

A.No. 389/17

12.12.2024

Present : Sh. Durga Prasad Shukla, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Arguments on application under Section 5 of Limitation Act seeking condonation of delay heard.

It is submitted by Ld. counsel for appellant that show cause notice and demolition order were not served upon them. He submits that they only received copy of aforesaid proceedings through RTI on 17.05.2017 and file present appeal on 25.05.2017. He submits that delay is occurred only because of non-service of show cause notice and demolition order.

Ld. counsel for respondent / MCD concedes that show cause notice and demolition order in the present case is not addressed to appellant and is addressed to one Sh, Ramkesh.

Under these circumstances, it is prima facie clear that service of show cause notice as well as demolition order is not free from doubt. Accordingly, the application seeking condonation of delay is allowed and delay is condoned.

Contd....

-2-

Arguments on the point of appeal from both the parties heard.

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

It is clear from record that the then AE(B) and JE(B) have remained negligent in discharging of their duties and have booked and carried out demolition of property without bothering to ascertain the ownership and identity of property.

Notice be issued to the then AE(B) and JE(B) to appear in person on the next date of hearing and show cause why action be not initiated against them.

Put up for further proceedings on 24.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
12.12.2024 R