

A.No. 55/25

04.03.2025

Present : Sh. Shrey Tanwar, Ld counsel for the appellant.
Sh. Ajay Gaur, Ld counsel for the respondent. Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record. Along with Sh. Md. Firoz Khan, AE(B).

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

Record has been produced. It be deposited with Registry and tagged with the file.

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

Put up for further arguments on pending interim applications and appeal on 09.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 61/25

04.03.2025

Present : Sh. Vikas Sood, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent
along with Sh. R.D.Chaudhary, AE(B).

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

Record has been produced. It be deposited with
Registry and tagged with the file.

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

Put up for further arguments on pending interim
applications and appeal on 08.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 382/23

04.03.2025

Present : Ms. Sarita , Proxy counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent.

It is submitted that main counsel for appellant Mr. Narender Kumar is unavailable today as he is hospitalized.

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 15.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 441/21

04.03.2025

Present : Sh. Anil Kumar Singh, Ld counsel for the appellant.
Sh. Umesh Burnwal, Ld counsel for the respondent
joined through VC.

Part arguments on application under Section 5 of
Limitation Act heard.

Ld. counsel for appellant submit that he is recently
engaged in this case and needs to inspect the record
before addressing further arguments in the matter.

Some clarification are required from concerned AE(B)
/ JE(B) in respect of demolition order passed by MCD
in this case. Concerned AE(B) / JE(B) is directed to
remain present in person before the Tribunal on the
next date of hearing.

Put up for further arguments on application under
Section 5 of Limitation Act on 15.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 697/16 & 698/16

04.03.2025

Present : Sh. Deepak Grover, Ld counsel for the appellant.
Sh. Mohit Sharma, Ld. Proxy counsel on behalf of Sh.
V. K. Aggarwal, Ld. counsel for the respondent.

It is submitted that main counsel Sh. V. K. Aggarwal is not available today due to death of his acquaintance. In the circumstances, one more opportunity is granted to the respondent to address arguments in the matter. Put up for purpose fixed on **15.07.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (s)

A.No. 316/24 & 317/24

04.03.2025

Present : Sh. Prateek Chaudhary, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Associate counsel of Sh. Pritish Sabharwal, Ld. counsel for respondent in appeal No.316/24.
Sh. Sagar Dhama, Ld. counsel for respondent in appeal No. 317/24.
Sh. Y.P. Singh, AE(B) (Retd.) with Sh. Hanumant Trivedi, AE(B), Sh. Sanjay Singh, AE(B) and Sh. W.A. Khan, AE(B).

Sh. Sanjeet Kumar, associate counsel for MCD submits that main counsel Mr. Pritish Sabharwal is not available today as he is out of station for performing duties of Local Commissioner pursuant to the directions passed by the Hon'ble High Court in CS(COMM) 131/25 titled Nexon Paints Pvt. Limited Vs Naga Sai Industries.

MCD is directed to ensure that their counsel to appear before the Tribunal on the next date of hearing for addressing arguments in the present matter.

Matter be re-listed for further arguments on the point of appeal on 15.04.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (J)

A.No. 896/24

04.03.2025

Present : Appellants in person.
Sh. Apoorv Sisodia, Ld counsel for the respondent.

Appellants have appeared in person before this Tribunal. They submit that they want to continue with the services of Sh. Sidharth Shankar, Ld. counsel (who is present in person) in this matter.

Mr. Sidharth Shankar, seeks permission to withdraw application under Section 151 CPC. Application is dismissed as withdrawn.

Ld. counsel submits that the appellants are in the process of moving regularization application in respect of the property in question and seeks short adjournment for taking instructions before addressing further arguments in the matter.

Perusal of the record shows that various adjournments have already been taken by the appellants and they are not coming forward to address arguments in this matter. However, in the interest of justice, one last and final opportunity is granted to the appellants to address further arguments in this matter failing which this Tribunal shall be constrained to re-consider the interim protection granted in the matter.

It is clarified that no further request for adjournment shall be entertained in this case.

