

A.No. 1065/24

13.12.02024

Fresh appeal filed. Be checked and registered.

Present : Sh. Thakur Sumit and Sh. Narender Yadav, 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 10.01.2025

The Registrar, ATMCD is also directed to send a copy of this order alongwith notice.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024

A.No. 1045/24

13.12.02024

Present : Dr. Monika Singhal, Ld counsel for the appellant.  
Sh. Atul Tanwar, Ld counsel for the respondent.  
Memo of appearance filed, Same is taken on record.  
Status report is filed by the department, copy supplied.  
Ld. counsel for the respondent submits he has not received the paper book in the matter and is not in a position to argue on interim application.  
Ld. counsel for the appellant submits that as the MCD is seeking adjournment to argue the interim application, interim protection be granted till next date of hearing.  
I find merits in the submissions made by the Ld. counsel for appellant. Accordingly, in view of the above facts and circumstances, 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 interim application as well as on the point of appeal on 16.01.2025.  
Copy of the order be given dasti.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024 J

A.No. 1044/24

13.12.02024

Present : Sh. Puran Singh, Ld counsel for the appellant.  
Sh. Atul Tanwar, Ld counsel for the respondent  
alongwith AE(B) Sh. Srikant.

Status report is filed by the department, copy supplied.  
Arguments heard on point of appeal from both the  
parties.

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  
13.12.02024

A.No. 1015/24, 1021/24, 1006/24, 1007/24 & 1008/24

13.12.02024

Present : Sh. I.S. Dahiya, Ld counsel for the appellant.  
Sh. Paras Aggarwal, Ld counsel for the respondent in appeal Nos.1006/24, 1007/24 & 1008/24.  
Sh. Madan Sagar, Ld. counsel for respondent in appeal No.1015/24.  
Sh. V.K. Aggarwal, Ld. counsel for respondent in appeal No.1021/24.  
Sh. Ajay Chaudhary, AE(B).

Status report is filed by the department, copy supplied.  
Ld. counsel for the appellant takes a preliminary objection that the appeal is time barred and no application seeking condonation of delay is filed. He also submits that power of attorney filed alongwith the appeal is also non compliant of legal position. It is further informed that there is a writ petition 2051/2020 which has been filed by Ms. Kanchan Malik before the Hon'ble High Court of Delhi in respect of the property in question, and is listed on 17.03.2025.  
Ld. counsel for the appellant seeks an adjournment to take instructions from the appellant in this regard.  
Put up for arguments on maintainability of appeal on 03.03.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024 J

A.No. 991/24 & 992/24

13.12.02024

Present : Sh. R.K. Verma and Ms. Sonal Veena, Ld counsel for the appellant.

Sh. Atul Tanwar, Ld counsel for the respondent alongwith Sh. Yashwant Singh, AE(B).

Status report is filed by the department, copy supplied. Ld. counsel for appellant seeks some time to inspect the record before addressing further arguments in the matter.

Put up for arguments on appeal on 11.02.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024

A.No. 1060/24

13.12.02024

Present : Sh. Vinay Sharma, Ld. counsel for appellant joined through VC alongwith appellant in person present in the court.

An application under Order 1 Rule 10 CPC is moved on behalf of the appellant for impleading society as respondent No.2 in the present appeal.

In the present matter in demolition order there are allegations of excess coverage against standard building plan by raising boundary wall and covering the open area by way of temporary shed.

In these circumstances, it will be necessary to give an opportunity to the society to tender their version. As society is necessary party in the matter, the application is allowed. Amended memo of parties is taken on record.

Issue notice of interim application(s) as well as appeal to the respondent 1 through concerned Chief Law Officer and respondent No.2 society.

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 13.01.2025.

The Registrar, ATMCD is also directed to send a copy of this order alongwith notice.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024 J

A.No. 900/24

13.12.02024

Present : Sh. MPS Kasana, Ld counsel for the appellant.  
Sh. Atul Tanwar, Ld counsel for the respondent.

Status report is filed by the MCD highlighting the deviations which exist at the site.

