

A.No. 753/23, 422/24, 423/24, 403/24, 404/24, 405/24, 406/24, 382/24, 383/24, 384/25, 385/24, 386/24, 387/24, 375/24, 376/24, 377/24, 378/24, 379/24, 380/24, 381/24, 476/24, 477/24, 478/24, 430/24, 431/24, 432/24, 374/24, 320/24

06.03.2025

Present : Sh. Shanker Sehgal, Proxy counsel for the appellant in appeal nos. 422/24, 423/24, 403/24, 404/24, 405/24, 406/24, 382/24, 383/24, 384/25, 385/24, 386/24, 387/24, 375/24, 376/24, 377/24, 378/24, 379/24, 380/24, 381/24, 476/24, 477/24 & 478/24.  
Sh. Dalip Rastogi, Ld. counsel for appellant in appeal no.753/23.  
Sh. Rohit Sharma, Ld. counsel for the appellant in appeal nos.430/24, 431/24, 432/24, 374/24 & 320/24.  
Sh. V.K.Aggarwal, Ld counsel for the respondent.

Ld. Counsel for appellant submits that they have already engaged services of architect and is in process of filing regularization application in the present matter. He assures that appellant will move regularization application to the MCD within 08 weeks from today. In case, the appellant moves regularization application, MCD is at liberty to consider the same as per law.

However, it is clarified that in case the appellant fails to take steps in filing regularization application in the interregnum period, no further request for adjournment

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shall be entertained in the matter and appeal will be heard on the next date of hearing.

Put up for further arguments on pending interim applications and appeal on 16.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 R

A.No. 413/24

06.03.2025

Present : Sh. Shiv Chopra, Ld counsel for the appellant joined through VC.  
Sh. Prithish Sabharwal, Ld counsel for the respondent joined through VC.

1. Reply to the application under Section 347B(2) of the DMC Act is filed, copy supplied.
2. Arguments heard at length from both the parties. Ld. counsel for appellant submits that delay in filing of the appeal has occurred due to non supply of demolition order. He submits that the appellant filed a W.P.(C) 7710/24 before the Hon'ble High Court of Delhi wherein he informed the Hon'ble High Court that the demolition order has not been supplied to him. Vide order dated 27.05.2024 the Hon'ble High Court directed the MCD to supply the demolition order to the appellant which was eventually supplied on 03.06.2024 and on 04.06.2024 the present appeal was filed.
3. On the other hand Ld. counsel for MCD submits that the demolition order was sent to the appellant through registered post which returned back unserved and the order was finally affixed at the property on 17.04.2024.
4. Arguments heard. Record perused. It is the case of the appellant that the delay in filing of the appeal

had occurred due to non service of the demolition order. Vide order dated 27.05.2024 in W.P.(C) 7710/24, the Hon'ble High Court directed the MCD to supply the demolition order to the appellant and thereafter the present appeal has been filed. The question of service of demolition order upon the appellant needs to be adjudicated on merits in the present case. However, at this juncture, appellant has been able to make a sufficient cause for condonation of delay. Accordingly, the application seeking condonation of delay is allowed. Delay is condoned

Put up for arguments on interim application seeking stay as well as appeal on 02.05.2025.

Interim orders to continue till the next date of hearing.

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

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)

A.No. 984/24

06.03.2025

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

Part arguments heard.

Perusal of record shows that in para 'B' of the appeal, appellant has stated that he is the absolute owner of property No.GC-21 and co-owner in respect of other properties against which the impugned demolition order was passed. The demolition order shows that the same has been passed in the name of appellant as well as Mr. Amit Saxena. Mr. Amit Saxena is not impleaded in the present matter.

Proxy counsel submits that main counsel for appellant Mr. C.M. Sharma is unavailable today being busy before the Hon'ble High Court of Delhi and seeks an adjournment to take instructions in this regard.

Mr. Shashikant is appeared on behalf of Mr. Amit Saxena and placed on record the copy of order dated 25.02.2025 passed in WP(C) bearing no. 2415 / 2025. He informs that Mr. Amit Saxena has impugned the demolition order before the Hon'ble High Court of Delhi and the hearing before Hon'ble High Court of Delhi is fixed for 17.03.2025.

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Put up for clarifications on the aforesaid issues and pending interim applications as well as appeal on 17.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 R

A.No. 599/13

06.03.2025

Present : Sh. Mayank Wadhwa, Ld counsel for the appellant  
joined through VC along with Ms. Muskaan Gupta,  
Advocate in person.  
Sh. V.K.Aggarwal, Ld counsel for the respondent.