In case the appellants intend to move application for regularization, the MCD is at liberty to consider the same on merits as per law.

Put up for arguments on interim application as well as on the point of appeal on **10.06.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (s)

A.No. 456/24, 457/24, 462/24 & 463/24

04.03.2025

Present : Sh. Arman Monga, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld. counsel for respondent in appeal Nos.457/24 & 463/24.
Ms. Mehak Arora, Ld counsel for the respondent in appeal Nos.456/24 & 462/24.

Part arguments heard.

Ld. counsel for appellant has placed on record copy of RTI reply dated 05.08.2024 and submits that as per the said RTI reply village Shahbad Daulatpur falls under the jurisdiction of DDA and is not handed over to MCD for development and maintenance.

Ld. counsel for MCD seeks some time to take instruction to clarify the position.

MCD is directed to file a status report to clarify the aforesaid aspect.

Put up for further arguments on the point of appeal on 25.04.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (J)

A.No. 436/23

04.03.2025

Present : Sh. Devender Kumar, Ld counsel for the appellant.
Sh. Shivdutt Kaushik , Ld counsel for the respondent
joined through VC.

Ld. Counsel for appellant submits that he seeks some time to inspect the record before addressing further arguments in the matter.

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 15.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 369/20 & 370/20

04.03.2025

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

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

Put up for arguments on the point of appeal on 15.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 451/22

04.03.2025

Present : Sh. C.M. Grover and Sh. Akshay Nagpal, Ld counsel for the appellant.
Sh. Ddharamvir Gupta Ld. proxy counsel for Sh. V.K. Aggarwal, Ld counsel for the respondent.

It is informed that Ld. counsel for MCD Mr. V.K. Aggarwal is unavailable today due to death of his acquaintance.

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

Put up for purpose fixed on 15.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (J)

A.No. 784/16 & 802/16

04.03.2025

Present : Sh. Amit Kochar, Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent in appeal No.784/20.
Sh. Mohit Sharma, and Sh. Dharamvir Singh, Ld. counsel for respondent in appeal No.802/16 alongwith Sh. Vipin Gosain, AE(B).

1. Part arguments on the point of appeal heard.
2. The impugned demolition order dated 02.12.2015 had been passed in respect of unauthorized construction at the third floor of the property in question. Ld. counsel for appellant submits that they are owners of second and third floor only and the ground floor and first floor are owned by separate owners.
3. The AE(B) concerned informs that as per the sanctioned building plan dated 19.09.1991 covered area of 80 sq.mtrs. was sanctioned at ground floor and first floor and the covered area of second floor was around 13 sq.mtr. and a toilet.
4. It is informed that the covered area which exists at ground floor, first floor and second floor is way above the sanctioned building plan.
5. The AE(B) concerned seeks some time to inspect the record and take instructions to clarify the issue.

Put up for further arguments on the point of pending interim application and appeal on 11.07.2025.

Interim orders granted vide order dated 26.08.2016 to continue till the next date of hearing.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (J)

A.No. 956/24

04.03.2025

Present : Sh. Soham Prakash proxy counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main counsel Sh. Raj Kumar Chandiwala is unavailable today due to some personal exigencies.

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 15.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (J)

A.No. 539/22

04.03.2025

Present : Sh.Sanam Malhotra, Ld counsel for the appellant.
Sh. Ranjit Pandey, Ld counsel for the respondent.

Part arguments heard.

Ld. Counsel for appellant seeks some time to take further instructions for addressing further arguments on application under Section 5 of Limitation Act.

Put up for further arguments on application under Section 5 of Limitation Act on 15.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 890/24

04.03.2025

Present : Sh. Dalip Rastogi , Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh Sabbharwal, Ld. Counsel for the respondent.

Ld. Counsel for appellant informs that they have already applied for regularization of structure in dispute and the regularization is pending with MCD. He submits that they have filed their reply dated 20.01.2025 to the IN dated 08.01.2025 issued by the MCD. Copy of the same is filed on record.

Put up for further arguments on pending interim applications and appeal on 15.07.2025.

