

A.No. 97/22(M)

17.12.2024

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.

ORDER

1. This Order will decide an application under Order XLI Rule 19 r/w Section 151 CPC as well as another application under Section 151 CPC seeking condonation of delay in filing of the aforesaid application.
2. In respect of the application seeking condonation of delay, it is submitted that there was a delay of around 10 days in filing of the application as applicant is a senior citizen suffering from various ailments. Ld. counsel for the NDMC opposes the application.
3. The appellant has cited the medical exigencies for condonation of delay. Accordingly, the application is allowed and the delay is condoned.
4. Another application under Order XLI Rule 19 CPC has been filed by the applicant / respondent no. 2 seeking restoration of the present appeal.
5. The present appeal was dismissed in default by my Ld. Predecessor vide order dated

06.10.2022 as the appellant had failed to appear before this Tribunal. The appellant in the present appeal is stated to be the tenant of the applicant/ respondent no.2. It is the case of the applicant / respondent no. 2 that they want to revive the present appeal so that they can pursue the remedy against the sealing order.

6. Notice of the present application was issued to the appellant and order dated 20.01.2023 records that it returned back unserved with the report that the appellant has left the said premises.
7. The present appeal was dismissed under Order XLI Rule 17 as the appellant failed to appear before the Tribunal. Order XLI Rule 19 CPC provides the remedy for re-admission of the appeal which has been dismissed in default. It mandates that appellant can move an application for re-admission of the appeal. In the present case, the application is not moved by the appellant but by the respondent no. 2. The appellant has failed to appear before this Tribunal despite notice.
8. The application moved by the respondent no.2 seeking re-admission of the appeal under Order XLI Rule 19 CPC is not maintainable. Accordingly, the same is hereby dismissed. However, it is clarified that respondent no. 2

may seek appropriate remedy in law in respect
of the impugned order.

The file be consigned to Record Room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 (s)

A.No. 1001/24

17.12.2024

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

None is appeared on behalf of the appellant in the Court or through VC.

Put up at .200 P.M.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024

2.45 P.M.

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

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

It is 02.45 PM. The present appeal 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
17.12.2024

A.No. 1011/24

17.12.2024

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

None is appeared on behalf of the appellant in the Court or through VC.

Put up at .200 P.M.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024

2.45 P.M.

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

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

It is 02.45 PM. The present appeal 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
17.12.2024

A.No. 460/24

17.12.2024

Present : None for the appellant.

It is 2.15 P.M. Despite various calls since morning none is appeared on behalf of the appellant.

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

Put up for consideration on 03.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024

A.No. 1012/24

17.12.2024

Present : Sh.Sanjay Sharma , Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent
alongwith Sh. Nishant Rohilla, Advocate.

1. Part arguments on interim application heard. Ld. counsel for MCD objects that the present appeal is not maintainable as appellant has not filed application seeking condonation of delay.
2. Ld. counsel for appellant submits that they have filed the present appeal on the basis of vacation notice and the impugned demolition order has not been received by them and he was under the impression that he was not required to move application seeking condonation of delay. He seeks some time to take instructions and move an application seeking condonation of delay. Advance copy of the application be supplied to Ld. counsel for respondent.
3. Ld. counsel for appellant submits that they are only the owners of the ground floor in the property in question. He submits that the only allegation is of amalgamation of two different apartments. He submits that there is no amalgamation of apartments and the appellant is ready for joint

inspection of the premises in order to clarify the issue of amalgamation of apartment.

4. Ld. counsel for respondent MCD does not oppose the request. Accordingly at joint request of the parties a joint inspection of the property be scheduled on 19.12.2024 at 12.30 p.m. Respondent shall file status report on next date of hearing alongwith photographs.
5. As application seeking interim stay is part heard and inspection has been ordered in the matter, therefore, status quo be maintained in respect of the property in question till next date of hearing.
6. 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.
7. 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 aspect of condonation of delay, interim application seeking stay as well as appeal on 12.03.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 J

A.No. 357/23

17.12.2024

Present : Ms. Sana Ansari Ld. counsel for appellant with Sh. I Ahmed, Advocate and appellant in person. Fresh Vakalatnama filed, same is taken on record.
Sh. V.K. Aggarwal, Ld counsel for the respondent No.1.
Sh. Ayush, Ld. counsel for respondent No.2 to 5 joined through VC.

