

A.No. 442/24 & 443/24

28.02.2025

File taken up today on an application under Section 379 of Bharatiya Nagarik Suraksha Sanhita, 2023 read with Contempt of Courts Act, 1971, moved by the appellant.

Present : Sh. Manish Chawla, appellant No.3 and Sh. Tarun Chawla, Appellant No.1 in person.

Put up for consideration on date already fixed i.e. 07.04.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 883/24 & 884/24

28.02.2025

File taken up today on an application under Section 151 CPC moved on behalf of the interveners seeking recall of the stay order dated 20.12.2024 and early hearing.

Present : Sh. Manish Chawla, appellant No.3 and Sh. Tarun Chawla, Appellant No.1 in person.

Put up for consideration on date already fixed i.e. 07.04.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 923/24

28.02.2025

File taken up today on an application under Section 151 CPC moved by the appellants seeking direction to verify ATMCD records and early hearing.

Present : Sh. Manish Chawla, appellant No.3 and Sh. Tarun Chawla, Appellant No.1 in person.

Put up for consideration on date already fixed i.e. 07.04.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 843/17

28.02.2025

Present : Sh. Indresh Upadhyaa, Ld counsel for the appellant.
Sh. Dharamvir Gupta , Ld counsel for the respondent
along with Mr. Sumer Singh, Asstt. Assessor &
Collector, Keshavpuram Zone, Delhi

Status report is filed by Mr. Sumer Singh, Asstt. Assessor & Collector, Keshavpuram Zone, Delhi. It is informed that the record in question was maintained by Sh. Rajender Prasad the then Section Officer who had already retired from service in April, 2023 and died in July, 2023.

The report is silent in respect of the successor of Sh. Rajinder Prasad to whom he had handed over the record in question upon his transfer.

Mr. Sumer Singh, Asstt. Assessor & Collector, Keshavpuram Zone, Delhi seeks sometime to file a detailed report before this Tribunal in this regard. Opportunity granted.

Put up for further proceedings on **08.05.2025**.

Copy of this order be given dasti.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (s)

A.No. 1083/24

28.02.2025

Present : Sh. Raghav Saluja, Ld counsel for the appellant.
Sh. Paras Aggarwal, Ld counsel for the respondent.

1. This order will decide the application under Section 5 of Limitation Act moved by appellant seeking condonation of delay in filing the appeal.
2. The present appeal has been filed by appellant impugning the demolition order dated 05.03.2024. It is case of appellant that appellant came to know about the demolition order on 07.03.2024 when he found the same affixed at his property. Thereafter, appellant filed a civil suit before the Ld. Sr. Civil Judge, Rohini, Delhi, wherein he was seeking relief against unauthorized construction of property in question. It is stated that appellant was advised to pursue the remedy before the civil court and was not aware that the demolition order needs to be impugned before this Tribunal. It is stated that appellant engaged a new counsel and it came to his knowledge that the demolition order needs to be impugned before this Tribunal and present appeal was filed.
3. Ld. Counsel for respondent / MCD opposes the application. He submits that there is huge delay in

filing of the present appeal and ignorance of law cannot be treated as excuse. He submits that as per case of appellant he become aware about the impugned demolition order dated 07.03.2024 and took no steps in filing the present appeal and application is liable to be rejected.

4. I have heard arguments and perused the record. It is admitted position of appellant that he came to know about impugned demolition order on 07.03.2024. Thereafter appellant filed a civil suit at Rohini Court wherein he was seeking relief against unauthorized construction in the property in question. It is not a case where the appellant was suffering from inertia and did not took any action. It is stated in the application that as per the legal advice received at that time appellant filed interim application before the civil suit. It is the only after engaging a new counsel he came to know that appeal needs to be filed before this Tribunal against impugned demolition order.
5. From the above said facts and circumstances of the case, it is clear that appellant was pursuing remedy before the Civil Court, Rohini, Delhi was under the impression that the impugned demolition will be adjudicated in the said case. Appellant has raised sufficient grounds in his appeal which needs to be adjudicated on merits.

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Keeping in view the peculiar facts and circumstances, the application is allowed subject to cost of Rs.5000/- to be deposited in the Registry of this Tribunal and delay is condoned.

