

A.No. 118/25 & 119/25

11.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. R.K. Ruhil, Ld. counsel for the appellant.

Two separate appeals bearing No. 118/25 & 119/25 have been filed impugning the order dated 03.10.2023. The sale deed filed alongwith appeal shows that Mr. Daulat Ram Chadha sold 75 sq.yds of his plot to Mr. Rohit Gupta vide sale deed dated 22.09.2004 and sold the remaining 75 sq.yds of his plot to Ms. B.M. Gupta Hospital Pvt. Ltd. vide sale deed dated 04.01.2017. From the title documents placed on record it is clear that M/s B.M. Hospital Pvt. Ltd. and Mr. Rohit Gupta are the co-owners of the property who have preferred separate appeals against the impugned order.

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.

Ld. counsel for appellant informs that the other matters pertaining to the same property are listed before this Tribunal on 06.06.2025.

Accordingly, at the request of the Ld. counsel for appellant, put up for arguments on interim application(s) and appeal on 06.06.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 98/25 & 99/25

11.03.2025

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

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

Ld. Counsel for respondent / MCD seeks some time to file record during the course of the day. Opportunity granted.

Put up for arguments on applications seeking stay as well as condonation of delay, pending interim applications and appeal on 08.04.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 R

A.No. 752/23, 86/19, 87/19, 88/19 & 89/19

11.03.2025

Present : Sh. Lalit Gupta, Ld counsel for the appellant joined through VC along with Sh. Anmol Ghai & Ms. Ishita Nautiyal, advocates present in person.  
Sh. Dharamvir Gupta, Ld counsel for the respondent in appeal nos. 86/19, 87/19, 88/19 & 89/19  
Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal nos.752/23.

Record is not filed before the Tribunal in compliance of direction issued vide previous order.

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

Put for the purpose already fixed on 18.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 R

A.No. 60/23, 386/22 & 387/22

11.03.2025

Present : Sh. Shubham Kumar , Proxy counsel for the appellant  
in appeal no.60/23.  
Sh. Dalip Rastogi, Ld. counsel for the appellant in  
appeal nos. 386/22 & 387/22.  
Sh. V.K.Aggarwal, Ld counsel for the respondent.  
Sh. Ranjit Pandey, Ld. counsel for the respondent in  
appeal nos. 386/22 & 387/22

Additional documents are filed by the appellant in  
appeal no.60/23.

Ld. Counsel for respondent / MCD seeks some time to  
peruse and take instructions in respect of said  
documents.

Put for the purpose already fixed on 23.07.2025.

Interim orders to continue till the next date of hearing  
in appeal nos.386/22 & 387/22.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 R

A.No. 76/20 & 203/18

11.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant  
alongwith appellant in person.  
Sh. K.P. Yadav, AE(B) and Sh. Manish Jain, AE(B).  
Sh. Arvind Kumar, Ld counsel for Amrapali CGHS  
Society, joined through VC.

A complaint dated 07.03.2025 is received by speed post in the Tribunal from member of Amrapali, CGHS Society. The name of the signatory is not mentioned in the complaint.

Ld. counsel for society submits that no such association exist. In the letter their allegations are regarding removal of the seal.

MCD has filed status report informing that on visit the seal was not found available at the property, however, the property was found locked. It is informed that the process of resealing of the property has been initiated. No one is appearing on behalf of members of Amrapali CGHS Society. In respect of the allegations made in the complaint the MCD has already initiated resealing action. Accordingly the said complaint stands disposed off.

Arguments on the point of appeal are heard at length from Ld. counsel for appellant. Arguments could not be concluded as Mr. H.R. Aggarwal, Ld. counsel for MCD is unwell due to bad health.

In the present case due to absence of the MCD counsel, this Tribunal is unable to conclude the hearing.

Nodal Officer, MCD Mr. Zia Lal Kasana submits that he will take instructions from the Law Department (HQ) for appointment of another counsel in the present matter.

Accordingly, matter be listed for further arguments on the point of appeal on 17.04.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 916/24 & 750/18

11.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent  
along with Sh. Kushant Kumar, AE(B).  
Sh. Anil Kumar, Ld. counsel for the intervener.

An application under Order 1 Rule 10 CPC is filed by  
applicants. Copy supplied.

Part arguments heard.

it is lunch time. Arguments could not be concluded  
today and in post lunch session hearing in appeal  
nos.76/20 & 203/18 is already scheduled.