Part arguments heard.

Ld. Counsel for appellant has placed on record copy of the assessment order dated 04.05.2006 passed by the then Assistant Assessor & Collector, South Zone, R.K.Puram, New Delhi. He submits that the assessment order clarifies that the basement in question is lying vacant since purchase. Copy of order of assessment order is supplied to the Ld. Counsel for respondent / MCD to verify the same and file status report on the next date of hearing.

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

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 R

A.Nos. 304/22, 305/22, 306/22, 307/22, 308/22, 309/22 & 311/22

06.03.2025

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

Sh. Amit Rana, ALO from Rohini Zone is present. He seeks sometime to file status report apprising the aspect of jurisdiction involved in the present matter.

The officer from Law Department, MCD is directed to remain present on the next date of hearing.

Put up for arguments on the point of appeal on **08.04.2025.**

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (s)



A.No. 708/24

06.03.2025

Present : Sh. Amit Kumar Khandelwal, Ld counsel for the appellant.

Sh. Dharamvir Gupta, Ld counsel for the respondent.

**ORDER**

1. This order will decide the application seeking condonation of delay filed by appellant.
2. It is the case of appellant that they are impugning the notice dated 13.10.2021 issued by MCD. It is submitted that a Civil Suit bearing no. CS SCJ No.1205 / 2021 on 29.07.2024 MCD filed action taken report informing the court that the demolition action has been fixed on 24.08.2024. It is stated that appellant approached the Hon'ble High Court of Delhi wherein they impugned the rejection of regularization. Hon'ble High Court of Delhi disposed off the writ petition with the direction to approach this Tribunal.
3. Ld. Counsel for respondent / MCD strongly opposes the application. He submits that demolition order was passed on 28.10.2021. Appellant appeared before the quasi judicial authority and submitted her reply dated 25.10.2021. He submits that appellant was aware about the demolition proceedings. Thereafter, appellant filed appeal bearing no.12 / 22 which was withdrawn by appellant on 29.05.2024. He submits that no liberty to file fresh appeal was granted in

previous round of appeal and appellant has to satisfy this Tribunal in respect of limitation from the date of demolition order dated 28.10.2021.

4. I have heard arguments and perused the record. The Registry has produced the record of appeal bearing no.12 / 22. The said record shows that appellant impugned the demolition order in the said appeal and later on 29/05/2024 the said appeal was withdrawn. During the proceedings before the quasi judicial authority, appellant also submitted her reply dated 25.10.2021. From the aforesaid, it is amply clear that appellant was aware about the demolition proceedings as well as demolition order passed in the matter. Appellant had voluntarily withdrawn the appeal no.12/22 and no liberty to file fresh appeal was granted in this case.
5. I concur with the submissions made by Ld. Counsel for respondent / MCD, that the limitation period in the present case needs to be explained from the date of demolition order dated 28.10.2021. Appellant failed to tender any sufficient reason for not filing the present appeal on time. Merely because appellant wanted to prefer regularization application the same cannot be counted as valid ground for condonation of delay as demolition proceedings are independent from regularization proceedings. Apart from the aforesaid, the directions issued by Hon'ble High Court of Delhi in

order dated 21.08.2024 in WP (C) bearing no.11511/2024 are in respect of regularization proceedings and does not pertain to demolition order.

6. The Hon'ble Supreme Court of India in the case of H. Guruswamy & Ors Vs Krishnaiah Since Deceased by LRS in Civil Appeal No.317 /2024 held that :

- “13. We are at our wits and to understand why the High Court overlooked all the aforesaid aspect. What was the good reason for the High Court to ignore all this? Time and again, the Supreme Court has reminded the District judiciary as well the High Courts that the concepts such as “liberal approach”, “Justice oriented approach”, “substantial justice” should not be employed to frustrate or jettison the substantial law of Limitation.”
15. The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.
16. The length of the delay is definitely a relevant which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the *bona fides* of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the 'Sword of Damocles' hanging over the head of a litigant for an indefinite period of time."
7. From the mandate given by the Hon'ble Supreme Court of India it is clear that the concept such as liberal approach, justice oriented approach, substantial justice shall not be employed to frustrate the substantial law of limitation. The court owes a duty to first ascertain the bonafides of the explanation offered by the party seeking condonation of delay.
8. Under these circumstances, it is clear that the present appeal is time barred. Appellant has failed to tender any sufficient cause for condonation of delay. The application seeking condonation of delay as well as appeal is dismissed.
9. Record of the respondent, if any, be returned along with the copy of this order and appeal file be consigned to record room.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 R

A.No. 124/20

06.03.2025

Present : Sh. Manmohan Singh, Ld counsel for the appellant.  
Sh. Anupam Sharma, Ld counsel for the respondent.  
Sh. Mukesh Kumar Dral & Sh. Sonu Kirar, Ld. counsel  
for the respondent nos.2 to 11.