Put up for further arguments on application seeking stay on 04.06.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025

A.No. 981/24

28.02.2025

File is taken up today on an application moved on behalf of the appellant seeking early hearing in the matter.

Present : Sh. Harish Kumar Gupta, Ld counsel for the appellant.

Ld. counsel for the appellant submits that on 16.01.2025 during the course of arguments Ld. counsel for the respondent nos. 2 to 5 made an oral submissions before the Tribunal that they will not carry out any construction in the property in question till the time in interim application is decided and the matter was deferred for further arguments. He submits that that despite oral submissions made in the Tribunal, the respondents are carrying on construction. He submits that he is not pressing for early hearing in the matter but at least the factual position be taken on record.

In these circumstances, notice of the application be issued to the respondent and the matter be listed for the purpose fixed on the date already fixed i.e. 25.03.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (s)

A.No. 280/24 & 281/24

28.02.2025

File is taken up today on application under Section 151 CPC moved on behalf of appellant seeking early hearing in the matter.

Present : Ms. Parul Aggarwal, Ld counsel for the appellant.

Ld. Counsel for the appellant submits that the matter is listed for hearing on 09.05.2025 and there is no interim protection which is granted yet. She submits that appellant has received a vacation notice dated 10.02.2025 and in case the interim application is not heard on priority, their application will become infructuous.

Accordingly, issue notice of the application to the MCD for **28.03.2025**.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (s)

A.No. 241/22

28.02.2025

Present : Ms. Parul Agarwal, Ld counsel for the appellant.
Sh. Tejasvi Goel, Ld counsel for the respondent joined
through VC alongwith Sh. K.K. Sharma, AE(B).

Part arguments heard.

Put up for further arguments alongwith connected
appeal for purpose fixed on 16.04.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 209/18 & 210/18

28.02.2025

Present : Ms. Ashu Arora , Ld counsel for the appellant joined through VC.

Sh. R.K.Kashyap, Ld counsel for the respondent in appeal no. 209/18 along with Sh. Pawan Kumar, AE(B).

Sh. V.K.Aggarwal, Ld. counsel for the respondent in appeal no.210/18.

Status report is filed by respondent / MCD informing that regularization application is moved by appellant and the same is under consideration.

Concerned AE(B) submits that department is seeking opinion from Town Planning Department and Building Department (HQ) to clarify the issues. He submits that they will take into consideration the office orders which were supplied by appellant on the last date of hearing while deciding the regularization application. He also assures that MCD will provide personal hearing to appellant to clarify the issue involved in the matter.

Ld. Counsel for appellant points out that they are willing to remove deviations (if any) as pointed out by MCD to show their seriousness and sincerity for getting the property regularized.

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Accordingly, put up for further proceedings in the matter on 06.05.2025.

Copy of order be given dasti.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 R

A.No. 598/24

28.02.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Guneet Sidhu, Ld. counsel for the intervener
joined through VC.

1. Reply to the application under Order 1 Rule 10 CPC is filed by appellant. Copy kept on record and release to the intervener against acknowledgment.
2. Appellant has placed on record copy of order dated 24.02.2025 passed in MCD appeal no. 08 / 2024 by the Hon'ble court of Principal District & Sessions Judge (South), Saket Courts, New Delhi, wherein appeal filed by appellant impugning the order dated 09.09.2024, had been withdrawn.
3. Mr. Dalip Rastogi, Ld. Counsel for appellant submits that he is recently engaged in this case and seeks some time to inspect the record before addressing arguments in the matter.
4. Mr. Ashutosh Gupta, Ld. Counsel for respondent / MCD submits that MCD has given undertaking that they will not take any coercive action till the pendency of this case and requests that hearing be expedited as it is a time bound matter as per directions issued by Hon'ble High Court of Delhi.

5. Accordingly, in view of the aforesaid facts and circumstances, one last and final opportunity is granted to the appellant for addressing arguments in the present matter.

Put up for arguments on the point of appeal on 20.03.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 R

A.No. 40/25

28.02.2025

Present : Sh. Harkrishan Das Nijhawan, appellant in person.
Sh. Ashutosh Gupta , Ld counsel for the respondent.