Interim protection granted vide order dated 07.10.2024 to continue till next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 297/21

04.03.2025

Present : Sh. Sanam Malhotra , Ld counsel for the appellant.
Sh. Ajay Gaur, Ld counsel for the respondent.

Part arguments heard.

Ld. Counsel for respondent / MCD points out that despite opportunity given by this Tribunal vide order dated 01.06.2023 appellant has not filed additional documents to show that the property in question is existed prior 07.02.2007.

During the course of arguments, Ld. Counsel for appellant has informed that other co-owners of the property in question have also filed the appeal before this Tribunal impugning the demolition order. Before proceeding in this matter, it will be prudent to look into the record of those cases.

Ld. Counsel for respondent / MCD is directed to file status report apprising about the details of said cases.

Put up for further arguments on the point of appeal on 28.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 100/25

04.03.2025

Present : Sh. F.S. Chauhan, Ld counsel for the appellant.
Sh. Ajay Gaur, Ld counsel for the respondent along with Sh. Rohit Goel, AE(B). Memo of appearance is filed.

Status report is filed by the MCD, copy supplied.
Record is produced. It be deposited with Registry and tagged with the file.
Ld. counsel for appellant seeks some time to inspect the record before addressing arguments in the matter.
Put up for arguments on interim application as well as appeal on 07.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (J)

A.No. 485/19

04.03.2025

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

Despite various calls none has appeared on behalf of appellant in person or through VC.

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 15.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 58/25

04.03.2025

Present : None for the appellant.
Sh. Ajay Gaur, Ld counsel for the respondent.

Status report is filed. Copy supplied.

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

None is present on behalf of the appellant since morning despite repeated calls either in person or through VC.

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

Put up for purpose fixed on **15.07.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (s)

1.00 p.m.

Copy of status report be supplied.

At this stage Sh. Shashank Rai, Ld. counsel for appellant appeared. He is informed about the order passed today.

Put up on date fixed i.e. 15.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (s)

A.No. 533/23 & 535/23

04.03.2025

Present : Sh. G.D. Mishra, Ld counsel for the appellant.
Sh. Ddharamvir Gupta Ld. proxy counsel for Sh. V.K. Aggarwal, Ld counsel for the respondent along with Sh. Yashwant Singh, AE(B).

It is informed that Ld. counsel for MCD Mr. V.K. Aggarwal is unavailable today due to death of his acquaintance.

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

Put up for purpose fixed on 15.07.2025.

Interim orders to continue till the next date of hearing in appeal No.533/23.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (J)

A.No. 64/25, 65/25, 66/25 & 67/25

04.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Avadh Bihar Kaushik with Sh. Rishabh Kumar,
Ld. counsel for the appellants.

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 02.04.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (J)

A.No. 63/24

04.03.2025

Present : Ms. Meenu Advocate Associate of Ms. Pinki Manu, Ld counsel for the appellant.
Sh. Ashutosh Gupta proxy counsel for Sh. V.K. Aggarwal, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main counsel Ms. Pinki Manu is un-available 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 15.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (J)

A.No. 258/20, 256/20 & 257/20

04.03.2025

Present : Sh. G. D. Mishra, Ld counsel for the appellant.
Sh. Mohit Sharma, Ld counsel for the respondent.

Vide order dated 09.05.2024, my Ld. Predecessor had directed the MCD to produce the original records of the sealing proceedings.

Ld. counsel for the MCD seeks sometime to produce the same.

Accordingly, the MCD is directed to produce the record of the sealing proceedings bearing file No. 139/SCN/AC/ EE (B) C-2/19 dated 17.05.2019.

Put up for production of the record of the MCD and further arguments on the point of appeal on **15.07.2025.**

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (s)

A.No. 516/23

04.03.2025

Present : Sh. Naved Malik, Ld counsel for the appellant.
Sh. Jatin Aggarwal, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main counsel Sh. Manish Kumar Singh is un-available 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 16.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (J)

A.No. 85/25

04.03.2025

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

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 09.04.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 66/22

04.03.2025

Present : Sh. V.K.Bajaj, Ld counsel for the appellant.
Sh. Umesh Burnwal, Ld counsel for the respondent
joined through VC.