Put for the purpose already fixed on 16.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 R



A.No. 142/14 & 143/14

11.03.2025

Present : Sh. Dev Manya Ganguly proxy counsel for the appellant joined through VC.

Sh. Nilesh Sahwney, Ld counsel for the respondent with Sh. Yash Pal, AE(misuse), NDMC and Sh. Ashok Kumar Senior Asstt.

It is informed that Main counsel for appellant Mr. Rahul Kumar is unavailable today being busy before the Hon'ble High Court of Delhi and is not in a position to argue the matter today.

Ld. counsel for NDMC seeks some time to apprise the status of proceedings in respect of the unauthorized construction pending before the EBR department of NDMC.

Put up for further arguments on the point of pending application and appeal on 21.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 641/24

11.03.2025

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

Ld. proxy counsel for appellant informs that they have already removed 'Debris' from the spot. Ld. counsel for MCD seeks some time to take instructions and file status report in that regard.

Ld. proxy counsel for appellant submits that main counsel for appellant Mr. Vijay Kasana is unavailable today being unwell.

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 the point of appeal on 18.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 1090/24

11.03.2025

Present : Mr. Ramesh Chand, Clerk of the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by the MCD giving time line events in chronological manner. Copy supplied.

An adjournment is sought on behalf of the appellant as main counsel is busy in Karkardooma Courts, Delhi.

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  
11.03.2025 (s)

A.No. 140/25

11.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Umesh Choubey & Sh.B.K.Pandey, 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 15.04.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025

A.No. 123/25

11.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. S.S. Nizami, Ld. counsel for the appellant.

List of documents is filed 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 03.04.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025

A.No. 98/24

11.03.2025

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

The matter is listed today for orders. In the title of appeal, it is mentioned that the present appeal has been filed only respect of first floor of the property in question. The appellant has filed written submissions wherein they have pleaded their case in respect of second floor of property also.

Under these circumstances, it will be prudent to hear the version of MCD in respect of averments which have been made in written submissions in respect of second floor of property in question.

Accordingly, matter is listed for further arguments on the point of clarifications on 30.04.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 R

A.No. 439/24 & 324/24

11.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. V.K.Aggarwal , Ld counsel for the respondent  
along with Sh. Kushant Kumar, AE(B).

Part arguments heard.

Put up for further arguments and purpose already  
fixed along with connected cases on 22.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 R

A.No. 895/24

11.03.2025

Present : Sh. Wajeeh Shafiq and Ms Azka Ahmed, Ld counsel for the appellant.  
Sh. V.K. Aggarwal proxy counsel for Sh. Atul Tanwar, Ld counsel for the respondent.

It is submitted that Ld. counsel for MCD Mr. Atul Tanwar is unwell and has been discharged from the hospital yesterday only therefore he is not in a position to address arguments in the matter.

The AE(B) concerned is also not present in compliance of the directions issued vide last order.

In view of the aforesaid exigencies, matter is adjourned and MCD is given one more opportunity to address arguments in the matter.

The undertaking given by the MCD on 17.01.2025 for not carrying out any demolition action in the property to continue till next date of hearing.

Put up for purposed fixed on 27.05.2025.

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

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)



A.No. 474/24 & 235/24

11.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent in  
appeal no.474/24.  
Sh. Pritesh Sabbharwal, Ld. Counsel for the  
respondent in appeal no.235/24 joined through VC.

It is already lunch time. In post lunch session  
arguments in appeal nos.76/20 & 203/18 had been  
already scheduled, therefore, arguments could not be  
heard today.

Put for the purpose already fixed on 22.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 R

A.No. 407/22

11.03.2025

Present : None for the appellant.  
Sh. Pritish Sabharwal, Ld counsel for the respondent  
joined through VC with Sh. Kushant Kumar, AE(B)  
present in the Tribunal.

No one is appearing on behalf of the appellant despite  
various calls since morning in the court or through VC.  
No adverse order is being passed today in the interest  
of justice.

Put up for purpose fixed on 18.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 394/19

11.03.2025

Present : Sh. Anurag Kumar, Ld counsel for the appellant.  
Sh.V.K. Aggarwal, Ld counsel for the respondent  
along with Sh. Sanjeev Kaushik, AE(B).