Status report is filed by the MCD. Copy supplied.
Ld. counsel for the MCD submits that at the outset they are disputing the *locus standi* of the appellant to file the present appeal.

Part arguments are heard from both the parties.
Ld. counsel for the parties seek sometime to file written submissions in this matter. It is informed that other cases filed by the appellant wherein similar issue of *locus standi* is involved are listed before this Tribunal on 11.03.2025.

Accordingly, put up for further arguments on the point of *locus standi* as well as on the point of appeal on **11.03.2025.**

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (s)

A.No. 499/24, 500/24, 501/24, 502/24, 503/24, 504/24, 505/24,
508/24, 509/24, 510/24, 512/24, 526/24, 446/24, 447/24 & 668/24.
28.02.2025

Present : Sh. B.S. Mathur & Rajat Mathur, Ld counsel for the
appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent in
appeal nos.499/24, 501/24, 503/24, 508/24, 512/24

Sh. Atul Tanwar, Ld counsel for the respondent in
appeal nos.504/24, 526/24.

Sh. Avishek Kumar, Ld counsel for the respondent in
appeal nos.505/24,

Sh. Pritiesh Sabbharwal, Ld. counsel the respondent
in appeal nos.500/24, 510/24, 446/24.

Sh. Madan Sagar, Ld. counsel for the respondent in
appeal no.668/24.

Sh. Zia Lal Kasana, Nodal Officer on behalf of the
respondent / MCD in appeal no. 447/24, 502/24 &
509/24.

1. An affidavit is filed by appellant (except in appeal nos.503/24 & 510/24).
2. Status report is filed by respondent / MCD informing that the regularization application moved by appellant is pending for consideration. Status report is kept in appeal no.668/24. Copy supplied.
3. It is informed that the land on which property in question is situated is earmarked for community facility in layout / regularization plan of Kabir Nagar, Chajjupur and West Jyoti Nagar.

4. It is informed that the land earmarked for community facility was to be acquired by Land & Building Department and the same has not been acquired so far.
5. It is further stated in the status report that there is no policy available at present under which built up structure on the community facility sites can be adjusted in unauthorized regularized colony.
6. From the report, it is apparent that for deciding the regularization application, MCD officers are facing following issues:
 - (a) Land earmarked for community facility has not been acquired so far. Neither the land is being acquired nor the regularization can be processed (due to earmarking of land for community facility) and there is a stalemate situation.
 - (b) There is a policy vacuum in respect of inclusion of built up structure in the layout plan of regularized colony.
7. In these circumstances, the office of worthy Commissioner, MCD needs to look into the matter in consultation with other stakeholders like L&DO and DDA and take appropriate policy decision so that regularization application moved by the appellants can be decided on priority by MCD.

8. Accordingly, worthy Commissioner, MCD is directed to look into the aforesaid issues and take appropriate decision in this regard.

Put up for further arguments on the point of appeal on 14.07.2025.

Copy of this order be sent to worthy Commissioner, MCD.

Copy of this order be also given dasti to both the parties.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 R

A.No. 284/22

28.02.2025

Present : Proxy counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent
No.1.
Sh. Amit Jagga, Ld. counsel for respondent Nos.2,3 &
4.

An adjournment is sought on behalf of the appellant as
main counsel Sh. Gaurav Pandey is un-available
being busy before the Hon'ble High Court.

It is submitted that Ld. counsel for MCD Mr. Sanjay
Sethi is also unavailable today being out of station.

In the interest of justice one more opportunity is
granted for addressing the arguments in the matter.

Put up for purpose fixed on 11.07.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 574/24, 575/24, 576/24, 577/24, 578/24, 579/24, 580/24, 544/24, 545/24, 546/24, 547/24, 548/24, 549/24, 550/24, 551/24, 552/24, 553/24, 554/24, 588/24, 589/24, 590/24, 591/24, 592/24, 593/24, 594/24, 581/24, 582/24, 583/24, 584/24, 585/24, 586/24 & 587/24,

28.02.2025

Present : Sh. Alamgir & Sh. Dharmender Bhasin, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal nos. 545/24, 546/24, 553/24, 554/24, 577/24, 590/24, 594/24, 583/24, 585/24, 586/24 & **587/24**,

Sh. Atul Tanwar, Ld counsel for the respondent in appeal nos.575/24, 578/24, 550/24 & 551/24.

