sealing order as appellant has filed a separate appeal against the sealing order. I may be permitted to abandon claim in respect of sealing order. I want to pursue this appeal only in respect of impugned demolition order dated 28.03.2024.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024

A.No. 684/23 & 288/23

05.12.2024

Statement of Sh. Lakshya Seth, S/o Sh. Ramesh Seth SPA holder of appellant, R/o 115, Shakti Apartment, Ashok Vihar, Phase-III, New Delhi

On SA

I am the SPA holder of the appellant. I under take to demolish the entire unauthorized construction at terrace of flat bearing No.118, Shakti Apartment, Ashok Vihar, Phase-III, New Delhi. I also undertake to remove/ demolish the excess coverage at the third floor i.e. flat bearing No. No.118, Shakti Apartment, Ashok Vihar, Phase-III, New Delhi as shown and depicted in red colour in the plan filed by the respondent MCD alongwith status report dated 05.12.2023, which is today Exb. as P-1 and status report dated 05.12.2023 is Exb as P-2. I undertake to bring the aforesaid flat as per the standard plan of the DDA. I shall do the needful within a period of 45 days from date of lifting of GRAP-IV restrictions. I may be allowed to do so.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024

A.No. 684/23 & 288/23

05.12.2024

Present : Sh. Nirmal Gaur, Ld counsel for the appellant
alongwith Sh. Lakshya Seth, SPA holder of the
appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

SPA in favour of Mr. Lakshya Seth is filed.

Part arguments heard in respect of status report dated
18.11.2024 heard.

Ld. counsel for the appellant submits that appellant
wants to bring the flat in question in conformity with the
standard building plan of DDA. He submits that
appellant is ready to remove/demolish the excess
coverage at the third floor. He submits that appellant
is ready to remove the excess coverage/ deviations in
flat No.118 Shakti Apartment, Ashok Vihar, Phase-III,
New Delhi as shown in red colour in the site plan filed
(Exb. as P-1) by the MCD alongwith status report
dated 05.12.2023 in order to bring the aforesaid flat
in conformity with the standard building plan of the
DDA.

Ld. counsel for the respondent does not oppose the
request in this regard and submits that the appellant is
at liberty to take necessary steps.

Separate statement of the SPA holder of the appellant
has been recorded in this regard.

Ld. counsel for the appellant submits that sufficient time may be granted to take needful steps as currently the GRAP-IV restrictions are in force.

Accordingly at joint request of the parties, matter be re-listed for consideration of status report dated 18.11.2024 as well as further proceedings on 24.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024

A.No. 564/24 & 449/24

05.12.2024

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

Vide judgment dated 05.12.2024 the order in respect of rejection of regularization, which is impugned in appeal No.624/24 is set aside and the matter has been remanded back for fresh adjudication.

Ld. counsel for respondent submits that they will make their best endeavor to decide the application expeditiously.

Ld. counsel for appellant submits that as the regularization application has been re-opened, he needs to take instructions before addressing further arguments in the matter.

Accordingly matter be relisted for further arguments on interim application as well as appeal on **21.02.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024

A.No. 1024/24, 1025/24 & 1026/24

05.12.2024

Present : Sh. Animesh Goel, Ld counsel for the appellant.
Sh. Jasman Singh Sethi, Ld counsel for the respondent.

Status report is filed by the department, copy supplied. It is submitted that Ld. counsel for appellant was suffering from Dengue and has been discharged from the hospital only yesterday. It is informed that he is advised bed rest for $\frac{3}{4}$ days and short adjournment is sought to address the arguments in the matter.

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

Relist for arguments on interim application as well as appeal on 09.12.2024.

It is clarified that no further request for adjournment shall be entertained in this matter.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024

A.No. 924/24

05.12.2024

Present : Sh. Yakshap, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.
Fresh Vakalatnama filed, same is taken on record.

Ld. counsel for the appellant seeks an adjournment to file affidavit in terms of the previous order. Opportunity granted.

Ld. counsel for the appellant submits that the connected appeal bearing No.929/24 in respect of the property in question is listed before this Tribunal on 28.01.2025.

Accordingly the matter be listed for further proceedings alongwith connected appeal on 28.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 J

A.No. 888/24

05.12.2024

Present : Sh. Atul Sharma, Sh. Jitender Sharma and Sh. S.P. Yadav, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent alongwith Sh. Shalesh Singh AE(B).