An application under Section 5 of the Limitation Act moved by the appellant is listed for today.

Ld. counsel for respondent No.2 to 5 seeks time to filed reply of the said application.

Put up for filing reply and arguments on application under Section 5 of the Limitation Act on **16.01.2025**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 J

A.No. 336/24

17.12.2024

Present : Sh. Ankush Narang, Ld counsel for the appellant.
Ms. Bhavya Chauhan, Ld counsel for the respondent.

Part arguments on the point of interim application and appeal heard.

Ld. counsel for appellant submits that covered area of the property in dispute is only 88 sq.mtrs. and disputes the finding given by the MCD in their status report dated 26.11.2024 that the covered area is 107.85 sq.mtrs. He submits that the appellant will get the property measured through MCD empanelled Architect and file the report before the court in this regard on next date of hearing.

Put up for further arguments on interim application and appeal on 30.01.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 J

A.No. 321/22

17.12.2024

Present : Ms. Kiran, Ld counsel for the appellant from LAC.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

It is already lunch time.

Ld. counsel for appellant submits that she is not available in post lunch session.

Put up for purpose already fixed on 29.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 J

A.No. 813/24

17.12.2024

Present : Sh. D.S. Mehta, Ld counsel for the appellant.
Sh. Apporve Sisodia, Ld counsel for the respondent.

It is informed by the Ld. counsel for appellant that the matter before the Hon'ble High Court is disposed of and seeks some time to place on record the relevant order. It is submitted that Ld. counsel Sh. Pradeep Shukla is unavailable today being out of station. Put up for purpose already fixed on 28.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024

A.No. 06/SCM/13

17.12.2024

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

Written submissions filed by the appellant.

Part arguments heard.

Ld. counsel for the appellant requests for a short date as appellant is a senior citizen aged about 85 years of age.

Put up for further arguments on **13.01.2025**
at 2:30 p.m.

The officer concerned is directed to remain present on the date fixed.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 (s)

A.No. 627/24

17.12.2024

Statement of Sh. Krishan Kumar Singh S/o Sh. Bishun Dev Singh, appellant , R/o A-2/17, 1st Floor, Pkt.2, Block-A, Sector-4, Rohini

On SA

I am the appellant in the present appeal. I may be permitted to withdraw the present appeal, the same may be dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024

A.No. 628/24

17.12.2024

Statement of Sh. Anantha Krishnan S/o Sh. Harihara
Krishna Iyer, appellant , R/o A-2/18, second Floor,
Pkt.2, Block-A, Sector-4, Rohini

On SA

I the appellant No.1 in the present appeal. I am giving
the statement for myself as appellant No.1 and on
behalf of my wife, appellant No.2, who authorize me to
make statement in the present appeal. We may be
permitted to withdraw the present appeal, the same
may be dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024

A.No. 627/24

17.12.2024

Present : Sh. Rajeev Sharma, Ld counsel for the appellant
alongwith appellant in person. Fresh Vakalatnam
filed, same is taken on record.

Ms. Mehak Arora, Ld counsel for the respondent.

Ld. counsel for appellant submits that appellant may
be permitted to withdraw the present appeal.

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

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

Appeal file be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024

A.No. 628/24

17.12.2024

Present : Sh. Rajeev Sharma, Ld counsel for the appellants
alongwith appellant No.1 in person. Fresh
Vakalatnam filed, same is taken on record.
Ms. Mehak Arora, Ld counsel for the respondent.

Ld. counsel for appellants submits that appellants may
be permitted to withdraw the present appeal.

Separate statement of the appellant No.1 for himself
and on behalf of appellant No.2, his wife, has been
recorded in this regard.