Sh. V.K. Aggarwal, Ld. counsel for the respondent in appeal no.544/24, 581/24, 589/24 & 591/24.

Sh. Pritiesh Sabbharwal, Ld. counsel for the respondent in appeal nos. 576/24, 580/24, 582/24, 584/24, 593/24, 548/24 & 552/24.

Sh. Zia Lal Kasana, Nodal Officer on behalf of the respondent / MCD in appeal no. 574/24, 547/24, 579/24, 549/24, 588/24, & 592/24.

1. An affidavit is filed by appellant (except in appeal nos.503/24 & 510/24).
2. Status report is filed by respondent / MCD informing that the regularization application moved by appellant is pending for consideration. Status report is kept in appeal no.668/24. Copy supplied.
3. It is informed that the land on which property in question is situated is earmarked for community facility in layout / regularization plan of Kabir Nagar, Chajjupur and West Jyoti Nagar.

4. It is informed that the land earmarked for community facility was to be acquired by Land & Building Department and the same has not been acquired so far.
5. It is further stated in the status report that there is no policy available at present under which built up structure on the community facility sites can be adjusted in unauthorized regularized colony.
6. From the report, it is apparent that for deciding the regularization application, MCD officers are facing following issues:
 - (a) Land earmarked for community facility has not been acquired so far. Neither the land is being acquired nor the regularization can be processed (due to earmarking of land for community facility) and there is a stalemate situation.
 - (b) There is a policy vacuum in respect of inclusion of built up structure in the layout plan of regularized colony.
7. In these circumstances, the office of worthy Commissioner, MCD needs to look into the matter in consultation with other stakeholders like L&DO and DDA and take appropriate policy decision so that regularization application moved by the appellants can be decided on priority by MCD.

8. Accordingly, worthy Commissioner, MCD is directed to look into the aforesaid issues and take appropriate decision in this regard.

Put up for further arguments on the point of appeal on 14.07.2025.

Copy of this order be sent to worthy Commissioner, MCD.

Copy of this order be also given dasti to both the parties.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 R

A.No. 752/24 & 754/24

28.02.2025

Present : Sh. G. R. Verma and Sh. H. K. Sharma, Ld counsels
for the appellant.
Sh. V. K. Aggarwal, Ld. Proxy counsel on behalf of
Sh. H. R. Aggarwal, Ld. counsel for the respondent.

An adjournment is sought on behalf of the respondent
as main counsel Sh. H. R. Aggarwal is not available
today due to bad health.

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

Put up for purpose fixed on **11.07.2025**.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (s)

A.No. 832/24

28.02.2025

Present : Sh. Sushil Kumar, proxy for Ld. counsel for the appellant.

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

An adjournment is sought on behalf of the appellant as main counsel Sh. Dinesh Kumar Bachgoti is unavailable today due to bad health.

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

Put up for purpose fixed on 10.07.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 69/23

28.02.2025

Present : Appellant in person.
Sh. V.K.Aggarwal, Ld counsel for the respondent.
Sh. Varun Raghavan, Ld. counsel for the intervener
joined through VC.

Appellant submits that his counsel Mr.Rohit Jain is unavailable today being busy before the Hon'ble High Court of Delhi. Appellant assures that they will not take further adjournment in the matter and will address arguments on the next date of hearing.

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

Put for the purpose already fixed on 30.05.2025.

Interim protection granted vide order dated 16.02.2023 to continue till next date of hearing.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 R

A.No. 389/24

28.02.2025

Present : Ms. Shivani Gaur proxy counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main counsel Sh. Manoj Kumar is un-available today being out of station.

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

Put up for purpose fixed on **11.07.2025**.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 743/23

28.02.2025

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

Ld. counsel for MCD informs that they have already filed the record pertaining to the booking dated 18.06.2021.

On 10.01.2025 when the matter was reserved for orders, it was argued before the Tribunal that the appellant is impugning the order only in respect of ground floor.

