

A.No. 1011/24

16.12.2024

Present : None for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by the respondent MCD.

Ld. counsel for the respondent MCD submits that appeal No.1001/24 and 1011/24 are the connected cases. He submits that the Ld. counsel for appellant has appeared in appeal No.1001/24 and has informed that they want to withdraw the said appeal. The appeal No.1001/24 is listed for tomorrow i.e. 17.12.2024. He submits that present case be also listed alongwith said case.

Accordingly put up for further proceedings with connected case on 17.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 J

A.No. 1001/24

16.12.2024

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

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 appellant submits that they have  
instructions to withdraw the present appeal.  
Accordingly, relist for further proceeding on  
17.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024

A.No. 491/24 & 492/24

16.12.2024

Statement of Ms. Parul Agarwal, Ld. counsel for  
appellant.

At Bar

I am the counsel for appellant in the present appeal. I  
have instructions to withdraw the present appeal. I  
may be permitted to withdraw the present appeal.

RO&AC

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024

A.No. 492/24

16.12.2024

Present : Ms. Parul Agarwal, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant submits that appellant wish to withdraw the present appeal.

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

In view of the facts and circumstances, the appeal filed by the appellant is dismissed as withdrawn.

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  
16.12.2024

A.No. 491/24

16.12.2024

Present : Ms. Parul Agarwal, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant submits that appellant wish to withdraw the present appeal.

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

In view of the facts and circumstances, the appeal filed by the appellant is dismissed as withdrawn.

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  
16.12.2024

A.No. 469/24 & 472/24

16.12.2024

Present : Sh. Rohit Gandhi and Mr. Hargun Singh Kalra, Ld  
counsels for the appellant.  
Sh. Ashutosh Gupta , Ld counsel for the respondent in  
appeal No. 472/24.  
Sh. Atul Tanwar, Ld counsel for the respondent in  
appeal No. 469/24.

Affidavit of Mr. Kishore Kumar Arora is filed by the  
appellant in appeal No. 469/24. Copy supplied.

Arguments on interim application as well as on the  
point of appeal addressed by both the parties at  
length.

Put up for orders on **18.12.2024**.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 (s)

A.No. 788/24

16.12.2024

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

An adjournment is sought on behalf of respondent MCD as the concerned officers are not available today being busy in some other Court for recording their evidences.

Ld. counsel for the respondent MCD assures that the concerned officers will appear on the next date of hearing.

Put up for further arguments on **18.03.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 (s)

A.No. 580/12

16.12.2024

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

Part arguments on the point of appeal heard.

During the course of arguments, it has come to the notice of the Tribunal that the file is managed in a haphazard manner by the Registry and the pagination is improper.

The Registrar is directed to arrange the file in a proper manner with pagination so that further arguments can be heard in this matter.

Ld. counsel for appellant seeks sometime to take instructions regarding clarification in terms of previous order.

Put up for further arguments on the point of appeal on **28.01.2025.**

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 (s)



A.No. 530/13

Smt. Sarabjeet Kaur, Sh. Prabhjeet Singh, Sh. Ravideep Singh  
Shahpuri, Naazi Raminder Kuar and Jasmeen Kochhar, LRs of S.  
Gurbaksh Singh Vs SDMC

16.12.2024

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

Ms. Nirmala Sharma , Ld counsel for the respondent.

1. This appeal has been filed seeking desealing of the premises in respect of Mezzanine floor No.M-7 in property No.B-45, Greater Kailash Part-I, New Delhi. Ld. counsel for appellant submits that they have already placed on record affidavit dated showing Mezzanine Floor M-7 in the site plan. He submits that they have already deposited the misuse charges which have been confirmed in the status report dated 16.01.2023 and 18.04.2024 filed by the MCD. He further submits that the L.Rs of appellant have filed affidavit dated 18.11.2024 undertake to use the property for residential purpose as per MCD and Building Bye-laws.
2. Ld. counsel for MCD confirmed that the appellant has already deposited the misuse charges. She confirmed identity of the property which is having No.M-7 in site plan filed alongwith affidavit dated 23.01.2024. She submits that in view of the undertaking given by the L.Rs of appellant, MCD has no objection in case the Mezzanine floor No.M-7 is desealed.