Ld. counsel for the appellant seeks sometime to take instructions for removal of the alleged deviations.

Put up for further proceedings on **17.01.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024 (s)



A.No. 279/24

13.12.02024

Present :

Sh. Anil Aggarwal, Ld counsel for the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent.  
Sh. Rahul Ranjan, Ld. counsel for intervener joined through VC.

Arguments on an application u/s 5 of the Limitation Act seeking condonation of delay in filing of the appeal heard.

It is submitted by the Ld. counsel for appellant that the show cause notice as well as demolition order was not served upon appellant and only on 16.04.2024 he came to know about the impugned demolition order. He submits that the delay in filing of the appeal has occurred due to non service of the impugned order and reasons beyond the control of the appellant. Ld. counsel for respondent MCD opposes the application. Arguments heard. Record perused. Perusal of MCD record shows that the demolition order dated 10.04.2024 was initially attempted to be served by way of post. The postal tracking report at page 16/C of the record shows that it received back unserved with the report "item returned addressee left without instruction" Thereafter the impugned order is stated to have served by way of affixation. The aspect of non service of demolition order needs to be adjudicated on merit of this case. At this juncture the appellant has been able to show sufficient cause in respect of the application seeking condonation of delay.

Accordingly the application seeking condonation of delay is allowed. Delay is condoned.

Arguments on maintainability of the application under order 1 Rule 10 CPC heard. Ld. counsel for intervener submits that intervener is not the owner of the property in question and is residing in nearby vicinity and is aggrieved by the alleged unauthorized construction in the property. 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 ***Hardayal 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 appeal on 07.03.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024 J

A.No. 607/19

13.12.02024

Present : Sh. Naveen Grover, Ld counsel for the appellant.  
Sh. H.R.Aggarwal, Ld counsel for the respondent.

Ld. counsel for the appellant submits that initially alongwith appeal they have moved an application under Section 347-B (2) of the DMC Act seeking condonation of delay. He submits that thereafter the appeal was amended and they have moved fresh application dated 19.09.2023. He submits that he is pressing the application dated 18.09.2023 and seeks permission to withdraw the earlier application. Application dated 10.10.2019 is dismissed as withdrawn.

Arguments on application under Section 5 of the Limitation Act (dated 18.09.2023) heard at length from both the parties.

Put up for orders on 16.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024 J

A.No. 697/24

13.12.02024

Present : Sh. Sanjeev Aggarwal, Ld counsel for the appellant.  
Sh. Atul Tanwar, Ld counsel for the respondent.

Part arguments on the point of appeal heard.

Ld. counsel for appellant submits that respondent has booked their property for raising unauthorized construction, however, appellant has not carried out any construction activity in the property in question.

Ld. counsel for appellant seeks an adjournment to file an affidavit stating therein covered area as per the standard building plan of DDA and the covered area which currently exist at the spot.

Put up for further arguments on the point of appeal on **24.04.2025.**

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024 J

A.No. 330/24

13.12.02024

Present : Ms Prachi Gupta, Ld counsel for the appellant joined through VC.  
Sh. Ravi Ranjna, Ld counsel for the respondent joined through VC.  
Sh. Ravi Bassi, Ld. counsel for intervener joined through VC.

An adjournment is sought by Ld. counsel for appellant due to some medical exigencies.

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

Re-list for arguments on interim application as well as appeal on 28.02.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024

A.No. 365/24

13.12.02024

Present : Sh. Bakshi Tejashwar Singh, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent No.1.

S. Manish Gandhi, Ld counsel for respondent No.2 with Sh. Ankit and Sh. Suyash Pandey, Advocates.

Amended memo of parties is filed by the appellant, same is taken on record.

Ld. counsels for the respondents seeks some time to file reply to the application under Order 7 Rule 7 CPC.

Ld. counsels for the respondents submits that they have not received the copy of application seeking condonation of delay and there is huge delay in filing of the present appeal.

Ld. counsel for appellant submits that they will supply the copy of the application during the course of the day. Advance copy of reply be supplied to the appellant.

