

A.No. 418/16 & 419/16

07.03.2025

Present : Sh. Rambeer Singh husband of appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent.

It is submitted that main counsel for appellant Mr. Tarun Sharma is unavailable today due to some personal 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 18.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 303/22

07.03.2025

Present : Sh. Aurangzeb Khan, Ld counsel for the appellant.
Sh. Mohit Sharma, Ld counsel for the respondent.
Sh. Feroz Alam, Ld counsel for the intervener.

Status report is filed by respondent / MCD and kept the same in appeal no.225/22. Copy supplied.

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

Concerned AE(B) is directed to remain present in person before the Tribunal on the next date of hearing.

Put up for further arguments on pending interim applications and appeal on 21.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 225/22

07.03.2025

Present : Sh. Aurangzeb Khan, Ld counsel for the appellant.
Sh. Mohit Sharma, Proxy counsel for Sh. Parmesh
Bali, Ld counsel for the respondent.
Sh. Feroz Alam, Ld counsel for the intervener.

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

Concerned AE(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
Order 1 Rule 10 CPC and pending interim applications
as well as appeal on 21.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 277/23
07.03.2025

Present : None for the appellant.
Sh. Chetan Hasija , Ld counsel for the respondent along with Ms. Sarita Gaur, ALO and Sh. Satish Gautam, AE(B)/ CLZ.

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

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

It is clarified that if none will appear on the next date of hearing Tribunal shall be constrained to reconsider the interim protection granted in the matter.

Put for the purpose already fixed on 03.06.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025

AT 3:00 PM

At this stage, Sh. Vikas Khatri, Ld. counsel for intervener is appeared. He is informed about the order passed today.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 375/12, 875/17, 238/12, 110/10, 377/12, 262/14, 1095/15, 933/14, 373/15, 305/16, 986/16, 793/17, 1056/15, 340/15, 871/15, 633/15, 392/16, 1062/15, 842/14, 876/17, 845/17, 844/17, 368/14, 377/14, 485/15, 261/14, 1196/15, 484/15, 292/16, 825/15, 814/17, 209/10, 219/10, 184/10, 185/10, 100/09, 208/10, 164/10, 165/10, 166/10, 167/10, 370/14, 208/17, 371/14, 431/12, 369/14, 477/15, 12/18, 730/15, 731/15, 168/10, 169/10, 170/10, 171/10, 172/10, 261/10, 262/10, 220/12, 221/12, 172/12, 173/12, 174/12, 175/12, 247/12, 248/12, 249/12, 1058/15, 794/17, 376/16, 305/12, 376/12, 418/15, 265/13, 373/14, 372/14, 838/15

07.03.2025

Present : Sh. K.R. Sasi Prabhu, Ld counsel for the appellant along with Sh. Aditya Swroop, Ms. Kriti Gupta, Sh. Md.Ilyas, Ms. Namreeta, Sh. Amandeep Chahal.

Sh. A.L.Agnihotri , Ld counsel for the respondent in appeal nos.184/10, 170/10, 249/12 & 372/14.

Sh. V.K.Aggarwal, Ld counsel for the respondent in appeal nos.375/12, 793/17, 100/09 & 12/18

Sh. Ashutosh Gupta, Ld. counsel for respondent in appeal nos. 875/17, 238/12, 110/10, 377/12, 262/14, 1095/15, 933/14, 373/15, 305/16, 986/16, 1056/15, 340/15, 871/15, 633/15, 392/16, 1062/15, 842/14, 876/17, 845/17, 844/17, 368/14, 377/14, 485/15, 261/14, 1196/15, 484/15, 292/16, 825/15, 814/17, 209/10, 219/10, 185/10, 208/10, 164/10, 165/10, 166/10, 167/10, 370/14, 208/17, 371/14, 431/12, 369/14, 477/15, 730/15, 731/15, 168/10, 169/10, 171/10, 172/10, 261/10, 262/10, 220/12, 221/12, 172/12, 173/12, 174/12, 175/12, 247/12, 248/12, 1058/15, 794/17, 376/16, 305/12, 376/12, 418/15, 265/13, 373/14, 838/15.

Sh. Manish Yadav, Nodal Officer for DDA in appeal no.238/12.

Contd.....

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An Application under Order XXII Rule 10 CPC is moved by appellant in appeal nos.986 / 2016, 209 / 2010, 392 / 2016, 219 / 2010 & 477 / 2015. Copy supplied.