Mr. Chirag Sharma, Ld. counsel submits that appellant is the owner of other floors in the property also. He seeks some time to take instructions to clarify the said aspect.

Appellant is directed to appear in person on next date of hearing.

Put up for further arguments on the point of clarification on 29.04.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 81/23

28.02.2025

Present : Ms. Radhika Singh, Proxy counsel for the appellant.
Ms. Vasu Singh, Ld counsel for the respondent joined through VC.

It is submitted that main counsel for appellant Ms. Radha Singh is unavailable today due to some family exigency.

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

Put for the purpose already fixed on 11.07.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 R

A.No. 330/24

28.02.2025

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

1. Reply to the application seeking condonation of delay is filed on behalf of the respondent, copy supplied.
2. An application has been moved by Mr. Rakesh Aggarwal seeking permission to address final arguments and assist the Tribunal in the present matter.
3. Ld. counsel for appellant opposes the present application. She submits that applicant has no locus-standi in the present matter.
4. On the other hand Ld. counsel for applicant submits that they filed a W.P.(C) 9928/2022 in which the Hon'ble High Court of Delhi had issued direction for taking action against the property in question. He submits that MCD is not bringing the clear picture before the Tribunal and they are only seeking leave of the Tribunal to assist and address the arguments.
5. Arguments heard. Record perused. In view of the mandate given by the Hon'ble High Court of Delhi

in *Hardayal Singh Mehta Vs MCD, AIR 1990 Delhi 170*, the applicant does not have any locus-standi to become a party in the matter. But it is a matter of record that the appellant filed writ petition before the Hon'ble High Court wherein directions for taking action in respect of the property in question was issued. The assistance of the applicant will be imperative in unearthing true facts in the present matter.

6. Accordingly application is allowed only to the extent permitting the applicant to address the arguments and file the relevant documents.
7. Part arguments on application seeking condonation of delay heard. In order to appreciate limitation period involved in the present matter it is important to look into the record of previous round of appeal bearing No.381/22 which was withdrawn by the appellant earlier. Registry is directed to produce the said record before the Tribunal on next date of hearing.

Put up for arguments seeking condonation of delay, pending application as well as appeal on **11.07.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 342/16

28.02.2025

Present : Sh. Amit Kumar, Ld counsel for the appellant.
Sh. Mohit Sharma, Ld counsel for the respondent
joined through VC.

Part arguments heard.

Ld. Counsel for respondent / MCD seeks an adjournment to address arguments in the matter.

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

Put up for further arguments on the point of appeal on 28.03.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 R

A.No. 431/22

28.02.2025

Present : Ms. Kanchan Shakya, Proxy counsel for the
appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent.

Status report is filed by respondent / MCD in terms of
order dated 03.05.2024.

It is informed that main counsel for appellant Mr. O.P.
Aggarwal is unavailable today due to bad health.

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

Put up for further arguments on pending interim
applications and appeal on 11.07.2025.

Interim protection granted vide order dated
03.08.2022 to continue till next date of hearing.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 R

A.No. 605/23, 606/23, 607/23, 608/23, 609/23, 610/23, 611/23,
612/23, 613/23, 614/23, 615/23, 616/23 & 617/23

28.02.2025

Present : Sh. Mohd. Anas and Sh. Jitender Singh, Ld counsel
for the appellant.

Sh. V.K.Aggarwal, Ld counsel for the respondent in
appeal nos. 605/23, 606/23, 607/23, 608/23, 609/23,
610/23, 611/23, 614/23, 615/23, 616/23 & 617/23.

Sh. Dharamvir Gupta, Ld. counsel for respondent in
appeal nos.612/23 & 613/23.

Arguments on the point of appeal are heard at length
from both the parties.

Put up for orders on 20.03.2025.

Appellants are at liberty to file their written
submissions, if any, within one week from today.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 98/24

28.02.2025

Present : Sh. Kunal Madan and Sh. Piyush Jain, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

List of documents containing copy of the RTI reply dated 29.01.2025 is filed by the appellant, copy supplied.

Arguments on the point of appeal are addressed by Ld. counsel for both the parties at length.