An application u/s 5 of the Limitation Act is moved on behalf of the appellant, copy supplied.

Put up for reply and arguments on an application seeking condonation of delay and arguments on interim application as well as appeal on 10.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024

A.No. 889/24

05.12.2024

Present : Sh. Atul Sharma, Sh. Jitender Sharma and Sh. S.P. Yadav, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent alongwith Sh. Shalesh Singh AE(B).

An application u/s 5 of the Limitation Act is moved on behalf of the appellant, copy supplied.

Ld. counsel for the respondent MCD submits that in the present case the appellant has impugned the vacation notice and the appeal in the present form is not maintainable.

Ld. counsel for the appellant seeks a short adjournment to take instructions in this regard.

Put up for reply and arguments on an application seeking condonation of delay and arguments on interim application as well as appeal on 10.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 J

A.No. 112/24

05.12.2024

Present : Ms. Parul along with Mr. Ishu Arora, Ld counsels for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

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

It is submitted by Ld. counsel for the appellant that they have impugned the demolition order dated 26.12.2023 and the present appeal was filed on 19.02.2024. She submits that after receipt of demolition order on 27.12.2023, the appellant wrote a letter dated 29.12.2023 to the MCD seeking 45 days time to file further reply (at page 232 of the appeal). The appellant was under the impression that the MCD will withdraw the proceedings and under that impression delay occurred.

Ld. counsel for the respondent MCD opposes the application.

Arguments heard and record perused. It is *prima facie* clear from letter dated 29.12.2023 that after receipt of demolition order the appellant wrote to MCD seeking some more time to file a reply. It is stated that appellant was exploring the legal remedy which was to be pursued.

The appellant has raised the grounds which need to be adjudicated on merits. The appellant has been able to show sufficient cause for condoning the delay. Therefore, the application seeking condonation is allowed and the delay is condoned.

It is submitted by Ld. counsel for the appellant that property is an old construction and they have filed the present case in respect of first floor and second floor of the property in question. She submits that the property in question is an old and protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. She submits that in the Sale Deed dated 20.05.2019 (at page 38 of the appeal) the area of the first floor is mentioned as 56 sq. meters. She submits that the application under Order XLI Rule 27 CPC is already filed along with self assessment return form for the property tax return for the year 2005-2006 wherein covered area of first and second floor is shown as 55 meters. She submits that they have also filed the payment receipt along with said PTR.

Ld. counsel for the MCD submits that they have filed status report dated 28.08.2024 verifying G-8 receipt no. 570438 but submit that Self Assessment PTR form could not be verified as it is not available in their office record.

Ld. counsel for the appellant submits that in their affidavit filed along with appeal showing measurement of the property (at P-33) they have declared that first floor and second floor are 50 sq. meters. She submits that there is no change in the covered area since 2005-2006 and the same is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.

Ld. counsel for the appellant submits that they are ready in case the property is jointly inspected to verify the covered area. Ld. counsel for the MCD does not oppose the request.

Accordingly, at joint request of the parties, joint inspection of the property be scheduled on **07.01.2025 at 2.30 p.m.** for the purposes of taking measurement of the property to assess covered area. Appellant is directed to remain present at site during the inspection and cooperate with the MCD officials. The covered area be measured and the photographs be placed on record.

In addition to the aforesaid, it will also be prudent to verify the Self Assessment Form filed along with application under Order XLI Rule 27 CPC which was filed by Sh. Neeraj Arora and Ms. Meena Arora.

Ld. counsel for the appellant seeks sometime to furnish their latest address so that notice can be issued to both of them and verify the aforesaid documents.

Put up for arguments on interim application as well as
on the point of appeal on **10.03.2025**.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 (s)

A.No. 728/24

05.12.2024

Present : Sh. B.S. Saini, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent
alongwith Mr. P.K. Jindal, AE(B).

Status report is filed by the respondent MCD informing that they have already rejected the regularization application as there were non-compoundable deviations in the property in question.

Put up for arguments on an interim application and appeal on **29.01.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 J

A.No. 276/22

05.12.2024

Present : Sh...Anuj Garg, 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 06.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024

A.No. 331/21

05.12.2024

Present : Sh. Aditya Parmesh proxy counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Reply to the application seeking condonation of delay is filed on behalf of the respondent, copy supplied.