3. I have heard Ld. counsel for the parties and considered the submissions made.
4. The respondent filed status report dated 16.01.2023, whereby misuse charges to the tune of Rs. 1,29,102/- were calculated, out of which Rs.58,399/- have been deposited.
5. The respondent has filed another status report dated 18.04.2023, stating therein that the appellant has deposited balance misuse charges of Rs.70,703/-, vide G-8-40974 dated 18.01.2023 in respect of premises No.M-7, (Mezzanine Floor) situated in property No.B-45, Greater Kailash Part-I, New Delhi.
6. Another status report dated 18.11.2024 has been filed by the respondent MCD stating therein that said property is not one of the industrial unit mentioned in the 21960 DSIIDC list and affidavit filed before the Hon'ble Supreme Court in W.P.(C) no. 4677/85 titled as M.C. Mehta Vs. UOI & Ors.
7. Ld. counsel for the appellant has contended that appellant has already deposited the misuse charges as calculated by the department, therefore, property may be de-sealed. He further contended that L.Rs of appellant has also filed an affidavit stating therein that they shall use the property in question for residential purpose or as per conditions prescribed under MPD 2021 and

Building Byelaws. He prayed that property may be de-sealed.

8. Ld. counsel for the respondent submits that respondent has no objection if property is de-sealed and same is used by the L.Rs of appellant for the purpose, as per conditions prescribed under MPD 2021 and Building Bye-laws. She also submits that there is no embargo from the Hon'ble Supreme Court of India for desealing of the subject property as the matter pertains to the year 2013 and as per order dated 11.04.2022 passed by the Hon'ble Supreme Court of India in W.P.(C) 4677/1985 in IA No.138597/2021 that this Tribunal would not be having jurisdiction qua sealing order passed under the directions of the Monitoring Committee after the December 2017.
9. Keeping in view the above facts and circumstances that the property in question was sealed on account of misuse and that respondent has calculated the total misuse charges/penalty for such misuse, which has already been deposited by the appellant with the respondent. The L.Rs of the appellant has also undertaken that they will use the premises in question for residential purpose only and in conformity with the conditions laid down in MPD 2021 and Building Bye-laws. Affidavit in this regard has already filed by the L.Rs of appellant in the Court, therefore, no fruitful purpose would be

served by keeping the property of the appellant sealed.

10. I accordingly allow the appeal filed by the appellant. The respondent is directed to de-seal the property in question i.e. No.M-7, (Mezzanine Floor) situated in property No.B-45, Greater Kailash Part-I, New Delhi within a period of one week from today.
11. The appellant is however directed to use the property in question only for residential purpose and in conformity with the conditions laid down in MPD 2021 and Building Bye-laws. The L.Rs. of appellant shall not raise any unauthorized construction in the said property.
12. The present appeal filed by the appellant is accordingly disposed of. Record of the respondent if any be returned along with copy of this order and appeal file be consigned to record room.  
Copy of the order be given dasti.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024

A.No. 527/24

16.12.2024

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

Ld. counsel for the appellant submits that the alleged tin shed in question has been removed by the MCD.

Ld. counsel for respondent MCD seeks some time to file status report in this regard.

Put up for further proceedings on 31.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 J

A.No. 97/22(M)

16.12.2024

Present : Sh. Arquam Ali, Ld counsel for the applicant/  
respondent No.2.

Sh. Sanjay Sharma, Ld counsel for the respondent  
No.1 NDMC joined through VC.

Arguments on an application under order 41 Rule 19  
CPC read with Section 151 CPC seeking restoration  
of appeal as well application u/s 151 CPC seeking  
condonation of delay heard.