Re-list for arguments on application under Order 7 Rule 7 CPC as well application seeking condonation of delay on 28.03.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024 J

A.No. 566/22

13.12.02024

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

It is informed by the Ld. counsel for respondent MCD that the issue involved in the present appeal is pending adjudication before Hon'ble High Court of Delhi in LPA No.591/23 which is listed on 06.03.2025. Accordingly, put up for further proceedings in the present matter on 23.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024 J

A.No. 77/23, 78/23, 731/22 & 732/22

13.12.2024

Present : Sh. G.R. Verma, Ld counsel for the appellant.  
Sh. A.L. Agnihotri, Ld counsel for the respondent in appeal Nos. 731/22 & 732/22.  
Sh. V.K. Aggarwal, Ld. counsel for respondent in appeal Nos. 77/23 & 78/23.  
Sh. Prateek Verma, Ld. proxy counsel for non applicant No.2 to 7. Fresh vakalatnama filed in appeal No.77/23.

It is submitted that main counsel Sh. Nishant Lohia is unavailable today being busy before the Hon'ble High Court of Delhi.

An adjournment is sought on behalf of non-applicant / respondent no. 2 to 7 to file reply of the application under order 1 Rule 10 CPC. Advance copy of reply be supplied to appellants.

Put up for reply and arguments on application under order 1 Rule 10 CPC on 25.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024



A.No. 738/17 & 496/17

13.12.02024

Present : Ms. Khushboo Gupta proxy counsel for the appellant  
joined through VC.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as  
main counsel Sh. Kshitiz Khanna is un-available being  
out of station due to bad health of his mother.

In the interest of justice, put up for purpose already  
fixed on 25.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024

A.No. 173/21

13.12.02024

Present : Sh. Nirmitt Gaur , Ld counsel for the appellant.  
Sh. Kanwar Kochhar, Ld. counsel for the respondent  
joined through VC.  
Sh. Sachin Upadhyay, Ld. Proxy counsel for the  
respondent no. 2.

Part arguments on the point of appeal heard.

The then AE who has passed the impugned order  
dated 05.03.2021 is directed to appear in person on  
the next date of hearing.

Put up for further arguments on the point of appeal on  
27.02.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024 (s)

A.No. 629/22

13.12.02024

Present : Sh. Kamal Deep Singh, Ld counsel for the appellant.  
Sh. Madan Sagar, Ld counsel for the respondent.

Part arguments on the point of appeal heard.

The property in question was booked initially in the year 2013 for unauthorized construction in the shape of entire ground floor, first floor, second floor, third floor and one room on fourth floor alongwith projections on municipal land. Thereafter in continuation of the previous booking the property was again booked for unauthorized construction in the shape of verandah (covered) adjoining to existing room, one toilet and projection at fourth floor.

Some clarifications are required from the officer concerned in respect of the portion booked at fourth floor of the property.

Notice be issued to the then AE(B) who has booked the property in 2018 to appear before the Tribunal on the next date of hearing.

Put up for further arguments on appeal on 25.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024 J

A.No. 189/17

13.12.02024

Present : Sh. Abhishek Gupta, Ld. Proxy counsel for the  
appellant joined through VC  
Sh. R. K. Kashyap, Ld counsel for the respondent.

It is informed by Ld. Proxy Counsel for the appellant  
that the grandmother of the main counsel Mr. Nishant  
Anand has died due to which he is not in a position to  
appear before this Tribunal.

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

Put up for purpose fixed on **28.04.2025**.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.02024 (s)

A.No. 360/24

13.12.2024

Present : Sh. Shadan Farasat Ld. Senior counsel alongwith Sh. Samman Vardhan Gautam and Ms. Khushi Sharma, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.  
Sh. Vishal Mann, Ld. counsel for intervener.

Record of regularization is produced, same be deposited in the Registry.

Status report is filed by the respondent MCD, copy supplied.

Ld. counsel for respondent MCD seeks some time to clarify the aspect as stated in Para 5 and 6 of the order dated 06.12.2024.