An adjournment is sought on behalf of the appellant as main counsel Sh. Achin Mittal is unavailable today.

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 arguments on an application seeking condonation of delay and appeal on 18.02.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 J

A.No. 05/14

05.12.2024

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

Part arguments on the point of appeal heard.

It is pointed out by the Ld. counsel for appellant that in status report dated 29.05.2017, MCD has pointed out total excess coverage of 19.89 sq.mtr. in basement, ground floor and first floor collectively. He submits that in the status report dated 16.02.2018 it was informed that the front boundary wall is out of site plan and the same is required to be removed. He submits that as per the instructions received from the appellant the aforesaid deviations / excess coverage have been removed and building stands in conformity with the sanctioned building plan.

He submits that the demolition order does not mention about the excess coverage and deviations but the deviations pointed out in the status report have been already removed and the demolition order stands complied by the appellant.

He submits that the appellant is ready for a joint inspection of the property so that MCD can pin point the deviations, if any which exist at the site and

appellant is ready to remove the same. Ld. counsel for the respondent does not oppose the request.

Accordingly a joint inspection be scheduled in respect of the property in question for 08.01.2025 at 2.00 p.m. Appellant is directed to co-operate with the MCD officials in carrying out the inspection. Respondent MCD is directed to file a status report precisely clarifying the deviations/ excess coverage, if any and specify its measurement in comparison to the sanctioned building plan. In case any deviations/ excess coverage are left out, the MCD shall pin point the same in site plan alongwith measurements so that appellant can take remedial steps in that regard.

Put up for arguments on the point of appeal on 30.01.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 J

A.No. 1048/24 & 1049/24

05.12.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. G.R.Verma, 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 07.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024

A.No. 1050/24

05.12.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. G.R.Verma, 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 07.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024

A.No. 1053/24

05.12.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Suhail Khan & Sh. Shadab Ahmad, 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 06.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024

A.No. 1052/24

05.12.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Vijay Kumar, 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 09.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024

A.No. 1055/24

05.12.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Animesh Goel, Proxy 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 along with connected appeal on 09.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024

A.No. 909/24, 910/24, 911/24 & 912/24

05.12.2024

Present : Sh. Chander M.Maini & Ms. Biman Sethi, Ld counsel for the appellant.

Ms. Jasleen Kaur, Ld counsel for the respondent in appeal nos. 909/24 & 912/24. Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record.

Sh. Aproov Sisodia, Ld. counsel for the respondent in appeal nos. 910/24 & 911/24 along with Sh. Shailesh Singh, AE(B).

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

Ld. counsel for respondent / MCD submits that the appeal is time barred and no application seeking condonation of delay is filed.

Ld. counsel for appellant seeks a short adjournment to take instructions and to take appropriate steps.

Put up for arguments on interim application and appeal on 10.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 206/23

05.12.2024

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

It is submitted that Ld. counsel for respondent / MCD is unavailable today due to some personal exigency. In the interest of justice, one more opportunity is granted to appellant to address arguments. Put for the purpose already fixed on 11.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024

A.No. 906/24

05.12.2024

Present : Appellant in person
Sh. Atul Tanwar, Ld counsel for the respondent.

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

Appellant seeks an adjournment to engage advocate in this matter.

Opportunity granted.

Put up for the purpose already fixed along with connected appeal on 10.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 446/14

05.12.2024

Present : Appellant in person.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

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

It is informed that queries have been made from Town Planning Department in respect of property in question and reply is awaited.

Appellant seeks an adjournment as Ld. counsel for appellant is unavailable today.

Put up for further proceedings on 17.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 rk

A.No. 41/23

05.12.2024

Present : None for the appellant.
Sh. Ajay Gaur, Ld counsel for the respondent.

None has appeared on behalf of appellant in person as well in VC.

Ld. counsel for respondent informs that regularization application has been rejected and seeks some time to file status report in this regard.

Put up for arguments on interim application and appeal on 17.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 677/24

05.12.2024

Present : Ms. N.Sehar , Proxy counsel for the appellant.
Ms. Beena Sharma , Ld counsel for the respondent.

It is submitted that main counsel Mr. S.D.Ansari has died and appellant needs some time to engage advocate in the matter.