Put up for orders on 17.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 J

A.No. 145/15, 802/14 & 328/14

16.12.2024

Present : Sh. Amit Sethi, Ld counsel for the appellant.  
Sh. Snjay Sharma, Ld counsel for the respondent  
joined through VC alongwith Sh. Ashok Kumar, Sr.  
Assistant, from NDMC present in the Court.

Ld. counsel for the appellant submits that W.P.(C) 13305/2009 alongwith connected Writ petitions is listed before the Hon'ble High Court of Delhi and request for an adjournment.

Sh. Sanjay Sharma, Ld. counsel for respondent, NDMC submits that there is no embargo from the Hon'ble High Court of Delhi in the present proceedings. He submits that he will take instructions from the department for moving appropriate application before the Hon'ble High Court of Delhi for seeking clarification in this regard.

Accordingly, put up for further proceedings on 25.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024

A.No. 401/24

16.12.2024

Present : Ms. Sonali Chopra, Ld counsel for the appellant joined through VC.  
Sh. Sanjay Sharma, Ld counsel for the respondent joined through VC.

An adjournment is sought by the Ld. counsel for appellant as she has suffered an accident and not in a position to argue the matter.

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

Put up for purpose already on 14.02.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 J



A.No. 208/20

16.12.2024

Present : Sh. Shoaib Khan, Ld counsel for the appellant joined through VC.  
Sh. Umesh Burnwal, Ld counsel for the respondent joined through VC.

In terms of the order dated 19.03.2024 Ld. counsel for appellant submitted that they have already filed the said reply on record and wants to argue their application on the basis of the documents available on record.

Arguments on application u/s 5 of the Limitation Act addressed by both the parties at length.

It is submitted by the Ld. counsel for appellant that the impugned order was never served upon them. He submits that the demolition action was carried out in the property in question on 27.02.2020. Thereafter appellant filed a RTI application dated 12.03.2020 with the MCD. The MCD did not replied to the said RTI application and appellant went in appeal. He submits that in response to the said RTI appeal the impugned order was supplied to the appellant on 07.08.2020. Thereafter appellant filed the present appeal on 10.09.2020. He submits that the delay in filing the present appeal has been caused due to non receipt of the demolition order and the reasons beyond the control the appellant.

On the other hand Ld. counsel for MCD submits that the impugned order was duly communicated to the appellant. He submits that the appellant came to know about the proceedings when the demolition action was taken and despite approaching this Tribunal he filed a RTI application with the MCD and the said ground cannot be a ground for seeking condonation of delay.

Arguments heard. Record perused. There is no service report in respect of the service of sealing order available on record. The appellant has filed on record the RTI record showing the delivery of the impugned order in reply to the RTI application. In these circumstances, it is prima-facie clear that the service of the impugned order is not free from doubt. 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.

Put up for arguments on interim application as well as appeal on 25.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 J

A.No. 207/20

16.12.2024

Present : Sh. Shoaib Khan, Ld counsel for the appellant joined through VC.  
Sh. Umesh Burnwal, Ld counsel for the respondent joined through VC.

In terms of the order dated 19.03.2024 Ld. counsel for appellant submitted that they have already filed the said reply on record and wants to argue their application on the basis of the documents available on record.

Arguments on application u/s 5 of the Limitation Act addressed by both the parties at length.

It is submitted by the Ld. counsel for appellant that the impugned order was never served upon them. He submits that the demolition action was carried out in the property in question on 27.02.2020. Thereafter appellant filed a RTI application dated 12.03.2020 with the MCD. The MCD did not replied to the said RTI application and appellant went in appeal. He submits that in response to the said RTI appeal the impugned order was supplied to the appellant on 07.08.2020. Thereafter appellant filed the present appeal on 10.09.2020. He submits that the delay in filing the present appeal has been caused due to non receipt of the demolition order and the reasons beyond the control the appellant.