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

Appeal file be consigned to record room.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024

A.No. 629/24

17.12.2024

Present : Sh. Atul Sharma, Ld counsel for the appellant.
Ms. Mehak Arora, Ld counsel for the respondent
alongwith Sh. Paramjeet Singh, JE(B), Rohini Zone.

1. Part arguments on application seeking condonation of delay as well as interim application heard.
2. Ld. counsel for appellant seeks some time to file a detailed affidavit in support of application seeking condonation of delay.
3. It is submitted by the Ld. counsel for appellant that it is apparent from the impugned order that the property in question has a sanctioned building plan. He submits that the property has been booked on the allegation of deviation/ excess coverage against sanctioned building plan. He submits that the impugned order does not specify the measurement of excess coverage and deviations. He submits that appellant being law abiding citizen is willing to move the regularization application in this case and ready to bring the building in conformity with the building bye-laws. He submits that an opportunity may be provided to the appellant to move a regularization application in the present matter and prays that the interim

protection be granted for taking necessary steps in this regard.

4. Ld. counsel for the respondent opposes the application. She submits that the appellant has constructed the property over and above the sanctioned building plan and demolition action has already carried out in respect of room at fourth floor of the property.
5. Arguments heard. Record perused. It is the admitted position on record that the appellant has a sanctioned building plan. There are allegations of deviations/ excess coverage against the sanctioned building plan. The appellant is willing to bring the property in conformity with building bye-laws and want to move regularization application in the present matter. The measurement of deviations/ excess coverage is also not specified in the impugned order.
6. In these circumstances, it will be prudent to give an opportunity to the appellant to move a regularization application for taking appropriate steps in respect of the property in question.
7. 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.
8. 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.

9. 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.
10. In case appellant move regularization application, the respondent shall consider the same and decide the same on merits as per law after providing opportunity of hearing to the appellant. Put up for further arguments on interim application and appeal on 12.03.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 J

A.No. 752/14

17.12.2024

Present : Sh. Mahendra Sharma, Ld counsel for the appellant.
Sh. Nilesh Sawhney , Ld counsel for the respondent.

Status report filed by the NDMC informing about the misuse charges applicable in the present case.

Ld. counsel for the respondent NDMC submits that appellant is carrying out commercial activity from the premises in question. He submits that the activities as specified in Table 13.27 at Serial No.23 are only permitted to be carried out from the religious premises as per MPD-2021.

Perusal of the record shows that the appellant Mr. Mast Ram Chauhan is the licensee in the property in question. The copy of license agreement dated 08.06.83 has been filed by appellant alongwith written submission on record. The impugned notice dated 26.08.2014 was also addressed to the licensor Shri Sanatan Dharma Sabha Laxmi Narain Temple Trust (Birla Mandir). The appellant has not impleaded the owner/licensor in the present case. License is granted only for permissible use in the property and impleadment of Shri Sanatan Dharma Sabha Laxmi Narain Temple Trust (Birla Mandir) is necessary for adjudication of the present matter. Accordingly, The Tribunal is using its power under Order 1 Rule 10

CPC and implead the Shri Sanatan Dharma Sabha Laxmi Narain Temple Trust (Birla Mandir) as respondent No.2 in the present matter. Appellant is directed to file amended memo of parties in this regard on the next date of hearing.

Notice be also issued to Shri Sanatan Dharma Sabha Laxmi Narain Temple Trust (Birla Mandir) through its Secretary through appellant to appear in person on next date of hearing.

Put up for further proceedings on 18.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 J

A.No. 727/14

17.12.2024

Present : Ms. Niharika Tanneru, Ld. counsel for appellant.
Sh. Nilesh Sawhney , Ld counsel for the respondent.

Status report filed by the NDMC informing about the misuse charges applicable in the present case.

Ld. counsel for the respondent NDMC submits that appellant was carrying out commercial activity from the premises in question. He submits that the activities as specified in Table 13.27 at serial No.23 are only permitted to be carried out from the religious premises as per MPD-2021.