Ld. Senior counsel on instructions submits that they do not want to file any further additional document as stated in Para-4 of order dated 06.12.2024. Affidavit in respect of floor-wise covered area of the property in question (as stated in para no. 1 of order dated 06.12.2024) is also not filed by the appellant.

Part arguments heard.

Ld. Senior counsel for appellant seeks some time to appear in person in the Tribunal and address further arguments in the matter. Opportunity granted.

At request and convenience of both parties, put up for further arguments on interim application seeking stay as well as appeal on **16.01.2025 at 3.00 p.m.**

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024

A.No. 517/23, 518/23 & 519/23

13.12.2024

Present : Sh. Shadan Farasat Ld. Senior counsel alongwith Sh. Samman Vardhan Gautam and Ms. Khushi Sharma, Ld counsel for the appellant.  
Ms. Renu Soni, Nodal Officer on behalf of the respondent.

Nodal Officer informs that as matter has been preponed, Ld. counsel for respondent is not available today. She assures that the counsel will appear on next date of hearing.

Put up for purpose already fixed alongwith connected appeal bearing No.360/24 on 16.01.2025 at 3.00 p.m.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 J

A.No. 1068/24

13.12.02024

Fresh appeal filed. Be checked and registered.

Present : Sh. Dalip Rastogi, 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.

Ld. counsel for appellant informs that the demolition action in respect of property in question is scheduled for today. He submits that neither the demolition order nor the show cause notice was served upon them. He submits that the appellant already got property mutated in his name but the vacation notice is addressed to owner/occupier/builder and not to the appellant. He submits that building was constructed after obtaining a sanctioned building plan and appellant has no clue as to why the demolition order has been passed against the building. He submits that in case interim protection is not granted at this juncture, the property will be demolished and the appeal will become infructuous.

Arguments heard. Record perused. The appellant has raised grounds in the appeal which needs to be considered on merits. A vacation notice has already been issued in respect of the property in question. The building is stated to have a sanctioned building plan. Appellant is disputing the service of show cause notice and no opportunity of hearing was granted to the appellant before passing the impugned order.

Accordingly, in view of the above facts and circumstances, 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 interim application(s) and appeal on 30.01.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024



A.No. 1014/24

13.12.2024

Present : Sh. Rahul Kumar Sharma, Ld counsel for the appellant.

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

Another application under Order VII Rule 14 CPC is also moved along with list of documents. It is submitted by Ld. counsel for appellant that now GRAP-IV restrictions have been removed and therefore, they are apprehending demolition action and interim protection be granted.

Perusal of record shows that on 27.11.2024 Ld. counsel for appellant did not availed the opportunity to argue the matter and had requested for an adjournment. Now the better sense has prevailed upon appellant and he has moved the present application seeking early hearing. The Tribunal has a heavy roaster and no reasonable grounds have been cited in the application for preponment of hearing except lifting of GRAP-IV restrictions. Rest of the averments touches upon merits

Contd...

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of case and needs to be adjudicated after hearing both parties. Accordingly, application for early hearing is dismissed.

Notice of application under Order VII Rule 14 CPC be issued to respondent / MCD for next date.

Put for arguments on interim application seeking stay and appeal on date already fixed i.e.17.02.2025.

Copy of order be given dasti.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R

A.No. 967/24

13.12.2024

Present : Sh. Adamaya Pal Singh, Ld counsel for the appellant.

Sh. S.Adil Hussain, Ld counsel for the respondent. Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record.

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

Part arguments on application seeking condonation of delay heard.

Ld. counsel for appellant seeks some to place on record the order dated 22.10.2024 in WP (C) No.14812/ 2024.

Put up for further arguments on application seeking condonation of delay, interim application and appeal on 27.02.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R

A.No.1046/24

13.12.2024

Fresh appeal filed. Be checked and registered.  
Present : Sh. Jitender Kumar Dhingra, Ld. counsel for  
the appellant.

An affidavit is filed on behalf of appellant no. 1  
to 5 giving measurements of their respective  
floors in the building.

List of documents is also filed on record.

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 08.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R

A.No. 1059/24

13.12.2024

Present : Sh.Kush Sharma , Ld counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent no.1 through concerned Chief Law officer and respondent no.2.