It is already lunch time. Arguments could not be heard today as in post lunch session argument on appeal no.994/24 is already scheduled for hearing.

Put for consideration of aforesaid applications and arguments on appeal on 01.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No.763/22

07.03.2025

Present : None for the appellant.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh Sabbharwal, Ld. Counsel for the respondent joined through VC.

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

In the interest of justice, no adverse order is being passed today.

Put for the purpose already fixed on 18.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 764/24

07.03.2025

Present : Sh. Gaurav Kajla, Proxy counsel for the appellant.
Sh. Sandeep Kumar, Ld counsel for the respondent
joined through VC.

It is submitted that main counsel for appellant Mr. Ajit Singh is unavailable today being busy before the Dwarka Court.

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 18.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No.183/24 & 184/24

07.03.2025

Present : Sh. Anik Pal brother of appellant.
Sh. Sandeep Kumar, Ld counsel for the respondent
joined through VC.

An adjournment is sought on behalf of appellant as
main counsel Mr. Prateek Jain is unavailable today
being busy before the Karkardooma Court.

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 20.05.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 133/25

07.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Sandip Kumar and Sh. Shubham Upadhyay, Ld. counsel for the appellant along with appellant joined through VC.

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.
3. Ld. counsel for the appellant presses the interim application. He submits that they are apprehending the demolition action by the MCD and in case interim protection is not granted at this juncture their appeal will become infructuous. He submits that in the impugned order MCD has not mentioned about the measurement / alleged deviations in the property. He submits that no inspection report of the property was ever supplied to the appellant and the principals of natural justice have not been followed by the MCD in the matter. He submits that appellant is an advocate by profession and running his office from the premises

in question and in case any demolition action is carried out, the record maintained in the office of the appellant is likely to be jeopardized.

4. Accordingly in view of the aforesaid reasons and the exigencies cited by the appellant MCD is directed to maintain status quo in respect of the property in question till next date of hearing.
5. It is clarified that the observations made while passing of this order by this Court shall not tantamount to the expression on the merits of this case.
6. It is also directed that the appellant shall not carry out any further construction in the property in question without necessary approval as per law.
7. The AE(B) and the then JE(B) are directed to remain present in person on the next date of hearing.

Put up for further arguments on pending interim applications as well as appeal on 15.04.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 (J)

A.No. 122/25

07.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. T.R.Sandhu , 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 02.04.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 124/25

07.03.2025

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

An application under Section 5 of Limitation Act is moved by 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 18.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 121/25

07.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Prashant Diwan , Ld. counsel for the appellant along with Ms. Sonali Harish, Advocate.

1. 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.

2. Ld. counsel for appellant submits that child of appellant is appearing in the board examination and in case coercive action is taken against the property in question at this juncture, the studies of child will get affected and his career will be jeopardized.

3. Ld. Counsel for appellant assures that he will not take adjournment in the matter and will address arguments on the next date of hearing.

Put up for arguments on interim application(s) and appeal on 21.03.2025.

Status quo in respect of property in question be maintained till next date of hearing.

Copy of order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 363/15

07.03.2025

Present : Sh. R. K. Bedi, Ld counsel for the appellant.
Sh. Anubhav Gupta, Ld counsel for the respondent.

An application under Section 151 CPC is filed on behalf of Intervener Vijay Gupta seeking permission to place on record additional documents. Copy supplied to MCD.

Ld. counsel for the Intervener undertakes to supply the copy to the appellant during the course of the day.

Put up for consideration on the aforesaid application as well as for further arguments on the point of appeal on **14.07.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 (s)

A.No. 747/14

07.03.2025

Present : Appellant in person.
Sh. Nilesh Sawhney, Ld counsel for the respondent
joined through VC.

It is submitted by appellant that Mr. Sanjay Aggarwal,
Ld. counsel is not available today due to some
personal exigency.

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

Put up for purpose fixed on **28.05.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 (s)

A.No. 221/24

07.03.2025

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

Part arguments heard.

Ld. counsel for the appellant submits that there are typographical mistake in the appeal and he will move an application seeking amendment of the appeal.

Put up for further proceedings on **06.06.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 (s)

A.No. 512/23

07.03.2025

Present : Sh. D.K.Singhal , Ld counsel for the appellant.
Sh. Zia Lal Kasana, Nodal Officer on behalf of the
respondent / MCD.