Perusal of the record shows that the appellant Mr. Raj Kumar Jain is the licensee in the property in question. The copy of license agreement dated 01.01.2005 has been filed on record by appellant. The impugned notice dated 26.08.2014 was also addressed to the licensor Shri Sanatan Dharma Sabha Laxmi Narain Temple Trust (Birla Mandir). The appellant has not impleaded the owner / licensor in the present case. License is granted only for permissible use in the property and impleadment of Shri Sanatan Dharma Sabha Laxmi Narain Temple Trust (Birla Mandir) is necessary for adjudication of the present matter. Accordingly, The Tribunal is using its power under Order 1 Rule 10 CPC and implead the Shri Sanatan

Dharma Sabha Laxmi Narain Temple Trust (Birla Mandir) as respondent No.2 in the present matter. Appellant is directed to file amended memo of parties in this regard on the next date of hearing.

Notice be also issued to Shri Sanatan Dharma Sabha Laxmi Narain Temple Trust (Birla Mandir) through its Secretary through appellant to appear in person on next date of hearing.

Put up for further proceedings on 18.02.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 J

A.No. 260/24

17.12.2024

Statement of Sh. Satish Kumar S/o Shri Lakshman Singh, appellant
R/o 52A, 3rd floor, Sarojini Park, Gali No.9, Shastri Nagar, Delhi-
110031.

ON SA

I am the appellant in the above said appeals. Copy of my
Aadhar is Ex. C-1 (OSR). I wish to withdraw the present appeal.
Same may be dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024

A.No. 260/24

17.12.2024

Present : Appellant in person.
Sh. S. Adil Hussain, Ld counsel for the respondent.
None for respondent No.2.

Appellant submits that he may be allowed to withdraw the present appeal.

Separate statement of the 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
17.12.2024

A.No. 35/20

17.12.2024

Present : Ms Aditi Aggarwal, Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.

Part arguments heard.

Ld. counsel for the appellant seeks sometime to take instructions in the matter.

Put up for further arguments on application seeking condonation of delay, interim application as well as on the point of appeal on **28.04.2025**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024

A.No. 404/23

17.12.2024

Present : Sh. Ram Kishan Saini, Ld counsel for the appellant.
Sh. Avishek Kumar, Ld counsel for the respondent.

An application is moved by the appellant seeking directions to produce the original property tax returns of the property in question. Copy supplied.

Put up for reply and arguments on the aforesaid application on **28.04.2025**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 (s)

A.No. 818/19

17.12.2024

Present : Appellant in person.
Sh. Madan Sagar, Ld counsel for the respondent.

Appellant seeks short adjournment to engage a new counsel in this matter.

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

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024

A.No. 56/16

17.12.2024

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

Part arguments on the point of appeal heard.

Ld. counsel for appellant is disputing the service of show cause notice as well as demolition order.

On the other hand Ld. counsel for respondent MCD submits that the MCD record shows that the show cause notice as well as demolition order was served by way of affixation and the proceedings are also witnessed by two persons. He submits that he needs assistance of the then officer to clarify on the aforesaid aspect.

The then officers are directed to remain present in person on next date of hearing.

Put up for further arguments on the point of appeal on 28.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 J

A.No. 465/23

17.12.2024

Present : Sh. Sanjeev Sahai, Ld counsel for the appellant joined through VC.
Sh. Shrey Mehta, Ld counsel for the respondent joined through VC.

Part arguments on interim application as well as on the point of appeal heard.

Both counsels submit that they are not available in post lunch session.

Re-list for further arguments on interim application as well as on the point of appeal on **28.04.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 (s)

A.No. 623/23

17.12.2024

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

An adjournment is sought on behalf of appellant as main counsel Mr. Ram Kishan is not available due to death of his relative.

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

Put up on **29.04.2025** for the purpose fixed.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 (s)

A.No. 1046/17

17.12.2024

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

It is already lunch time.