On the other hand Ld. counsel for MCD submits that the impugned order was duly communicated to the appellant. He submits that the appellant came to know about the proceedings when the demolition action was taken and despite approaching this Tribunal he filed a RTI application with the MCD and the said ground cannot be a ground for seeking condonation of delay.

Arguments heard. Record perused. Appellant is disputing the service of demolition order. Perusal of MCD record shows that the demolition order is stated to have been served by way of affixation. No photographs of affixation are there on record. The appellant is stated to have obtained the copy of the impugned order through RTI. The RTI record is placed on record. In these circumstances, it is prima-facie clear that the service of the impugned order is not free from doubt. 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.

Put up for arguments on interim application as well as appeal on 25.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 J

A.No. 610/24

16.12.2024

Present : Sh. Ramesh Kumar, Ld counsel for the appellant.  
Sh. Ajay Gaur, Ld counsel for the respondent  
alongwith Ms. Sarita Gaur, ALO, Sh. Satish Gautama  
be and Sh. Devendra Singh, JE(B).

It is submitted by Ld. counsel for appellant that the appellant has not done further construction in the property in question after the year 2001. He submits that the property tax returns of the year 2007-08 (at page No.91 & 92 of the appeal) reflects the covered area of the property on ground floor to third floor (Ld. counsel for respondent MCD has objection to the property tax return as the same does not pertain to property in question). He further submits that appellant is maintaining the status quo and is entitled for protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act.

Alongwith the appeal (at No.125 to 127) the appellant has filed the covered area details only with respect to third floor and fourth floor. No details in respect of covered area at ground floor, first floor as well as second floor has been specified. Apart from that measurement units is also not specified in the affidavit. Appellant is directed to file an affidavit giving details of the covered area on every individual floor from ground floor to top floor.

Put up for further arguments on interim application and appeal on 19.12.2024.

Officer concerned are directed to remain present in person on next date of hearing.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 J

A.No. 436/24

16.12.2024

Present : Ms. Aditi Aggarwal, Ld counsel for the appellant.  
Sh. Avishek Kumar, Ld counsel for the respondent.

Vide separate judgment of even date, the application seeking condonation of delay as well as 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  
16.12.2024

A.No. 437/24

16.12.2024

Present : Ms. Aditi Aggarwal, Ld counsel for the appellant.  
Sh. H.R Aggarwal, Ld counsel for the respondent.

Vide separate judgment of even date, the application seeking condonation of delay as well as 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  
16.12.2024



A.No. 438/24

16.12.2024

Present : Ms. Aditi Aggarwal, Ld counsel for the appellant.  
Sh. Avishek Kumar, Ld counsel for the respondent.

Vide separate judgment of even date, the application seeking condonation of delay as well as 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  
16.12.2024

A.No. 1071/24

16.12.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Vinod Kumar Khanna , Ld counsel for the appellant.

Issue notice of application seeking condonation of delay, 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.

Ld. counsel for appellant presses the interim application and submits that vacation notice has been issued by the MCD and in case the interim application is not considered the appeal will become infructuous.

He submits that the MCD booked the property bearing no.753, Baba Faridpuri, Anand Parbat, New Delhi. He submits that address of his property is 753/1-2. He submits that the said address is reflected in the sale deed, electricity bill, property tax return etc which have been placed on record. He submits that in reply dated 05.06.2023 filed before the quasi judicial authority, he has disputed the address of the property but the plea is not appreciated on merits. He submits that

Contd....

construction is old and no opportunity of hearing has been provided to appellant by the MCD to prove the same.

Appellant has raised grounds in the appeal which needs to be decided on merits. The objection regarding address of property as well as no grant of opportunity of hearing goes to the root of the matter and needs to be considered on merits after looking into the record of MCD.

Accordingly, in view of the aforesaid facts and circumstances, status quo be maintained in respect of the property in question till the next date of hearing.

It is clarified that the observations made while passing of this order by this Court shall not tantamount to the expression on the merits of this case.

It is also directed that the appellant shall not carry out any further impermissible construction in the property in question without necessary approval as per Law.