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

Part arguments heard on an application seeking  
condonation of delay.

Ld. Counsel for appellant seeks some time to take  
instructions regarding averments made in para '2' of  
application seeking condonation of delay.

Put up for further arguments on application seeking  
condonation of delay and pending interim applications  
and appeal on 21.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 R

A.No. 271/21

11.03.2025

Present : Sh. Vinit Chadha, Ld counsel for the appellant.  
Sh. Madan Sagar, Ld counsel for the respondent.

Ld. counsel for appellant seeks some time to file amended memo of parties in terms of previous order. Notice issued to Ms. Kusum Malhotra received back served. No one is appearing on her behalf despite various calls since morning.

Put up for further arguments on the point of appeal on 21.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 173/15

11.03.2025

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

It is already lunch time. In the post lunch session  
arguments in appeal nos.76/20 & 203/18 had been  
already scheduled, therefore arguments could not be  
heard today.

Put for the purpose already fixed on 24.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 R

A.No. 20/22

11.03.2025

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

It is informed that appellant Mr. Sanjay Garg has died and legal heirs of the appellant needs some time to move appropriate application for their impleadment in the present matter.

Legal heirs are at liberty to take appropriate steps in the matter as per law.

Put up for further proceedings on 18.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025(J)

A.No. 521/17

11.03.2025

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

No one is appearing on behalf of the appellant despite various calls since morning in the court or through VC. No adverse order is being passed today in the interest of justice.

Put up for purpose fixed on 18.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

1.20 p.m.

At this stage Sh. J.C. Mahindroo, Ld. counsel for appellant appeared. He is informed about the order passed today.

Put up on date fixed i.e. 18.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 367/15

11.03.2025

Present : Appellant in person.  
Sh.V.K.Aggarwal, Proxy counsel for the respondent.

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

Both the parties are submit that their counsels are not available today due to personal exigency.

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

Put for the purpose already fixed on 21.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 R



A.No. 84/25

11.03.2025

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

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

Status report is filed by the MCD, copy supplied.

An adjournment is sought on behalf of the appellant as  
main counsel Sh. S.S. Chillar 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 14.04.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 80/25, 60/25 & 40/25

11.03.2025

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

Part arguments on the point of locus-standi of the  
appellant to file present appeal heard from both the  
parties.

Both the parties seek some time to file written  
submissions in support of their arguments.

Re-list for further arguments on the point of locus-  
standi of the appellant to file the present appeal on  
07.04.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 85/24

11.03.2025

Present : Sh. M.P. Sharma and Sh. Jitender Sharma, Ld  
counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

List of documents containing affidavit of legal heirs of the appellant filed by the appellant. Arguments on application under order 22 CPC seeking substitution of legal heirs of appellant heard.

Appellant is stated to have died on 09.08.2024. Copy of death certificate is placed on record. Ld. counsel for MCD submits that Tribunal may decide the application as per law.

Appellant has impugned the demolition order in the present appeal. Right to sue survives in favour of the legal heirs of appellant. Accordingly, the application under Order 22 CPC is allowed. Amended memo of parties be filed by the next date of hearing.

Put up for arguments on pending interim application as well as appeal on 18.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 931/24

11.03.2025

Present : Ms. Lovee Tyagi proxy counsel for the appellant joined through VC.  
Sh. V.K. Aggarwal Ld. proxy counsel for Sh. Atul Tanwar, Ld counsel for the respondent.

Status report is filed by the MCD, copy be supplied to the appellant.

Ld. counsel for appellant seeks some time to inspect the record.

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

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 607/24

11.03.2025

Present : Sh. Arun Khatri, Ld counsel for the appellant.  
Sh. Pritish Sabharwal, Ld. counsel for respondent

An application under Order VI Rule 17 CPC is filed by the appellant.

Ld. counsel for the MCD confirms that he has already received the advance copy. He seeks sometime to take instructions from the Department for filing reply.

Put up for reply and arguments on the aforesaid application, interim application as well as on the point of appeal on **22.04.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (s)

A.No. 172/15

11.03.2025

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

It is already lunch time. In the post lunch session arguments in appeal nos.76/20 & 203/18 had been already scheduled, therefore arguments could not be heard today.

Put for the purpose already fixed on 24.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 R

A.No. 1222/15

11.03.2025

Present : Sh. Sunil Dutt and Ms. Niharika Kundu Ghosh, Ld  
counsel for the appellant.  
Sh. Sanjay Sethi, Ld counsel for the respondent.