Reply to the status report is filed by appellant. Copy
supplied.

Ld. Counsel for appellant submits that he is not feeling
well today and not in a position to address arguments.

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 17.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 479/15

07.03.2025

Present : Sh. Mayank Tripathi, Ld counsel for the appellant.
Sh. Anubhav Gupta, Ld counsel for the respondent.

Fresh Vakalatnama is filed on behalf of the appellant.

The same is taken on record.

Ld. counsel for the appellant submits that they are recently engaged in this matter and needs to inspect the record before addressing arguments in the matter.

Put up for purpose fixed on **14.07.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 (s)

A.No. 202/24

07.03.2025

Present : Sh. Paran Kumar, Ld counsel for the appellant along with appellant.

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

List of documents is filed by appellant. Copy supplied.
Status report is filed by respondent / MCD. Copy supplied.

It is already lunch time. Arguments could not be heard as in post lunch session an appeal no. 994/24 is already scheduled for hearing.

Put for the purpose already fixed on 02.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 640/24

07.03.2025

Present : Ld. Proxy counsel for the appellant.
Sh. Ranjeet Pandey, Ld counsel for the respondent
joined through VC along with Ms. Sarita Gaur, ALO
and Sh. Sanjeev Kumar AE (B), C. L. Zone.

It is submitted that main counsel Mr. Rahul Tyagi is
not available today due to death of his acquaintance.
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 **18.07.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 (s)

A.No. 26/21

07.03.2025

Present : Sh. Viredner Singh , Ld counsel for the appellant.
Sh. Ravi Ranjan, Ld counsel for the respondent no.1
joined through VC.
Sh. Mohit Shrama, Ld. counsel for the respondent
no.2.

Part arguments heard.

It is already lunch time. Arguments could not be heard
today as in post lunch session hearing in appeal
bearing no.994/24 is already scheduled.

Accordingly, put up for further arguments on pending
interim applications and appeal on 18.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 886/24

07.03.2025

Present : Sh. Souraj Ghosh, Ld counsel for the appellant along with Sh. Devendra Kumar, Advocate.
Sh. V.K.Aggarwal, Ld counsel for the respondent.

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

Ld. Counsel for respondent / MCD submits that they will file the record of sealing proceedings before the Tribunal during the course of the day.

Put up for further arguments on pending interim applications and appeal on 27.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 122/24(M)

07.03.2025

Present : Ms. Meenu Pandey, Ld counsel for the appellant
joined through VC.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Reply to the application is filed by the MCD.

Ld. counsel for appellant submits that the appellant wants to deposit the misuse charges /penalty amount in compliance of the directions issued vide judgment dated 21.09.2017.

Ld. counsel for MCD submits that around 8 years have already lapsed and the interest component must be added to the said amount and needs instructions from the department regarding misuse charges/penalty amount and file status report regarding the amount to be deposited by the appellant.

Accordingly put up for arguments on the application on 15.04.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 (J)

A.No.76/23

07.03.2025

Present : Sh.Mohit Mavai , Ld counsel for the appellant.
Sh. S.Adil Hussain, Ld counsel for the respondent.

Part arguments on application under Order 6 Rule 17 heard.

Ld. Counsel for appellant seeks some time to take instructions for impleadment of other co-owners of the property.

Relist for further arguments on application under Order 6 Rule 17 on 24.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 279/24

07.03.2025

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

Perusal of the record shows that the demolition order dated 10.04.2024 has been passed in continuation to the previous booking dated 07.03.2024. The record of the said booking is not produced before this Tribunal and is important for the adjudication in the present matter.

Accordingly, MCD is directed to produce the record pertaining to booking of 07.03.2024 on or before the next date of hearing.

Put up for arguments on interim application as well as on the point of appeal on **08.07.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 (s)

A.No.203/24

07.03.2025

Present : Ms. Vashu Gupta, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent along with Sh. Lalit Sharma, EE (B) and Sh. Vijay Meena, AE (B) from KP Zone.

Sh. Lalit Sharma, EE (B) and Sh. Vijay meena AE (B) from K.P. Zone informed that the regularization application in the present case was moved by the appellant before the office of the Worthy Commissioner, MCD. They informed that due to delay in receipt of application in their Office they were not able to decide the application timely. The explanation tendered by the aforesaid officers is found satisfactory and they are discharged from the show cause notice. Arguments on the point of interim application as well as on the appeal heard from both the parties at length. Put up for orders on **10.03.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 (s)

A.No.182/24

07.03.2025

Present : Sh. A. R. Tripathi and Sh. Anil Pandey, Ld counsels for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent along with Sh. Lalit Sharma, EE (B) and Sh. Vijay Meena, AE (B) from KPZ.