Put up for orders on 11.03.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 116/25

28.02.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Shiv Kumar Gautam, 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 01.04.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025

A.No. 302/21

28.02.2025

Present : Sh. M.S.Khan, Ld counsel for the appellant joined through VC.
Sh. V.K.Aggarwal, Ld counsel for the respondent.

Part arguments heard.

Ld. Counsel for respondent / MCD submits that he needs some time to take instructions from the department before addressing arguments in the matter.

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

Put up for further arguments on pending interim applications and appeal on 10.07.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 R

A.No. 83/25

28.02.2025

Present : Sh. R.K. Bhardwaj, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent No.1
and 2. Fresh Vakalatnama filed, same is taken on
record.
Sh. Amit Goel, Ld. counsel for respondent No.3.

Ld. counsel for MCD seeks some time to file the status
report as well as record of the MCD. Opportunity
granted.

Put up for purpose fixed on 15.04.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 238/22

28.02.2025

Present : Ms. Parul Agarwal, Ld counsel for the appellant.
Sh. Tejasvi Goel, Ld counsel for the respondent joined through VC alongwith Sh. K.K. Sharma, AE(B).

Status report filed by the MCD informing that the property was inspected on 27.02.2025 and it was noticed that owner/builder of the property has not started the rectification/ removal of non compoundable deviations in terms of the order dated 12.02.2025.

Ld. counsel for the appellant submits that they are not able to arrange the labour, therefore, the rectification action could not be initiated.

The Tribunal highly deprecate such practice where appellant without any preparation had obtained order from the Tribunal and has not taken any action to bring the property in shape. It is directed that the property in question be sealed forthwith and status report be filed before the Tribunal on 03.03.2025.

Part arguments on the point of appeal heard. Ld. counsel for appellant submits that while passing the impugned order MCD has not considered the revised sanctioned building plan dated 05.04.2021.

Mr. K.K. Sharma, AE(B) concerned submits that he has recently joined in the department and needs to take instruction before clarifying the said issue.

Put up for further arguments on the point of interim application and appeal on 16.04.2025.

Copy of the order be given dasti to both the parties.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 112/25

28.02.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Jaisal John, 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 01.04.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025

A.No. 126/24(M) &128/24(M),

28.02.2025

Statement of Sh.Dalip Rastogi, Ld. counsel for
petitioner /applicant

At Bar.

I am the counsel for petitioner in the present appeal. I have instructions to withdraw the present contempt application that pursuant to the directions issued by this Court, the property in question has been desealed and the demolition work is in progress. I have instructions to withdraw the present contempt application. The petition may be dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 126/24(M) &128/24(M),

28.02.2025

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

Ld. counsel for the petitioner / applicant submits that pursuant to the directions issued by this Court, the property in question has been desealed and the demolition work is in progress. He submits that he has instructions to withdraw the present petition /application.

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

Accordingly, the petition / application is dismissed as withdrawn.

File be consigned to record room.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 125/24(M) & 127/24(M)

28.02.2025

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

Ld. Counsel for respondent / MCD submits that the property has been already desealed and the demolition work is in progress and concerned EE(B) is monitoring the progress. He submits that once demolition work is completed, MCD will permanently desealed the property in question.

In view of aforesaid submissions the present application stands disposed off.

File be consigned to record room.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 R

A.No. 554/22

28.02.2025

Statement of Sh. Dipty Vashisht, Ld. counsel for appellant, Chamber No. 332, Saket Courts, Chamber Block, New Delhi.

At Bar.

I am the counsel for appellant in the present appeal. I have instructions to withdraw the present appeal, the same may be dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025

A.No. 554/22

28.02.2025

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

Ld. counsel for appellant submits that he has instructions to withdraw the present appeal.

Separate statement of the Ld. counsel of 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.

Copy of this order be given dasti.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 161/20 & 162/20

28.02.2025

File is taken up today on application under Section 151 and 152 CPC seeking modification of judgement dated 14.02.2025.

Present : Sh. Varun Goswami, Ld counsel for the appellant joined through VC along with Sh. Rajesh Singh, Advocate in person.

Sh. V.K.Aggarwal, Ld counsel for the respondent in appeal no.162/20.

Sh. Dharambir Gupta, Ld. Counsel for the respondent in appeal no.161/20.