Accordingly, put up for the purposed already fixed on 11.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 850/24

05.12.2024

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

Ld. counsel for appellant submits that they have already applied for regularization in respect of property in question.

Ld. counsel for respondent / MCD seeks an adjournment to cross check the status and file the report.

Put for the purpose already fixed on 17.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 95/24 (M)

05.12.2024

Present : None for the appellant.
Sh. Aman Rai , Ld counsel for the non-applicant /
respondent.

Reply to application under Order XLI Rule 19 CPC is
filed on behalf of respondent.

None has appeared on behalf of applicant since
morning in person or through VC despite various calls.
None was present on behalf of applicant on the last
date of hearing as well.

It is 2:15 PM. The present application is dismissed in
default.

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
05.12.2024 J

A.No. 96/24(M)

05.12.2024

Present : None for the appellant.
Sh. V.K.Aggarwal, Proxy counsel for Ms. Bhavya Chauhan, Ld. counsel for the non-applicant / respondent.

None has appeared on behalf of applicant since morning in person or through VC despite various calls. None was present on behalf of applicant on the last date of hearing as well.

It is 2:15 PM. The present application is dismissed in default.

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
05.12.2024 J

A.No.147/24

05.12.2024

Present : Sh. Brij Lal, Ld counsel for the appellant.
Sh. Chetan Hasija, Ld counsel for the respondent.

Ld. counsel for appellant seeks an adjournment to file record pertaining to Civil Suit to justify the delay in filing of the present appeal.

Opportunity granted.

Put up for arguments on application seeking condonation of delay and interim application on 17.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 639/24

05.12.2024

Present : Sh.Shivan Kapoor & Sh. Tanuj Singh Bagga , Proxy
counsel for the appellant.
Sh. V.K.Aggaral , Ld counsel for the respondent.
Fresh Vakalatnama is filed by Ld. counsel for
respondent. It be taken on record.

Reply to the application seeking condonation of delay
is filed on behalf of respondent. Copy supplied.

It is informed that main counsel Mr. Ojas Singh
Sachdeva is unavailable today due to bad health.

In the interest of justice, last and final opportunity is
granted to appellant to address arguments in the
matter, failing which the Tribunal shall be constrained
to reconsider the interim protection which has already
been granted in the present matter.

Put up for arguments on application seeking
condonation of delay, interim application and appeal
on 17.04.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 651/23

05.12.2024

Present : Sh. G.R.Verma, Ld counsel for the appellant.
Sh. S.Adil Hussain, Ld counsel for the respondent
along with Sh. Mukesh Gaur, AE(B).

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

Reply to application seeking condonation of delay is
filed on behalf of respondent. Copy supplied.

Ld. counsel for appellant seeks some time to peruse
the reply before addressing arguments.

Put up for arguments on application seeking
condonation of delay, interim application and appeal
on 21.04.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 235/23

05.12.2024

Present : Sh. G.R.Verma, Ld counsel for the appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent.

Put up with connected appeal on 21.04.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 650/22 & 651/22

05.12.2024

Present : Ms. Parul Agarwal , Ld counsel for the appellant.
Sh. V.K.Agarwal, Ld counsel for the respondent
along with Sh. O.P.Joshi, ZI, Shahdara (S)Zone.

It is informed that the receipt bearing no.573032 dated 30.06.2009 (at page 30 of appeal) was printed in the MCD press and received by the A&C Department/ HQ/MCD on 24.06.2009.

In respect of receipt bearing no.072288 dated 30.06.2015 (at page 31 of appeal) it is stated that the same has not been printed at the Municipal Press. Ld. counsel for appellant seeks some time to clarify regarding authenticity of said receipt.

Ld.counsel for respondent/ MCD seeks some time to verify the receipt at page no.30 of the appeal from the House Tax Department. Opportunity granted.

Put for the purpose already fixed on 14.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 J

A.No. 168/23
05.12.2024

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

Arguments on maintainability of the application under order 1 Rule 10 CPC heard.

It is submitted by Ld. counsel for intervener that intervener is the neighbour of appellant.