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 10.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R

A.No. 13/15 & 14/15

13.12.2024

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

Sh. Dharamvir Gupta, Ld counsel for the respondent.

1. Status report is filed by the AE (B) K. P. Zone on 10.12.2024 informing that they have sent a request to the Building Department (HQs) for clarification/ modification of the floor-wise regularization / sanction policy and the regularization application in the instant case is kept pending.
2. In the order dated 15.10.2024, it is recorded that the appellant is suffering from serious life threatening disease and requested that his regularization application may be decided on merits in accordance with law laid down by the Hon'ble High Court of Delhi.
3. In the present circumstances, the assistance from the Building Department (HQs) as well as Law Department (MCD) is required to have clarity regarding the proposed modification/ clarification in the floor-wise regularization policy as requested by the officials of K. P. Zone to the MCD (HQs).

4. Accordingly, representatives from both Building Department (HQs) and the Chief Law Officer from Law Department, MCD are requested to appear in person or through VC before this Tribunal on the next date of hearing to assist this Tribunal.

Put up for further proceedings on **23.12.2024**.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 (s)

A.No. 29/22

13.12.2024

Present : Sh. B.S.Saini, Ld counsel for the appellant.  
Sh. R.K.Kashyap, Ld counsel for the  
respondent along with Sh. P.K.Sharma, the  
then EE(B) and Sh. Kumar Ami, JE(B).

Part arguments on the point of appeal heard.  
Ld. counsel for respondent seeks some time to  
seek clarification from the department in  
respect booking of property dated 20.10.2020  
and its record.

In the interest of justice, one more opportunity  
is granted.

Concerned officers are directed to remain  
present in person before this Tribunal on the  
next date of hearing.

At joint request of parties, matter is listed for  
the purpose already fixed on 23.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R



A.No. 428/24  
13.12.2024

Present : Sh. Kunal Madan, Ld counsel for the appellant.

Sh. Ashtosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant seeks an adjournment to comply the directions that were issued by this Tribunal vide order dated 04.12.2024.

In the interest of justice, one more opportunity is granted.

Ld. counsel for respondent / MCD submits that appellant is enjoying interim stay and no further request for adjournment shall be entertained in the matter and interim application seeking stay be decided on merits. It is clarified that no further request for adjournment shall be entertained in the present matter.

Put up for arguments on interim application seeking stay as well as appeal on 29.01.2025. Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R

A.No. 719/23 & 720/23

13.12.2024

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

Status report is filed by the MCD informing that the complete misuse charges have been deposited in respect of second and third floor of the property in question.

Ld. counsel for the MCD inform that the nature of property is residential.

Ld. counsel for the appellant seeks an adjournment to file an affidavit of the appellant undertaking to use the property for residential purposes.

Put up for further proceedings on **17.01.2025**.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 (s)

A.No. 863/24 & 864/24

13.12.2024

Present : Sh. Abhishek Kumar & Sh. Jitender Singh, Ld counsel for the appellant joined through VC.  
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh Sabbharwal, Ld. Counsel for the respondent.

Ld. counsel for appellant submits that other connected matters pertaining of other properties of the same locality are listed before this Tribunal on 13.02.2025 and prays that this matter may also be posted with connected matters.

Put up for the purpose already fixed on 13.02.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R

A.No. 750/24

13.12.2024

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

Sh. Ashutosh Gupta , Ld counsel for the respondent.

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

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  
13.12.2024

A.No. 751/24

13.12.2024

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

Sh. Ashutosh Gupta , Ld counsel for the respondent.

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

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  
13.12.2024

A.No. 861/24

13.12.2024

Present : Sh. Mahipal Singh Rajput, Ld counsel for the appellant.  
Sh. Atul Tanwar, Ld counsel for the respondent.

Part arguments on the point of appeal heard.