Status report is filed. Copy supplied. It is informed that the regularization application is rejected.

The Deputy Commissioner has tendered explanation in respect of delay in deciding the regularization application. The same is found satisfactory.

Arguments on the point of interim application as well as on the appeal heard from both the parties at length.

Put up for orders on **10.03.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 (s)

A.No. 273/21

07.03.2025

Present : Ms. Sunita Chaudhary, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

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

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
07.03.2025

A.No. 447/21

07.03.2025

Present : Sh. Deepak Khatri, Ld counsel for the appellant.
Sh. Anubhav Gupta, Ld counsel for the respondent
joined through VC.

An application under Section 151 CPC is filed for
withdrawal of the present appeal.

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 application
seeking withdrawal of the appeal is allowed. The
appeal filed by the appellant is dismissed as
withdrawn.

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

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 (J)

A.No. 447/21

07.03.2025

Statement of Deepak Khatri, Ld. counsel for appellant,
chamber No.194, Western Wing Tis Hazari Courts,
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.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025

A.No. 49/24

07.03.2025

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

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

Vide separate judgment of even date, the present appeal is allowed and the matter is remanded back to the Quasi-Judicial Authority for deciding the same afresh.

Record of the respondent (if any), 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
07.03.2025 (R)

A.No. 50/24

07.03.2025

Present : Sh. Vijay Sharma, Ld counsel for the appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent.

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

Vide separate judgment of even date, the present appeal is allowed and the matter is remanded back to the Quasi-Judicial Authority for deciding the same afresh.

Record of the respondent (if any), 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
07.03.2025 (R)

A.No. 665/24

07.03.2025

Statement of Sh. Raghav Mehdiratta, , Ld. counsel for appellants Chamber No. 618, Patiala House Courts, New Delhi. Mob. No. 9990870007.

At Bar.

I am the counsel for appellants 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 & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025

A.No. 665/24

07.03.2025

Present : Sh. Raghav Mehndiratta, Ld counsel for the appellant. Fresh Vakalatnama is filed by Ld. counsel for appellant along with appellant no.1 joined through VC. Sh. Ranjit Pandey, Ld counsel for the respondent joined through VC.

Appellant no.1 confirms that he has engaged Mr. Raghav Mehndiratta as counsel in the present case and he authorized to give statement before the Tribunal.

Ld. counsel for appellant submits that he has instruction to withdraw the present matter. Separate statement of Ld. Counsel for appellant is recorded.

In view of the statement the present appeal is dismissed as withdrawn.

The interim order dated 28.08.2024 is vacated.

File be consigned to record room.

Copy of this order be sent to concerned AE(B) for information and necessary action.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 104/24(M) & 105/24(M)

07.03.2025

Present : Sh. Shoaib Khan, Ld counsel for the appellant along with Sh. Abdul Karim Ansari, Advocate and appellant in person.
Sh. Rajat Rajoria, Ld counsel for the respondent joined through VC.

An application under Section 5 of Limitation Act is moved by appellant. Copy supplied.

Ld. Counsel for respondent / MCD seeks some time to file reply to the application. Advance copy be supplied to appellant.

Put for reply and arguments on aforesaid application as well as on application seeking restoration of appeal on 10.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 38/25

07.03.2025

Present : Sh. Hemant Chaudhary , Ld counsel for the appellant.
Sh. Avishek Kumar, Ld counsel for the respondent
along with Sh. K.K.Sharma, AE(B) & Sh. Neeraj
Meena, JE(B).

Concerned AE(B) submits that another appeal pertaining to the same property bearing no.54 / 2025 has been filed by other owner Mr. Abdul Nasim which is also listed on 19.03.2025.

Ld. Counsel for respondent / MCD submits that it will be prudent that arguments in both the case be heard together as the issue involved in both the cases is common as both properties have been booked by demolition order. He opposes for grant of interim protection at this juncture, but on instructions from the department submits that the MCD will not take any coercive action against the property in question till next date of hearing.

Accordingly, put up for arguments on pending interim applications seeking stay as well as appeal on the date already fixed i.e.19.03.2025.