Notice of application be issued to the MCD for 12.03.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 R

A.No. 45/25

28.02.2025

Present : Sh. Mukul K. Srivastava, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent along
with Sh. Pawan Kumar, AE(B), Karol Bagh Zone.

Status report is filed by respondent / MCD. Copy
supplied.

Ld. Counsel for appellant submits that they have filed
present appeal for ground floor, first floor, second floor
and third floor of property in question but inadvertently
in prayer clause of appeal no relief is claimed in
respect of ground floor. He submits that he will move
an amendment application in the matter and seeks an
adjournment to take steps.

Put for the purpose already fixed on 03.06.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 R

A.No. 706/14

28.02.2025

Present : Sh. Kunal Kalra, Ld counsel for the appellant.
Sh. Atul Tanwar, Proxy counsel for Sh. H.R.Aggarwal,
Ld counsel for the respondent.
Sh. Jujhar Singh, Ld. counsel for the intervener.

It is submitted that Mr. H.R. Aggarwal, Ld. Counsel for respondent / MCD is unavailable today due to bad health as he has gone under surgery.

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

Put for the purpose already fixed on 20.05.2025 at 2:30 PM.

Interim protection to continue till next date of hearing.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 R

A.No. 412/24

28.02.2025

Present : Sh. P.N. Dhar, Ld counsel for the appellant joined through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
None for intervener.

An application under order 1 Rule 10 CPC moved by the Intervener Mahender Singh is listed today. Despite various calls none has appeared on behalf of the intervener in the court or through VC.

It is already 2:55 p.m. The application is dismissed in default for non appearance.

Arguments on the limitation application, interim application as well as appeal heard from Ld. counsels for both the parties at length.

Put up for orders on 03.03.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 53/25

28.02.2025

Present : Ms. Parul Agarwal, Ld counsel for the appellant.
Sh. Avishek Kumar , Ld counsel for the respondent.
Fresh Vakalatnama filed, same is taken on record.

Status report is filed by the MCD, copy supplied.
The record has been produced. It be deposited with
Registry.

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

Put up for orders on **03.03.2025**.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.No. 92/25

28.02.2025

Present : Ms. Parul Agarwal, Ld counsel for the appellant.
Ms. Jasleen Kaur, Ld counsel for the respondent
along with concerned AE (B)

Status report is filed by the MCD. Copy given.

The record has been produced. It be deposited with
Registry.

Part arguments on application seeking condonation of
delay as well as on the point of appeal heard.

Ld. counsel for MCD seeks sometime to apprise about
the service report of show cause notice and demotion
order which is not part of MCD record.

Ld. counsel for appellant seeks sometime to apprise
this Tribunal about the representation which was given
to the MCD as stated in para no. 5 of the application
seeking condonation of delay.

Put up for arguments on application seeking
condonation of delay, interim application as well as on
the point of appeal on **03.03.2025**.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025 (J)

A.N. 610/2024

28.02.2025

Present :

Sh. Ramesh Kumar, Ld. counsel for the appellant.

Sh. Ajay Gaur, Ld counsel for the respondent.

Vide separate judgment of even date, the appeal filed by the appellants in respect of the 3rd & 4th floor of the property in question is dismissed.

The matter is remanded back to the MCD to reconsider the protection granted to ground floor to second floor under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.

Status report is filed by the MCD informing that appellants have not demolished the complete structure on the 4th floor in terms of undertaking given in the Tribunal on 11.02.2025.

The appellants have filed an affidavit in the Tribunal stating that they will remove the remaining structure within two days. The appellants are directed to immediately take steps for removal of unauthorized structure on the 4th floor in terms of undertaking given on 11.02.2025.

The MCD is directed to inspect the property and file a fresh status report in that regard on or before the next date of hearing.

Put up for filing of status report by the MCD on 05.03.2025.

Copy of this order be given dasti.

(ABHILASH MALHOTRA)

P.O.: Appellate Tribunal, MCD

28.02.2025

A.No. 114/25

28.02.2025

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 01.04.2025.

(ABHILASH MALHOTRA)
Addl. & District Session Judge
P.O.: Appellate Tribunal, MCD
28.02.2025