It is already lunch time. Ld. counsel for appellant  
submits that he has to appear in an urgent matter at  
2.00 p.m. before Rohini Court and is not available in  
post lunch session.

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

Put up for further arguments on the point of  
clarification as well as appeal on 21.05.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 90/25, 138/25 & 139/25

11.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Pawan Verma , 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 16.04.2025

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025



A.No. 135/25 & 136/25

11.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Dalip Rastogi , 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 03.04.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 R

A.No. 610/24

11.03.2025

Present : None for appellant.  
Sh. Ajay Gaur, Ld counsel for the respondent along  
with Sh. Satish Gautam, AE(B).

Status report is filed by MCD informing that the  
complete unauthorized construction existing on 4<sup>th</sup>  
Floor of the property in question has been demolished.  
The case has already been decided vide judgment  
dated 28.02.2025.

Accordingly file be consigned to record room.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (M)

A.No. 131/25

11.03.2025

Fresh appeal filed. Be checked and registered.

Present : Appellant in person 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 03.04.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025

A.No. 1027/24

11.03.2025

Present : Sh. Piyush Pahuja, Ld counsel for the appellant.  
Sh. Nandan Goel, Ld counsel for the respondent  
joined through VC with Sh. Hanumant Trivedi, AE(B)  
and Sh. L.R. Meena, AE(B).

AE(B) Mr. Hanumant Trivedi submits that he is transferred from the department. AE(B) Mr. L.R. Meena submits that he has recently joined the department and needs some time to inspect the record before assisting the Tribunal in this matter. He submits that as the MCD is seeking adjournment in the matter they will continue with their undertaking given on 19.12.2024 for not taking any coercive action against the property in question till next date of hearing.

Put up for arguments on pending interim application and appeal on 02.06.2025.

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

Copy of the order be given dasti.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No.189/24  
11.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. V.K.Aggarwal , Ld counsel for the respondent  
along with Sh. Kushant Kumar, AE(B).

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

In the report it is stated that the property is required to  
be temporarily deseal to conduct inspection and  
submit report in compliance of order dated  
17.05.2024.

Ld. Counsel for appellant does not oppose the request  
for temporary desealing.

Accordingly, the property in question be temporarily  
desealed for the purpose of inspection on 19.03.2025  
at 12:00 PM. Appellant is directed to tender  
necessary cooperation in this regard. The property be  
desealed for inspection for 24 hours or less as may be  
required and thereafter property be resealed by MCD.

Put up for filing status report as well as for the purpose  
already fixed on 22.07.2025.

Interim orders to continue till the next date of hearing.

Copy of order be given dasti.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 R

A.No. 781/24

11.03.2025

Present : Sh. Pankaj Vivek, Ld counsel for the appellant.  
Sh. Ranjit Pandey, 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  
11.03.2025

A.No. 782/24

11.03.2025

Present : Sh. Pankaj Vivek, Ld counsel for the appellant.  
Sh. Ranjit Pandey, 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  
11.03.2025

A.No. 677/24

11.03.2025

Statement of Mohd. Akram S/o Sh. Ziauddin, appellant  
No. 1 R/o 1582-1585, Situated at Kucha Dakhni Rai,  
Darya Ganj, New Delhi -110002.

On Oath

I am appellant no. 1 in the present appeal. I am also  
authorized by my wife (who is appellant no. 2 herein)  
to make statement on her behalf. I may be permitted  
to withdraw the present appeal, the same may be  
dismissed as withdrawn.

Copy of my Aadhar card is enclosed herewith as Ex.  
C-1.

RO & AC

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025



A.No. 677/24

11.03.2025

Present : Sh. Abhishek, Ld counsel for the appellant along with  
appellant no. 1.  
Ms. Beena Sharma, Ld counsel for the respondent.

Appellant No.1 submits that he may be permitted to  
withdraw the present appeal. He submits that he is  
authorized by appellant No.2 to withdraw this case.

Separate statement of the appellant no.1 has been  
recorded in this regard.

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

Appeal file be consigned to record room.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (S)

A.No. 92/25

11.03.2025

Present : Sh. Parul Agarwal, Ld counsel for the appellant.  
Sh.Jasleen Kaur, Ld counsel for the respondent.