An adjournment is sought on behalf of appellant as main counsel Sh. Nitin Sharma is busy in post lunch session before the Court of Sh. Dev Chaudhary, Ld. ACJ, Delhi for final arguments in an old matter.

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

Put up for purpose fixed on **29.04.2025**.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 (s)

A.No. 1070/24

17.12.2024

Present : Sh. Ravi Sharma & Sh. Gaurav Singhal, Ld counsel
for the appellant.

Ld. counsel for appellant seeks some time to take
instructions for moving application seeking
condonation of delay and place on record title
documents and other supporting documents.

Put up for consideration on 09.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 1072/24

17.12.2024

Present : Sh. Nawal Kishore, Ld counsel for the appellant.

Ld. counsel for appellant seeks some time to place on record additional documents in support of their appeal.
Put up for consideration on 18.12.2024.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 1056/24

17.12.2024

Fresh appeal filed. Be checked and registered.

Present : Sh. Rajesh Mittal, 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
17.12.2024 R

A.No. 1051/24

17.12.2024

Fresh appeal filed. Be checked and registered.

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

Ms. Renu Soni, Nodal Officer on behalf of respondent submits that in present case the MCD has initiated action for removal of encroachment on municipal land. Ld. counsel for appellant submits that the MCD has initiated action to remove staircase which is a part of his property.

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 14.01.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 1010/24

17.12.2024

Present : Sh. Amardeep Indora, Ld counsel for the appellant.
Sh. Jasleen Kaur, Ld counsel for the respondent
joined through VC.

Ld. counsel for respondent / MCD seeks some time to
file status report and record in the matter.

Opportunity granted.

Put up for the purpose already fixed on 28.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 1057/24

17.12.2024

Present : Sh. P.S.Mahar, Ld counsel for the appellant.
Ms. Mehak Arora, Ld counsel for the respondent.
Memo of appearance filed.

An adjournment is sought by respondent / MCD to file status report as well as record in the matter.

Opportunity granted.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 1029/24 & 1030/24

17.12.2024

Present : Sh. R.K. Sharma, Ld counsel for the appellant.
Sh. Sandeep Kumar, Ld counsel for the respondent
joined through VC along with Sh. Paramjit Singh,
AE(B).

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

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

Put up for arguments on interim application and
appeal on 28.03.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 553/23

17.12.2024

Present : Sh. P.S.Mahar, Ld counsel for the appellant.
Sh. H.R.Aggarwal, Ld counsel for the respondent.

Part arguments heard.

Put up for arguments on interim application and
appeal along with connected case on 28.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 778/24

17.12.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld. counsel for the respondent along
with Sh. Lalit Goel and Sh. Anil Bansal, AE(B),
Central Zone.

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
17.12.2024 R

A.No. 448/24

17.12.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Mohit Sharma, Ld counsel for the respondent
along with Sh. Lalit Goel and Sh. Anil Bansal, AE(B),
Central Zone.

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
17.12.2024 R

A.No. 481/24

17.12.2024

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Mohit Sharma, Ld counsel for the respondent
along with Sh. Lalit Goel and Sh. Anil Bansal, AE(B),
Central Zone.

In appeal nos. 778/24 & 448/24 directions have been
issued for reopening of regularization application of
appellant and the matter has been remanded back.
Accordingly, put up for further proceedings on
15.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 963/24

17.12.2024

Present : Sh. P.S.Mahar, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

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

Part arguments heard.

Put up for arguments on interim application and appeal along with connected case on 28.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 529/24

17.12.2024

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

Status report is filed informing that regularization is still under consideration of the MCD. Copy supplied.

Put up for further proceedings on 27.02.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 492/19

17.12.2024

Present : Sh. Anmol Singh , Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.
Sh. Vikas Khatrai, Ld. counsel for the Intervener.

Part arguments on the point of appeal heard.

It is submitted by respondent / MCD that appellant in his affidavit dated 22.08.2019 (at page 31A - 31B) has admitted the covered area of property at ground floor as 160 sq.yds. He submits that the aforesaid affidavit fortify the fact finding given in the impugned order and it is clear that appellant has breached the status quo after cut off date and is not entitled for protection in the matter.