Copy of order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A. No.19/25

07.03.2025

Present : Sh. Manav Sharma, Ld counsel for the appellant
alongwith appellant in person.
Sh. Atul Tanwar, Ld counsel for the respondent MCD.
Sh. Anand Kumar and Sh. Tarun Narang, Ld.
counsels for intervener Smt. Sarvjeet Kaur.

An application under Order 1 Rule 10 CPC is moved
by intervener Smt. Sarvjeet Kaur, copy supplied.

Vide separate judgment of even date the impugned
demolition order has been set aside and the matter
has been remanded back to the MCD for fresh
adjudication.

In view of the aforesaid facts and circumstances, the
application under Order 1 Rule 10 CPC is disposed of
being infructuous.

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
07.03.2025 (J)

A.No. 112/25

07.03.2025

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

Present : Sh. Jaisal John, Ld counsel for the appellant.

Ld. Counsel for appellant submits that the present matter is listed on 01.04.2025 for arguments on interim application seeking stay. He submits that on 03.03.2025 MCD officials has come to the property in question with demolition squad and appellant apprehends the coercive action from MCD. He requests that the hearing in the matter be preponed and interim application be decided on priority.

In view of the aforesaid, notice of the application be issued to MCD for 12.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 R

A.No. 994/24

07.03.2025

Present : Sh. Hari Krishan Nijhawan, appellant joined through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Madan Sagar, Ld. counsel for DDA respondent No.2.
Sh. Sanchit Garg, Ld. counsel for respondent No.3, joined through VC.
Sh. Rajat Aneja and Sh. Manav Narula, Ld. counsel for respondent No.4.
Sh. Ravi Kishan, Ld. counsel for respondent No.5, joined through VC.
Sh. S.D. Dixit and Sh. Sajal Dixit, Ld. counsel for respondent No.6.

Arguments on the point of appeal are addressed by Ld. counsel for respondent No.1, respondent No.2, respondent No.4 and respondent No.6.

Ld. counsel for respondent No.3 and 5 submits that they are adopting the arguments addressed by Ld. counsel for respondent No.4.

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

Put up for orders on **01.04.2025**.

Parties are at liberty to file their written submissions within one week from today.

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Appellant submits that he is having some medical exigencies in his family and seeks some additional time to file written submissions. Accordingly, appellant is permitted to file written submissions on or before 20.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 (J)

A.No. 125/25

07.03.2025

Present : Ms. Aditi Aggarwal, Ld counsel for the appellant joined through VC alongwith appellant present in the Tribunal.

Sh. Ashutosh Gupta, Ld counsel for the respondent alongwith Sh. Sanjeev Kumar, AE(B).

1. The record has been produced. It be deposited with Registry.
2. Arguments on application seeking temporary desealing of the property in question heard.
3. Ld. counsel for appellant submits that respondent MCD has sealed the property wherein the goods belonging to the appellant especially the seasonal goods to be sold on festival of Holi are lying. She submits that goods are seasonal and perishable in nature and in case permission is not granted at this juncture the appellant will suffer irreparable loss. Ld. counsel for the appellant assures that goods lying in the sealed premises belongs to the appellant and in case any third party claim arises the appellant shall indemnify the same. Separate statement of the appellant has been recorded in this regard.
4. Ld. counsel for MCD submits that without prejudice to their rights and contentions and on instructions from the department he has no objection for

temporary desealing of the property for the limited purpose of removal of goods.

5. Accordingly the application for temporary desealing of the property in question for removal of goods is allowed for a period of 24 hours. The property be temporarily desealed on 10.03.2025 at 12.00 Noon and be resealed within 24 hours or earlier upon removal of goods. Status report be filed by the MCD on next date of hearing.
6. Arguments on the point of appeal are addressed by both the parties at length.
Put up for orders on 12.03.2025.
Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025 (J)

A.No. 125/25

07.03.2025

Statement of Anil Kumar Gupta S/o Sh. Ved Prakash
Gupta R/o H.No.6/20, Third Floor, Roop Nagar, Malka
Ganj, Delhi

On SA

I am the appellant in the present appeal. I pray for temporary desealing of my property for the purpose of removal of goods which are seasonal and perishable in nature. The goods lying in the sealed premises are belonging to me and if any third party claim arises I shall indemnify the same.

RO&AC

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
07.03.2025