No affidavit is filed by appellant in support of application seeking condonation of delay in terms of previous order.

Part arguments on application seeking condonation of delay heard.

Some clarification are required from concerned AE(B) / JE(B) in respect of portion of third floor which has been sealed by MCD in this case. Concerned AE(B) / JE(B) is directed to remain present in person before the Tribunal on the next date of hearing.

Put up for further arguments on application under Section 5 of Limitation Act on 15.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 124/25

04.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. G.D.Mishra, Ld. counsel for the appellant.

Ld. Counsel for appellant seeks some time to move application seeking condonation of delay in the present matter.

Put up for consideration on 07.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 19/25

04.03.2025

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

Present : Sh. H.S. Sodhi, Ld counsel for the appellant alongwith appellant in person.

Ld. counsel for appellant submits that MCD officials have come to the property in question and informed that they are going to execute the demolition order. He submits that in case the interim application is not taken on priority his appeal would become infructuous. Accordingly, notice of the application be issued to the respondent MCD for 06.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (J)

A.No. 90/25

04.03.2025

Present : Sh. Pawan Verma, Ld counsel for the appellant in person along with appellant no.1 joined through VC.

Appellant no.1 Mr. Vimal Dhingra informs that he is presently residing in UK and therefore was not able to file their affidavit along with appeal. He submits that he has gone through the averments made in the appeal and shall be bound by the same.

Ld. Counsel for appellant seeks an adjournment to take instructions from his client regarding demolition order and sealing order passed by MCD in the year 2010 against the property in question before addressing further arguments in the matter.

Accordingly, at request put up for consideration on 06.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 273/21

04.03.2025

Present : Ms. Sunila Chaudhary, Ld counsel for the appellant.
Sh. Asgutosh Gupta, Ld counsel for the respondent
alongwith Sh. R.D. Chaudhary, AE(B).

AE(B) has produced the record pertaining to the booking done by MCD in the year 2008.

Ld. counsel for MCD on instructions clarified that the said booking pertains to block 'A' of the property in question and is not related to the block 'C' of the property, which is in dispute of the present case.

Further arguments on the point of clarification heard from both the parties.

Put up for orders on 07.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (J)

A.No. 781/24 & 782/24

04.03.2025

Present : Sh.Pankaj Vivek , Ld counsel for the appellant.
Sh. Ranjit Pande, Ld counsel for the respondent along
with Sh. Rameez Abbas JLO/ MCD (HQ) and Sh.
Honey Aggarwal, JE(B).

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

Put up for orders on 11.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 213/23

04.03.2025

Present : Sh. Virender Singh , Ld counsel for the appellant.
Sh. Umang Mahindra, Ld counsel for the respondent.

Ld. Counsel for appellant submits that due to personal exigency he is not in a position to appear before the Tribunal today and request to appear day after tomorrow.

Ld. Counsel for respondent / MCD submits that interim protection is yet to be made absolute in the matter and hearing is getting delayed due to repeated adjournments.

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

Accordingly, at joint request of both the parties matter be put up for further arguments on application seeking stay and pending applications as well as appeal on 06.03.2025.

Interim protection granted vide order dated 02.05.2023 to continue till next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 R

A.No. 958/17

04.03.2025

Present : Sh. Praveen Kumar Singh and Sh. Sant Prakash, Ld
counsel for the appellant.
Sh. Sanjeet Kumar, proxy counsel for Sh. Pritish
Sabharwal, Ld. counsel for respondent.

Vide separate judgment of even date, the present
appeal is dismissed.

Record of the respondent, if any, be returned along
with copy of this order and appeal file be consigned to
record room.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (S)

A.No. 166/24

04.03.2025

Present : Sh. Pawan Kumar Sharma and Praveen Kumar Singh,
Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Vide separate judgment of even date, the present appeal is dismissed.

Record of the respondent, if any, be returned along with copy of this order and appeal file be consigned to record room.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
04.03.2025 (S)