Put up for arguments on application seeking condonation of delay, interim application(s) and appeal on 07.02.2025.

Copy of order be given dasti.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 1062/24, 1063/24, 1055/24, 1024/24, 1025/24 & 1026/24

16.12.2024

Present : Sh. Nitesh Gupta, Ld counsel for the appellant.  
Sh. H.R.Aggarwal, Ld.counsel for the respondent in appeal nos.1062/24 & 1063/24. Memo of appearance filed along with Sh. Apurv Bhatnagar, JE(B).  
Sh. Jasman Singh Sethi, Ld. counsel for the respondent in appeal no.1024/24, 1025/24 & 1026/24.  
Sh. Atul Tanwar, Ld. counsel for the respondent in appeal no.1055/24.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed on behalf of respondent department in appeal nos.1062/24 & 1063/24. Copy supplied.

Part arguments on interim application as well as appeal heard.

Ld. counsel for appellant seeks a short adjournment to place on record some additional documents in support of appeal.

Put up for arguments on interim application and appeal on 18.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 119/24(M)

16.12.2024

Present : Ms. Somya Chugh , Ld counsel for the appellant along with appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Reply to the application under Section 151 CPC is filed on behalf of respondent, MCD.

Part arguments heard.

Ld. counsel for respondent / MCD seeks some time to take further instructions from the department before addressing further arguments in the matter.

Put up for further argument on interim application and appeal on 20.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 514/24

16.12.2024

Present : Sh. Dhurv Goyal, Ld counsel for the appellant.  
Sh. Atul Tanwar, Ld counsel for the respondent  
alongwith Sh. Ram Niwas, LDC, Rohini Zone.

Status report is filed on behalf of respondent informing  
the calculation of misuse charges. Copy supplied.

Ld. counsel for appellant seeks some time to deposit  
the misuse charges.

Put up for further proceedings on 07.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 439/17

16.12.2024

Present : Sh. Kapil Itwari, Proxy counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent no.1.  
Sh. Gaurav, Ld. counsel for the respondent no.2 & 3 along with respondent no.2.  
None for the respondent no. 4 & 5.

Adjournment is sought on behalf of appellant as main counsel Sh. Rajesh Kumar Kaushik is unavailable today due to medical exigency in his family.

Part arguments on application seeking condonation of delay heard. Appellant is directed to tender clarification as sought on 10.12.2024 on next date of hearing, failing which this Tribunal shall be constrained to proceed further with arguments on application seeking condonation of delay.

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

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

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 834/24

16.12.2024

Present : Sh. Durgesh Gupta & Sh. Netrapal Singh, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent along with Sh.S.K.Gupta, AE(B), KPZ.

List of documents is filed on behalf of appellant. Copy supplied.

Part arguments on interim application and appeal heard.

Ld. counsel for appellant seeks another opportunity to place on record the chain of title documents.

Ld. counsel for respondent / MCD submits that as appellant seeking continuous adjournments in the matter, MCD will not be able to extend the undertaking for not taking coercive action in respect of property in question as recorded in the order dated 16.10.2024.

The clarification given by Ld. counsel for respondent is taken on record.

Put up for arguments on interim application and appeal on 25.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R



A.No. 840/23

16.12.2024

Present : Sh. Vikas Gupta, Ld counsel for the appellant.  
Sh. Pritiesh Sabharwal, Ld counsel for the respondent  
joined through VC.

Ld. counsel for respondent / MCD takes a preliminary  
objection regarding jurisdiction of this Tribunal in the  
present matter.

The assistance of the Law Department, MCD will be  
required in the present matter to discern the issue.

Accordingly, the CLO, MCD / officer concerned is  
directed to appear in person before the Tribunal on the  
next date of hearing.

Put up for further proceedings on 19.12.2024.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 445/24

16.12.2024

Present : Sh. F.A.Khan, Proxy counsel for the appellant.  
Sh. Pritesh Sabbharwal, Ld counsel for the  
respondent joined through VC.