1. Ld. Counsel for appellant informs that they have already placed on record the copy of written representation dated 23.01.2025 submitted by appellant with MCD.
2. Ld. counsel for respondent / MCD on instructions submits that the photographs of affixation proceedings are not available in the record.
3. Arguments on application under Section 5 of Limitation Act seeking condonation of delay heard from Ld. counsels of both the parties. It is submitted by Ld. counsel for appellant that neither show cause notice nor demolition order was ever served upon the appellant. She submits that perusal of MCD record shows that the name of owner / occupier is also not mentioned. MCD has failed to bring on record photographs of affixation. She submits that appellant came to know about the demolition proceedings only when WP(C) 1601/2025 was filed before the Hon'ble High Court of Delhi. It is submitted that after becoming cognizant about the demolition order, the appellant filed the present appeal without wasting any time.

4. On the other hand, Ld. Counsel for respondent / MCD submits that demolition order was passed after following the due process of law. She submits that affixation proceedings photographs are not available but the demolition order clearly records an endorsement that the same was affixed on the spot.
5. Arguments heard and record perused. It is the case of MCD that demolition order had been served by way of affixation. The record of affixation proceedings is not placed before this Tribunal. Under these circumstances, the service of demolition order is not free from doubt and accordingly appellant has been able to show sufficient cause in respect of condonation of delay. Accordingly, the application seeking condonation of delay is and delay is condoned.
6. Arguments on the point of appeal heard from both the parties at length.
7. 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.
8. 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  
11.03.2025 R

A.No. 465/24

11.03.2025

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

Appellant present in the Tribunal submits that he may be permitted to withdraw the present appeal.

Separate statement 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.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 465/24

11.03.2025

Statement of Sh. Kiran Pal S/o Sh. Budh Ram, appellant R/o House  
No.L-28, L Extension, Mohan Garden, Uttam Nagar, West Delhi.

ON SA

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

RO&AC

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025

A.No. 45/15

11.03.2025

Statement of Sh. Sabir Ali S/o Raj Mohd. aged about 45 years R/o D-343/8, Om Nagar, Meethapur Extesnsion, Badarpur, New Delhi. Mobile No. 9871262788  
AR of M/s Gangaur Exports (P) Ltd.

On Oath

I am the authorized signatory on behalf of M/s Gangaur Exports (P) Ltd./ appellant in the present appeal. I have instructions to withdraw the present appeal, the same may be dismissed as withdrawn.

In this regard, I am enclosing herewith copy of extracts of Minutes of the meeting of the Board of Directors of M/s Gangaur Exports (P) Ltd. dated 07.03.2025.

RO & AC

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025

A.No. 45/15

11.03.2025

Present : Sh. Kaustubh Chaturvedi, Ld counsel for the appellant.

Sh. Nilesh Sahney, Ld counsel for the respondent.

1. Ld. Counsel for appellant points out that in para '5' of the status report dated 28.02.2025 filed before this Tribunal, the property number is inadvertently mentioned as 33, Khan Market, New Delhi, but the correct property number is flat no.32, Khan Market, New Delhi.
2. Ld. counsel for NDMC concurs to the same and submits that inadvertently due to typographical mistake property number is written as property no. 33 Khan Market, New Delhi, but the actual property number is flat no.32, Khan Market, New Delhi. He submits that in other reports filed by NDMC before this Tribunal the address mentioned is flat number 32, Khan Market, New Delhi. The clarification is taken on record.
3. Ld. Counsel for appellant submits that in view of the statement given by the Ld. Counsel for NDMC on dated 06.03.2025 and status report dated 28.02.2025, he has instructions to withdraw the present appeal.

4. Separate statement of the Ld. counsel of appellant is recorded in this regard.
5. In view of the above, the appeal filed by the appellant is dismissed as withdrawn.  
Record of the respondent / NDMC, 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  
11.03.2025 R



A.No. 118/21

11.03.2025

Present : Sh. Chaman Sharma and Sh. Kamal Upadhay, Ld counsels for the appellant.

Sh. K.K. Arora, Ld counsel for the respondent along with Sh. P.K. Jindal, AE(B).

Sh. Anuj Garg and Ms. Parul, Ld. counsels for intervener.