Part arguments on the point of appeal heard from Ld.  
counsels for both the parties at length.

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

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 R

A.No. 813/23

06.03.2025

Present : Sh. Joby P. Varghese, Ld counsel for the appellant.  
Sh. Ashutosh Gupta proxy counsel for Sh. Sagar Dhama, Ld counsel for the respondent No.1.  
Sh. Sandeep Kumar, Ld. counsel for respondent No.3.2.  
Ms. Richa Sharma and Sh. Rajeev Kachhal, Ld. counsel for respondent No.3.3 to 3.7.  
Ms. Sudha Arya and Sh. Abhinav Kajal, Ld. counsel for respondent No.3.6 and 3.7.  
Sh. Deepak Z. Mehta, Ld. counsel for Mr. Rajinder Singh, Intervener.  
Sh. Shahid Akhtar, Ld. counsel for Sh. Y.P. Tyagi, President of Educational CGHS Ltd, Medha Apartment, respondent No.3.2.

An affidavit is filed by the appellant Ms. Sudha Ramanathan in terms of the order dated 21.11.2024, copy supplied.

Reply to the application moved by intervener Rajinder Singh is filed by the appellant, copy supplied.

Mr. Y.P. Tyagi, President of Society has also filed his affidavit on record, copy supplied.

Fresh Vakalatnama is filed on behalf of R-3.2 i.e. Management Committee, Medha Apartment.

It is informed that Ld. counsel for MCD Mr. Sagar Dhama is unavailable today due to some personal exigencies.

Accordingly, the matter be listed for further arguments on application under order 1 Rule 10 CPC, interim applications as well as appeal on 02.06.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)

A.No. 927/24

06.03.2025

Present : Sh. Deepak Kumar proxy counsel for the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent  
No.1 MCD.  
Sh. Pradeep Kumar, Sh. Surender Kumar and Ms.  
Anailu Hakung, Ld. counsels for respondent  
Nos.2,3,6,7, and 9.  
None for Respondent No.4 & 5.

Perusal of record shows that the notice of the appeal was issued to respondent No.4 and 5 and it was received back duly served. No one has appeared on their behalf despite various calls since morning in the tribunal or through VC and they are proceeded ex-parte.

Ld. counsel for the appellant submits that main counsel Mr. Kunal Malik is unavailable today due to some medical exigencies in his family.

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

Put up for arguments on pending application and appeal on 17.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)



A.No. 478/15

06.03.2025

Present : None for the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent.

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

It is already 3.00 PM. No adverse order is being passed today in the interest of justice.

Put up for purpose fixed on 17.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)

A.No. 348/22

06.03.2025

Present : Appellant in person.  
Sh. Ashutosh Gupta Ld. proxy counsel for Sh. H.R.  
Aggarwal, Ld counsel for the respondent.

An adjournment is sought by the appellant as his counsel Sh. Nitesh Gupta is un-available today being busy in arbitration proceedings.

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

Put up for purpose fixed on 17.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)

A.No. 115/24(M)

06.03.2025

Present : Sh. Shanker Sehgal, Ld counsel for the appellant.  
Sh. Ranjit Pandey, Proxy counsel for Sh. Umesh  
Burnwal, Ld counsel for the respondent.

An adjournment is sought by respondent / MCD to file  
reply to the application seeking restoration of appeal.  
Opportunity granted.

Advance copy be supplied to appellant.

Put up for filing reply and arguments on aforesaid  
application on 16.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 R

A.No. 883/24 & 884/24

06.03.2025

File is taken up today on application made by Mr. Manish Chawla, Intervener.