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

It is submitted that main counsel Mr. M.S.Khan is  
unavailable today being occupied before the Hon'ble  
High Court of Andhra Pradesh.

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

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 630/24

16.12.2024

Present :

Sh. Himanshu Gupta, Proxy counsel for the appellant.

Ms. Mehak Arora, Ld counsel for the respondent.

List of documents is filed on behalf of appellant. Copy be supplied to Ld. counsel for respondent / MCD.

It is submitted that Mr. Zafar Abbas has been recently engaged by appellant in the present matter. He is not able to appear today due to bad health.

Certified copy of site plan is not placed on record. One more opportunity is sought by appellant to file the same.

Ld. counsel for respondent / MCD strongly opposes the request. He submits that appellant is enjoying interim protection in the garb of filing certified copy of site plan and delaying matter.

In the interest of justice, appellant is given one last and final opportunity to place the site plan on record on record. The matter is adjourned today subject to cost of Rs.10,000/- to be deposited in the Registry of this Tribunal.

It is clarified that in case appellant fail to take steps for placing the relevant documents on record, the Tribunal shall be constrained to proceed further with hearing in the matter.

Put up for arguments on interim application and appeal on 17.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 367/24

16.12.2024

Present : Sh Himanshu Gupta, Proxy counsel for the appellant.  
Sh. Chetan Hasija, Ld counsel for the respondent.

It is submitted that the main counsel Sh. Zafar Abbas is recently engaged in the matter and unavailable today.

Put up for the purpose fixed with connected appeal on 17.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 701/24

16.12.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. V.K.Aggarwal , Ld counsel for the respondent along with R.K.Meena, AE(B) –II, Sh, Sanjay Kumar, the then AE(B).

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

Ld. counsel for respondent / MCD seeks some time to file reply to application seeking condonation of delay.

Advance copy be supplied to the appellant.

Part arguments heard.

Ld. counsel for appellant seeks some time to take instructions for filing affidavit of appellant as well as site plan of the property in question showing the structure of property and its covered area which existed prior booking of property / demolition order and structure which exists as on date.

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

Put up for arguments on application seeking condonation of delay, interim application and appeal on 05.02.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 700/24

16.12.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. V.K.Aggarwal , Ld counsel for the respondent  
along with R.K.Meena, AE(B) –II, Sh, Sanjay Kumar,  
the then AE(B).

Part arguments heard.

Put up for the purpose already fixed with connected  
appeal on 05.02.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 786/22

16.12.2024

Present : Ms. Anupama Khanna, appellant joined through VC.  
Sh. Sandeep Kumar, Ld counsel for the respondent.

An adjournment is sought on behalf of appellant as her main counsel is not available today due to some personal exigency.

Appellant submits that she has also medical emergency in her family.

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

Put up for arguments on interim application and appeal on 28.04.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 55/23(M) & 06/23

16.12.2024

Present : Ms. Anupama Khanna, appellant joined through VC.  
Sh. Sandeep Kumar, Ld counsel for the respondent.

Part arguments heard.

Put up with connected case for the purpose already  
fixed on 28.04.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R



A.No. 382/21

16.12.2024

Present : Ms. Shobhna Tanwar , Ld counsel for the appellant,  
appointed through Legal Aid along with wife of  
appellant.  
Sh. Vinay Rathi, Ld counsel for the respondent.  
None for the intervener.

An application under Order 1 Rule 10 CPC moved by  
intervener Mr. Vipin Kumar is pending. Perusal of  
record shows that before dismissal of case on  
05.06.2023 intervener was appearing in the matter.  
Thereafter, appeal was restored vide order dated  
02.09.2024 and intervener is not appearing. Before  
proceeding further in the matter it will be prudent to  
issue notice to intervener about the revival of the  
present proceedings.

Notice be issued to intervener for 07.04.2025 and  
matter be listed for arguments on application under  
Order 1 Rule 10 CPC.