Ld. counsel for appellant seeks some time to take instructions in this regard.

Concerned EE(B) is directed to appear in person before this Tribunal on the next date of hearing.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 625/16

17.12.2024

Present : Sh. Anmol Singh , Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.
Sh. Vikas Khatrai, Ld. counsel for the Intervener.

1. Arguments on the application seeking condonation of delay from both the parties heard.
2. It is case of appellant that the demolition order dated 04.01.2016 was not supplied to them. It is stated that appellant came to know about said demolition order during the course of contempt petition and moved an application dated 06.06.2016 to the MCD to supply demolition order but the same was not supplied. He submits that delay has been occurred due to non-supply of demolition order.
3. Ld. counsel for respondent / MCD submits that the demolition order in the present matter was sent by post and postal receipts are on MCD record.
4. Arguments heard and record peruse. Appellant has disputed the service of demolition order. Appellant has also placed on record a letter written to the MCD requesting for supply of demolition order. Though the MCD record has the postal receipts on record but the tracking report is not on record. The question regarding service of demolition order needs to be adjudicated on merits and 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.

5. In present matter initially the demolition order dated 04.01.2016 was passed alleging unauthorized construction at ground floor of the property in question. The said demolition order is impugned in the present appeal. Thereafter in furtherance of this booking, the MCD passed subsequent demolition order dated 14.08.2019 wherein other floors of property including ground floor has also been booked and the demolition order was passed. A separate appeal bearing no. 492/2019 filed by appellant is pending in that regard. A perusal of record shows that two parallel appeals are pending in respect of ground floor of the property in question.
6. Ld. counsel for respondent / MCD seeks a short adjournment to clarify whether the demolition order of 2016 has merged into the demolition order of 2019 or needs to be considered independently. Concerned EE(B) / AE(B) is directed to appear in person before this Tribunal on the next date of hearing.
Put up for arguments on interim application and appeal on 28.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 772/23, 774/23, 775/23 & 776/23

17.12.2024

Present : Ms. Chandrika & Ms. Geogina Maddox, Ld counsel for the appellant.
Sh. Ranjit Pandey, Ld counsel for the respondent joined through VC.

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

Put up for arguments on pending interim applications and appeal on 28.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 758/22

17.12.2024

Present : Ms. Sana Ansari , Ld counsel for the appellant. Fresh Vakalatnama is filed by Ld. counsel for appellant.
Sh. Madan Sagar, Ld counsel for the respondent.

An application under Section 151 CPC is moved on behalf of appellant seeking waiver of cost imposed vide order dated 04.09.2024.

Ld. counsel for appellant submits that previous counsel Sh. S.D.Ansari has died and due to occupancy of previous counsel before the Hon'ble High Court of Delhi could not appear and cost was imposed. In view of reasons cited, the application is allowed and cost is waived off.

Ld. counsel for appellant submits that she is recently engaged and seeks some time to inspect the record before addressing arguments in the matter.

Put up for the purpose fixed on 28.04.2025.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R

A.No. 395/24

17.12.2024

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

Ld. counsel for respondent / MCD seeks some time to take instruction from the department regarding the jurisdiction of this Tribunal in view of step-III bookings made as per directions of Hon'ble Supreme Court India in M.C.Mehta case.

Respondent is directed to file status report apprising status in this regard.

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

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 J

A.No. 935/16

17.12.2024

Present : Sh. Parvesh Vashisht , Ld counsel for the appellant joined through VC along with Sh. Aman Sinha, Advocate present in the Tribunal.
Ms. Sudesh Sharma, Ld counsel for the respondent.

Status report is filed informing that regularization application of appellant has been rejected. Copy supplied.

Ld. counsel for appellant informs that appellant Sh. Kailash Balani has died and they will move appropriate application for substitution of LRs.

Put up for further proceedings on 19.02.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
17.12.2024 R