Present : Sh. Manish Chawla, Intervener in person.  
Sh. Zia Lal, Nodal Officer, MCD

Mr. Manish Chawla, Intervener submits that he has moved an application under Order 1 Rule 10 CPC on 19.12.2024 but inadvertently the same is not reflected in the previous order sheet. The Registry confirms that the said application has been moved by Mr. Manish Chawla and Mr. Tarun Chawla, interveners. Clarification in that regard is taken on record. Put up for purpose and date already fixed i.e. 07.04.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)

A.No. 06/SCM/13

06.03.2025

Present : Sh. Anshu, Clerk for Ld counsel for the appellant.  
Sh. V.K.Aggarwal, Ld counsel for the respondent.  
Sh. P.K.Aggarwal, Ld. counsel for the DDA joined  
through VC.

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

Put up for arguments on the point of appeal on the  
date already fixed i.e. **17.03.2025 at 2:30 PM.**

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 R

A.No. 744/24 & 745/24

06.03.2025

Present : Mr. Sushant proxy counsel for appellant alongwith  
appellant in person.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Mr. Sushant, proxy counsel for appellant submits that  
main counsel Mr. Shiv Charan Garg intends to  
withdraw his vakalatnama in the present matter.

Appellant submits that he needs some time to have a  
word with his counsel in this regard.

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

Put up for purposed fixed on 28.03.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)

A.No. 203/22, 239/19 & 238/19

06.03.2025

Present : Sh. Dalip Rastogi and Sh. Savinder Singh, Ld counsel for the appellant.  
Sh. Pritish Sabharwal, Ld counsel for the respondent joined through VC in appeal Nos.203/19.  
Sh. Ashutosh Gupta, Ld. proxy counsel for Sh. Sagar Dhama, Ld. counsel for MCD in appeal Nos. 239/19 & 238/19.

Arguments could not be heard today as arguments in appeal Nos.43/15 and 124/20 are already scheduled in the post lunch session.

Accordingly, re-list for further arguments on the point of appeal on 17.07.2025.

Interim orders to continue till the next date of hearing in appeal No.238/19.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)

A.No. 19/25

06.03.2025

Present :

Sh. H.S.Sodhi, Ld counsel for the appellant.

Sh. Atul Tanwar, Ld counsel for the respondent Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record.

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

Part arguments on application seeing stay heard from both the parties.

It is already lunch time. Matter be listed again at 2:00 PM.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025

**At 2: 00 PM**

Sh. Manav Sharma, Proxy counsel for the appellant.

Sh. Atul Tanwar, Ld counsel for the respondent.

Proxy counsel for appellant submits that main counsel for appellant Mr. H.S.Sodhi is unavailable today as he has to rush to Karkardooma Court to attend some urgent matter. As main counsel for appellant is unavailable therefore, arguments on interim application seeking stay could not be concluded.

Put up for arguments on the aforesaid application on 07.03.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 R



A.No. 123/25

06.03.2025

Fresh appeal filed. Be checked and registered.  
Present : Sh. S.S. Nizami, Ld. counsel for the appellant.

Ld. counsel for appellant seeks some time to file additional documents in support of their appeal.  
Put up for consideration on 11.03.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)

A.No. 90/25

06.03.2025

Present : Sh. Pawan Verma, Ld counsel for the appellant.

Ld. Counsel for appellant submits that he needs to take instructions from the appellant regarding sealing order and demolition order passed in the year 2010. He seeks a short adjournment to take instructions and appropriate steps in this regard.

Accordingly, at request of Ld. Counsel for appellant matter be put up for consideration on 11.03.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 R

A.No. 213/23

06.03.2025

Present : Sh. Virender Singh, Ld counsel for the appellant joined through VC with appellant present in the Tribunal.  
Sh. Umang Mahindra, Ld counsel for the respondent joined through VC.

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

Put up for orders on 12.03.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)

A.No. 45/15

06.03.2025

Statement of Nilesh Sahney, Ld. counsel for  
respondent NDMC.

At Bar.

I am the counsel for NDMC in the present case. I am making the statement on instruction from Mr. Yashpal, AE (EBR). The NDMC in present case had issued show cause notice dated 16.03.2011. No demolition or sealing order has been passed by the NDMC in this case so far. The proceedings are pending with the NDMC. The department has decided to defer further action in respect of the property in question pursuant to the show cause notice dated 16.03.2011 till further directions received from the appropriate authority.

RO&AC

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025

A.No. 45/15

06.03.2025

Present : Sh. Samar Bansal, Ld counsel for the appellant joined through VC with Sh. Vedant Kapur, Advocate present in the Tribunal  
Sh. Nilesh Sahney, Ld counsel for the respondent with Sh. Yashpal, AE(EBR) and Sh. Sudarshan Bhardwaj, ALO, NDMC.