1. Status report is filed by the MCD in terms of previous order along with photographs. In the status report it is clarified that at the ground floor two numbers of shops still exist which are not a part of sanctioned building plan. It is stated that stilt floor was not found in existence in the property as per the sanctioned building plan.
2. Arguments on maintainability of the application under order 1 Rule 10 CPC heard. Applicant has no ownership rights in the property in question and applicant has filed present application being neighbour of the appellant. Even if it is presumed that all the averments made in the application is correct, then also in this proceeding between the appellant and the MCD the applicant has no right to participate and he cannot become a party as there is a clear-cut judgment of Delhi High Court in case ***Hardayal Singh Mehta Vs MCD, AIR 1990 Delhi 170*** in which it is held that in the matter

between the appellant and the MCD, no third person can join and become a party to such proceedings and in such proceedings the application under order 1 Rule 10 CPC is not maintainable. Any dispute between the applicant and the appellant has to be dealt with and to be decided by the Civil Court separately. Accordingly, application moved by applicant under order 1 Rule 10 CPC is hereby dismissed. However, the applicant is permitted to file the documents, if any and to orally argue the matter at the final arguments stage.

3. Arguments on the point of appeal heard at length from all the parties.
4. Ld. counsels for the parties want to file their written submissions. They are at liberty to file written submissions within two days from today.

Put up for orders on 27.03.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
11.03.2025 (J)

A.No. 82/25

11.03.2025

Present : Ms. Parul Agarwal, Ld counsel for the appellant.  
Sh. Madan Sagar, Ld counsel for the respondent.

1. Status report is filed by the MCD. Copy supplied.
2. Arguments on application under Section 5 of Limitation Act heard at length from Ld. counsels for both the parties.
3. It is the case of the appellants that neither the show cause notice nor demolition order dated 18.02.2022 was ever served upon them and it is due to non-service the delay has occasioned. In para nos. 7 & 8 of the application it is stated that appellants had visited the office of respondent MCD requesting them to provide copy of demolition order but the same was not supplied. Thereafter, the appellants engaged the present counsel who made application to supply certified copy and thereafter copy of demolition order was supplied without attestation on 14.01.2025.
4. On the other hand, Ld. counsel for the MCD strongly dispute the date of knowledge as stated by appellants as 14.01.2025. He submits that appellants had filed a Civil Suit bearing no. 18 of 2021 in the Court of Sh. Fahad Uddin, the then Ld. ASCJ-cum-JSCC-cum-Guardian Judge, Karkardooma Courts, Delhi against other owners of the property. He submits that in the said Civil Suit the MCD on 17.01.2024 has filed a

status report categorically mentioning about the passing of the demolition order against the property owned by the appellant vide file no. 19 /B/UC/SS/2022 dated 09.02.2022. He submits that appellants were aware about the said status report filed in the Civil Suit by the MCD and the application filed by the appellants do not mention anything about the same. He submits that appellants have approached this Tribunal by suppressing the facts and not entitled to any relief especially when the delay of 773 days is sought to be condoned.

5. I have heard the arguments and perused the record. Perusal of the MCD record shows that show cause notice as well as demolition order was issued in the name of the appellant nos. 1 & 2 separately by way of Registered Post. MCD has placed on record postal tracking report which confirms the delivery of said show cause notice thereby attracting the presumption under Section 25 of the General Clauses Act.,1897.
6. In application under Section 5 of the Limitation Act it is averred that appellants came to know about the impugned demolition order on 14.01.2025. However, the status report filed in the suit bearing no. 18/2021 shows the contradictory picture. In the said status report dated 17.01.2024 MCD categorically mentioned about the passing of the impugned order. From the status report it is patently clear that appellants became cognizant about the impugned demolition order dated 17.01.2024 failed to wake up from the slumber to

trigger appropriate remedy. The factum regarding filing status report in the Civil Suit is nowhere whispered in the application.

7. It is clear that the appellants have suppressed the facts to create opportunity for themselves to seek condonation of delay in the present matter.
8. The law of limitation is a substantive statute and appellant needs to tender sufficient cause for seeking condonation of delay. A person who does not come to Court with clean hands and is suppressing the material facts is not entitled to any relief.
9. 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 has mandated as follows:

“13. We are at our wits end 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."

10. 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.

11. In view of the aforesaid facts and circumstances, the application seeking condonation of delay is dismissed. Accordingly the appeal filed against the impugned order is also dismissed.
12. 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  
11.03.2025 (s)