Even if it is presumed that all the averments made in the application is correct, then also in this proceeding between the appellant and the MCD the applicant has no right to participate and he cannot become a party as there is a clear-cut judgment of Delhi High Court in case ***Hardyal Singh Mehta Vs MCD, AIR 1990 Delhi 170*** in which it is held that in the matter between the appellant and the MCD, no third person can join and become a party to such proceedings and in such proceedings the application under order 1 Rule 10 CPC is not maintainable. Any dispute between the applicant and the appellant has to be dealt with and to be decided by the Civil Court separately. Accordingly, application moved by applicant under order 1 Rule 10 CPC is hereby dismissed. However, the applicant is permitted to file the documents, if any and to orally argue the matter at the final arguments stage.

Put up for arguments on the point of appeal on
16.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 J

A.No. 200/21

05.12.2024

Present : Sh. Amit Rathor, Ld counsel for the appellant.
Ms. Yogita Yadav , Ld counsel for the respondent.

Arguments on the point of appeal heard.

Some clarifications are required from the then AE(B) who booked the property in respect of issue of encroachment of street has dealt by the MCD in their order dated 26.03.2021 (at page 63 of the appeal).

The then AE(B) 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 16.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 271/21

05.12.2024

Present : Sh. Vinit Chaddha, Ld counsel for the appellant joined through VC.
Sh. Madan Sagar, Ld counsel for the respondent.

Part arguments on the point of appeal heard.

In the present appeal, appellant has challenged the sealing order. Perusal of appeal shows that appellant is the occupier in property in the capacity as tenant. The owner of property has not been impleaded in the present matter. To decide the controversy in the matter it is necessary to provide an opportunity to the owner to address the Tribunal on the issue involved as the owner is necessary party in the case.

Accordingly, this Tribunal by using power under Order 1 Rule 10 CPC directs that the owner of property Ms. Kusum Malhotra (as stated in para 7(ii) of the appeal) be impleaded as respondent no.2 in the present case. Appellant is directed to file amended memo of parties on the next date of hearing.

Notice be issued to Ms. Kusum Malhotra, H.No. - 5/5, Near Sewa Bharti, Khichripur, Delhi-110091, to appear in person or through representative before the Tribunal on the next date of hearing.

Put up for further arguments on the point of appeal on 11.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 42/18

05.12.2024

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

It is informed that Mr. V.K.Arora is unavailable today due to bad health.

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

Put for the purpose already fixed on 17.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 602/14
05.12.2024

Present : Sh. Vikas Khatri, Ld counsel for the appellant.
Sh. Anupman Sharma Ld counsel for the respondent no.1, DDA.
Sh. Dharamvir Gupta, Ld.counsel for respondent no.2, MCD.
None for respondent no. 3 & 4.
Sh. Mohit Batra, Ld. counsel for the intervener Ms. Sudesh Rani.

Part arguments on application under Order 1 Rule 10 CPC heard.

Ld. counsel for intervener submits that along with their application (at page 26 of application) they have placed on record agreement to sell dated 16.08.2004 which shows that original allottee Mr. Sohan Singh (Father of appellant) sold the property to Mr. Baldev Singh. The said document is signed and attested by appellant. He submits that Mr. Baldev Singh is a necessary party in this case and appellant has filed present appeal suppressing the said record.

Ld. counsel for appellant seeks some time to take instruction and to file detailed affidavit in this regard. Put up for further arguments under Order 1 Rule 10 CPC as well as on the aspect of clarification in respect of aforesaid documents on 25.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 610/24

05.12.2024

Present : Sh. Ramesh Kumar, Ld counsel for the appellant.
Sh. V.K.Aggarwal, Proxy counsel for Sh. Ajay Gaur,
Ld. counsel for the respondent.

An application under 151 CPC is moved on behalf of appellant to address further arguments in the matter. Copy supplied.

It is stated that in the application that due to death in his family, appellant could not properly brief the Ld. counsel on 28.11.2024. It is stated that appellant has changed his counsel and has engaged a new advocate who want to inspect the record before addressing further arguments.

In the interest of justice, the application is allowed and appellant is granted opportunity to address further arguments in the matter.

Put up for arguments on interim application seeking stay as well as appeal on 11.12.2024.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024 R

A.No. 624/24

05.12.2024

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

Vide separate judgment of even date appeal is allowed. The appeal is remanded back to the Quasi-Judicial Authority for deciding the same afresh.

Record of the respondent (if any), returned along with copy of this order and appeal, file be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
05.12.2024