Ld. counsel for appellant submits that in view of the statement made by Mr. Nilesh Sahney, Ld. counsel for NDMC, he needs to take instructions from his client and seeks a short adjournment.

Put up for further proceeding on 11.03.2025.

Officers from NDMC are directed to remain present in person on next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)

A.No. 120/25

06.03.2025

Statement of Vikram Singh, S/o Sh. Sudhir Singh, R/o  
B-5 & 6/4049 Vasant Kunj, New Delhi.

On SA

I am the appellant in the present appeal. I am not pressing the prayer No. (b) (c) and (d) in the present appeal. I will take appropriate steps for filing the separate appeals in respect of the sealing order and revocation of sanctioned building plan order.

RO&AC

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025

A.No. 120/25

06.03.2025

Fresh appeal is filed. It be checked and registered.

Present : Sh. Praveen Rao, Ld. counsel for the appellant.

1. Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.
2. The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing. Ld. counsel for the appellant submits that appellant is not pressing prayer nos. (b), (c) and (d) in the present appeal and will take appropriate steps for filing separate appeals in respect of the said relief. Separate statement of Mr. Vikram Singh is recorded in this regard.
3. Ld. counsel for the appellant submits that they are impugning the demolition order dated 18.01.2024 wherein deviation against the permission for installation of common lift has been booked. He submits that the appellant had obtained permission for installation of lift which was later on revoked by the MCD. He submits that it is not the case that appellant had constructed unauthorized structure without seeking any permission.
4. Ld. counsel for the appellant points out that in Civil Suit bearing no. CS/SCJ /515/21 tilted as Renu Tomer Vs. Vikram Singh in the written statement MCD filed status

report wherein it is stated that no building bye laws have been violated and the present proceedings are contrary stand taken by the MCD in the said Suit. The relevant extract of the said written statement is reproduced below:-

“Moreover, it is submitted that during the course of inspection it has been noticed that alleged lift is available only for ground floor to third floor whereas a lift room exists at terrace of third floor which is permissible but there is no exit and entry over terrace of third floor, in view of above no violations of Building bye laws/ NOC granted by the answering defendant / SDMC in respect of alleged lift has been noticed”.

5. Ld. counsel for the appellant submits that lift is already sealed by the MCD and in case protection from demolition is not granted at this juncture, the appeal will become infructuous. He submits that WP (C ) 16247 of 2024 by order dated 22.11.2024 the Hon'ble High Court of Delhi has given liberty to the appellant to approach this Tribunal and seek remedy as per law.
6. Arguments heard and record perused. It is informed that lift had already been sealed by the MCD. Perusal of the demolition order shows that the sanction was initially granted to install lift which was later revoked by the MCD and demolition order in respect of deviations was passed.
7. On the other hand MCD in written statement filed before the Civil Court had taken a stand that no violation of building bye laws are there. In these circumstances, it is necessary to protect the subject matter at this juncture. Accordingly, status quo be maintained in respect of the property in question till the next date of hearing.



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

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

Put up for arguments on interim application(s) and appeal on 21.04.2025.

Copy of this order be given dasti.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (S)

A.No. 89/25

06.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Saurav Ghosh, Ld. counsel for the appellant.

An application u/s 5 of the Limitation Act is filed by the appellant.

Issue notice of application u/s 5 of the Limitation Act, interim application 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  
06.03.2025 (J)

A.No. 1071/24

06.03.2025

Present : Appellant in person.  
Sh. Ashutosh Gupta, Ld counsel for the respondent along with Sh. Pawan Kumar, AE(B).

Vide order dated 07.02.2025 this Tribunal directed for joint inspection of property in question. Vide said order, date and time of joint inspection was fixed by this Tribunal.

Status report is filed by MCD informing that despite direction of this Tribunal, the appellant did not turned up on the date and time fixed for the purpose of joint inspection. No reasonable explanation is tendered by appellant before the Tribunal in this regard.

Appellant is seeking an adjournment that his counsel is not available today.

Ld. Counsel for respondent / MCD strongly opposes the request. He submits that neither the applicant is coming forward to address arguments in the matter nor compiling the direction issued by this Tribunal.

I concur with the submissions made by Ld. Counsel for respondent / MCD and deprecate the conduct of the appellant in this matter that despite specific direction of this Tribunal he has failed to join joint inspection.

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Appellant is given one last and final opportunity to address arguments, failing which Tribunal shall be constrained to reconsider the interim protection granted in the matter.