At page 49 of the appeal appellant has filed proceedings of case No.242/DC/SDM/11 in respect of Kalandara filed by the SHO, Police Station, Naraina, Delhi under Section 133 CrPC in respect of alleged construction. He submits that Kalandara shows nature and extent of construction which existed at the spot. He seeks some time to place on record copy of the said Kalandara for perusal of this Tribunal on the next date of hearing.

Put up for further arguments on the point of appeal on 24.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R

A.No. 837/17

13.12.2024

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

An application is moved on behalf of appellant seeking directions to the MCD for regularization of property is listed today.

Ld. counsel for appellant submits he is not pressing application and seeks permission to withdraw the said application. Application is dismissed as with withdrawn.

Part arguments on interim application heard.

Ld. counsel for appellant submits that he was unwell and was hospitalized and could not inspect the record. Ld. counsel for appellant seeks an adjournment to inspect the record before addressing further arguments in the matter.

Ld. counsel for respondent / MCD opposes the request. He submits that on previous hearing also adjournment was sought by the appellant and appellant is avoiding arguments in the

Contd...

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matter in order to enjoying interim protection which has been granted in this case.

The adjournment is sought on medical ground and therefore, in the interest of justice one more opportunity is granted to Ld. counsel for appellant to address arguments on interim application as well as appeal.

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

Put up for arguments on interim application seeking stay and appeal on 27.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R



A.No. 860/24

13.12.2024

Present : Sh. Anil Dwedi, Ld counsel for the appellant.  
Sh. Madan Sagar, Ld counsel for the respondent.

Ld. counsel for appellant submits that the property is in conformity of sanctioned building plan and seeks some time to file an affidavit along with the report of architect empanelled by the MCD clarifying about covered area of property which existed at the spot as on today in comparison to sanctioned building plan.

Opportunity granted.

Put up arguments for the purpose already fixed on 23.12.2024.

Copy of order be given dasti.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R

A.No. 536/23

13.12.2024

Present : Sh. Abhishek K. Mishra, Proxy counsel for the appellant.  
Sh. Ashutosh Gupa, Ld counsel for the respondent no.1.  
Ms. Divyanshi Saxena, Proxy counsel for the respondent no.2 joined through VC.

Adjournment is sought on behalf of appellant as main counsel Sh. Anish Chawla is unwell and will not appear before the Tribunal.

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

Put up for the purpose already fixed on 28.03.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R

A.No. 85/23(M)

13.12.2024

Present : Sh. G.K. Sharma, Ld counsel for the appellant.  
Sh. Mahender Shukla , Ld counsel for the  
respondent joined through VC.  
Sh. Virendra Singh, Ld. counsel for the non-  
applicant / appellant in person.

Ld. counsel for respondent / MCD seeks some  
time to file status report in respect of  
proceedings done by the MCD after remand  
back of the matter vide order dated  
11.05.2022.

Ld. counsel for appellant Mr. Akhtar Ali  
submits that they do not wish to file reply of  
application seeking condonation of delay and  
will address arguments. He submits that they  
wish to file reply to the application under  
Section 114 read with Order XLVII after  
decision on the application seeking  
condonation of delay.

Put up for arguments on application seeking  
condonation of delay on 24.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R

A.No. 403/23

13.12.2024

Present : Sh. Robin , Proxy counsel for the appellant  
joined through VC.

Sh. Vijay Tyagi, Ld counsel for the respondent  
joined through VC.

Adjournment is sought on behalf of appellant  
as main counsel Ms. Rukhsaar Ansari is not  
available today due to her marriage.

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

Put up for the purpose already fixed on  
25.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R

A.No. 621/22 & 622/22

13.12.2024

Present : Sh. G.R.Verma, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant submits he needs some more time to inspect the record to address arguments in the matter.

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

Put up for the purpose already fixed on 25.04.2025.

Interim orders to continue till the next date of hearing in appeal no.622/22.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R

A.No. 181/24

13.12.2024

Present : Sh. Subhham Srivastava & Ms. Manisha, Ld  
counsel for the appellant.

Sh.V.K.Aggarwal, Ld counsel for the  
respondent.

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

Put up for reply and arguments on aforesaid  
application as well as appeal on 25.03.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
13.12.2024 R