Ld. counsel for appellant points out that inadvertently  
due to typographical error in previous order sheet date  
of interim order was written 11.02.2021 instead of  
11.11.21. It is clarified that interim protection was  
granted vide order dated 11.11.21 and is extended till  
next date of hearing.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 85/23

16.12.2024

Present : Ms. Sana Ansari, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

It is informed that previous counsel Mr. S. D. Ansari has died.

Fresh Vakalatnama is filed by Ms. Sana Anasari on behalf of appellant.

An application is moved on behalf of applicant/ appellant seeking waiver of cost vide order dated 28.05.2024. It is stated in the application that due to hearing before the Hon'ble High Court of Delhi the appellant could not reach this Tribunal.

In view of the exigency cited, the application is allowed and the cost is waived.

Put up for arguments on interim application as well as on the point of appeal on **25.04.2025**.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 (s)

A.No. 643/23, 570/19 & 571/19

16.12.2024

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

Part arguments heard.

Ld. counsel for appellant seeks some time to inspect the record before addressing further arguments in the matter.

Put up for arguments on interim application and appeal on 12.02.2025.

Interim orders to continue till the next date of hearing in appeal no.571/19.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 415/23

16.12.2024

Present : None for the appellant.  
Sh. S. Adil Hussain, Ld counsel for the respondent.

None has appeared for the appellant since morning despite repeated calls. It is already 3:15 p.m.

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

Put up on **25.04.2025** for the purpose fixed.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 (s)

A.No. 45/15

16.12.2024

Present : Sh. Samar Bansal & Sh. Vedant Kapur, Ld counsel for  
the appellant.

Sh. Nilesh Sawhney, Ld counsel for the respondent.

Part arguments on the point of appeal heard.

The CLO / officer who is looking after the matter from  
Law Department is directed to appear in person before  
this Tribunal on the next date of hearing.

Senior officer / representative from the E. B. R.  
Department is also directed to appear person before  
this Tribunal on the next date of hearing.

Put up for further arguments on maintainability of  
appeal on 10.01.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 607/19

16.12.2024

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

**Order**

1. This order will decide application under Section 5 of Limitation Act dated 18.09.2023 filed by the appellant.
2. It is submitted by Ld. counsel for appellant that during the proceedings he received show cause notice and submitted their reply to MCD but the demolition order was never served upon them. He submits that on 05.10.2019, Police officials from Police Station Rajouri Garden, Delhi came to property along with vacation notice and appellant file the present appeal. Thereafter, he applied to the office of Deputy Commissioner, SDMC to supply certified copy of demolition order but the same was not provided. Thereafter appellant got the certified copy from the record of this appeal and came to know about the demolition order. After obtaining demolition order appellant amended the appeal and amendment application was allowed vide order dated 09.02.2024 (passed by my Ld. Predecessor) as the present appeal was initially filed in respect of vacation notice due to non supply of demolition order.

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3. On the other hand, Ld. counsel for respondent / MCD strongly opposes the application. He submits that appellant participated in the proceedings and demolition order was served by way of affixation at site.
4. Arguments heard and record perused. Appellant has disputed service of demolition order and stated that he came to know about the demolition order only after filing this appeal. It is a matter of record that initially appellant challenged the vacation notice and later amended the appeal. Page 5/C of MCD record shows that demolition order was served by way of pasting at site but no photographs of affixation are placed on record. The aspect of service of demolition order needs to be appreciated on merits in the appeal. At this juncture appellant has been able to show sufficient cause seeking condonation of delay. The application seeking condonation of delay is allowed and delay is condoned.

Put up for arguments on interim applications and appeal on 21.03.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R

A.No. 607/19

16.12.2024

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

Vide separate order of even date application seeking condonation of delay is allowed.

Put up for arguments on interim application and appeal on 21.03.2025.

(ABHILASH MALHOTRA)  
P.O.: Appellate Tribunal, MCD  
16.12.2024 R