Put up for further arguments on application seeking stay and pending interim applications as well as appeal on 06.05.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 R

A.No. 825/24, 826/24, 794/24, 795/24 & 784/24

06.03.2025

Present : Sh. Krish Kalra, Ld counsel for the appellant joined through VC with Ms. Rashi Arora, Advocate present in the Tribunal.

Sh. Ranjit Pandey, Ld counsel for the respondent along with Sh. Rajaram Meena, AE(B).

Status report is filed by the MCD (placed in appeal No.784/24) clarifying that the property in question is situated on commercial street. Copy of status report supplied.

Part arguments on the point of appeal are addressed by Ld. counsel for appellant. He seeks some time to inspect the record before addressing further arguments in the matter.

Put up for further arguments on the point of appeal on **07.04.2025**.

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

AE(B) concerned is directed to remain present in person on next date of hearing.

Interim orders in appeal No.784/24 to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)

A.No. 38/25

06.03.2025

Present : Sh. Hament Chaudhary, Ld counsel for the appellant.  
Sh. Avishek Kumar, Ld counsel for the respondent  
with JE(B) concerned.

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

Ld. counsel for appellant submits that their early hearing application was listed on 03.03.2025. The Presiding Officer was on leave on that day and the Reader has given the date 19.03.2025. He submits that the MCD is initiating coercive action against the property in question and in case interim application is not taken on priority, appellant will suffer irreparable loss.

Notice of the application be issued to the MCD for 07.03.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)

A.No. 56/25

06.03.2025

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

1. An application seeking preponement of hearing is moved by the appellant. It is submitted by Ld. counsel for appellant that MCD had issued a vacation notice dated 07.01.2025 against the property in question and they are apprehending demolition action in respect of the property in question and request that early hearing be granted in the matter.
2. In the application it is stated that appellant has already filed a civil suit for declaration of permanent injunction bearing civil suit No.69/25 wherein the vacation notice under Section 349 of the DMC Act has been challenged before the Court of Dr.Sacma Jain, JSCC/ASCJ.Judge(N/E). He submits that Civil Court vide order dated 18.02.2025 has granted ex-parte ad-interim injunction restraining the MCD from executing the vacation notice dated 07.01.2025 issued under Section 349 of the DMC Act. Next date of hearing before the Civil Court is 25.03.2025.
3. Ld. counsel for appellant submits that as the appellant is apprehending demolition action against the property, the hearing be preponed and

arguments on interim application be heard on priority.

4. On the other hand Ld. counsel for the MCD submits that the order dated 18.02.2025 passed by the Civil Court is ex-parte ad-interim order passed without hearing the MCD. He submits that as per Section 347-E of DMC Act, 1957 there is a bar on jurisdiction of the Civil Court in respect of the proceedings under Section 343 of the DMC Act which can be only impugned before this Tribunal under Section 347-B of the DMC Act. He submits that despite the aforesaid legal position any adjudication on interim application moved by the appellant in this case at this juncture may lead to confrontation of judicial decision as the appellant has impugned the proceedings of demolition before two parallel forum simultaneously. He submits that the vacation notice emanate from demolition order and clearly mentions the file No.68/B-I/UC/SH-N/2023 dated 20.06.2023 which pertains to the demolition order which is pending adjudication before this Tribunal.
5. I have heard the arguments and perused the record. The appellant has filed the present appeal before this Tribunal on 30.01.2025 impugning the demolition order. The interim application seeking stay is yet to be heard in the present matter and the next date of hearing is 21.03.2025.



6. During the pendency of this appeal, appellant has preferred Civil Suit impugning the vacation notice which has been issued by the MCD in furtherance to demolition order.
7. Ld. counsel for appellant submits that in plaint of the Civil Suit they informed the Civil Court about the pendency of this appeal and after consideration the same Civil Court had passed the order dated 18.02.2025 and is seized of the matter.
8. I find merits in the submissions made by the Ld. counsel for MCD that though there is a statutory bar under section 347-E of the DMC Act in respect of jurisdiction of the Civil Court but as the Civil Court is seized of the matter, at this juncture any adjudication on the interim application may lead to conflict of the judicial proceedings and the opinions as appellant has impugned the proceedings parallelly before two forums.
9. Accordingly at this juncture, I do not find any merit on the application seeking early hearing moved by the appellant and the same is dismissed.

Put up on date fixed i.e. 21.03.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
06.03.2025 (J)