

A.No. 129/25 & 128/25

12.03.2025

Present : Sh. Arjun Singh Bawa & Sh. Shahil Gupta, Ld counsel for the appellant.
Sh.Ashutosh Gupta , Ld counsel for the respondent along with Sh. Lalit Goel, AE(B).

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

Ld. Counsel for respondent / MCD submits that they will file the record pertaining to sanctioned building plan dated 26.12.61 by on or before 18.03.2025.

An application under Order VII Rule 14 CPC is filed by appellant to place on record additional documents. Copy supplied.

Ld. Counsel for respondent / MCD informs that MCD has already executed the sealing action against ground floor and first floor of property in question pursuant to the sealing order passed by the concerned Deputy Commissioner.

Ld. Counsel for appellant submits that he needs to take instructions from his client for impugning the said sealing order and they will file appeal in that regard within two weeks from today.

Ld. Counsel for respondent / MCD submits that the issue involved in the sealing order as well as present demolition appeal pertains to unauthorized construction and it will be prudent that hearing in

all the appeals be done together. On instructions from the department, he submits that as the property is already sealed therefore, till next date of hearing MCD will not take any coercive demolition action against the property in question.

Accordingly, put up for arguments on interim application seeking stay as well as appeal on 26.05.2025.

Copy of order be given dasti to both the parties.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 215/22 & 216/22

12.03.2025

Present : Ms. Sunanda Jain & Sh. Mridual , Ld counsel for the appellant.

Ms. Beena Sharma, Ld counsel for the respondent along with AE(B).

Sh. Dhirender Kumar, AE(B) seeks some time to search the record for filing service report before this Tribunal. Opportunity granted.

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

Put up for further arguments on the point of appeal on 27.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 600/24

12.03.2025

Present : Sh. K.N. Singh, Ld counsel for the appellent.
Ms. Bhavya Chauhan, Ld counsel for the respondent
with Sh. Sanjeev Kumar Singh, EE(B), Sh. R.K. Garg,
AE(B), Sh. Lekh Raj Meena, AE(B) and Sh. Naveen
Kumar, JE(B).

Status report is filed by the MCD, copy supplied.
MCD has placed on record copy of the record
pertaining to the sanctioned building plan. Ld. counsel
for appellent seeks some time to inspect the record
before addressing the arguments.
Put up for arguments on interim application and
appeal on 23.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 473/24

12.03.2025

Present : Sh. K.N. Singh, Ld counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent with
Sh. Sanjeev Kumar Singh, EE(B), Sh. R.K. Garg,
AE(B), Sh. Lekh Raj Meena, AE(B) and Sh. Naveen
Kumar, JE(B).

Part arguments heard.

Put up for further arguments on appeal alongwith
connected appeals on 23.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 815/24 & 522/24

12.03.2025

Present : Sh. Tabrez Alam, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh.Varun Goswami, Ld. counsel for the intervener
joined through VC.

Ld. Counsel for respondent / MCD submits they will file the record pertaining to the sanctioned building plan during the course of the day.

It is already lunch time. It is informed that Ld. Counsels of both the parties are not available in post lunch session.

Put for the purpose already fixed on 23.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 63/25

12.03.2025

Present : Sh. Yogendra Singh, Ld counsel for the appellant.
Ms. Bhavya Chauhan, Ld counsel for the respondent.
Memo of appearance is filed. Along with Sh. Dhirendra
Kumar, AE(B).

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

Ld. Counsel for appellant seeks some time to inspect
the record before addressing arguments in the matter.
Put up for arguments on pending interim applications
and appeal on 22.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 629/24

12.03.2025

Present : Sh. Vijay Gaur, Ld counsel for the appellant.
Ms. Mehak Arora, Ld counsel for the respondent with
Sh. Ghansham Meena, AE(B) joined through VC.

Status report is filed by the MCD informing that the regularization is yet to be moved by the appellant.

Ld. counsel for appellant submits that their regularization application is ready and they will file the same during the course of the day.

Mr. Ghansham Meena, AE(B) is appearing through VC. He informs that he is on leave today but application can be submitted with Diary Clerk Mr. Naresh, who will receive the application.

Accordingly, put up for purpose already fixed on 21.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 04/25(M)

12.03.2025

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

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

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

Put for the purpose already fixed on 04.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 426/24

12.03.2025

Present : Sh. Jaffar Abbas, Ld counsel for the appellant.
Sh. Sahib Gurdeep Singh, Ld counsel for the
respondent joined through VC.
Ms. Savita Rustagi, Ld. counsel for the intervener.

Ld. counsel for MCD seeks some time to file status
report as well as reply to the application seeking
condonation of delay. Advance copy be supplied to
the appellant.

Put up for purpose fixed on 23.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 160/24

12.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent
with Sh. Adnan Amir, AE(B) and Sh. Prince, JE(B).

Mr. Prince, the then JE(B) submits that he went to the spot for execution of the show cause notice and some labourers found at the spot refused to accept the process. He submits that he could not note down their name at that juncture.

Part arguments on the point of appeal heard.

Ld. counsel for appellant seeks some time to file affidavit clarifying about the title of the appellant in the present property. Opportunity granted.

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
12.03.2025 (J)

A.No. 81/25

12.03.2025

Present : Ms. Parul Agarwal, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments on the point of appeal heard.

It is the case of appellant that they have received share of 90 sq.yds. of property through oral family settlement.

Ld. Counsel for respondent / MCD points out that (at page no. 32 of the appeal) appellant had filed to provide copy of land record which mentions the name of Mr. Ved Parkash as one of the co-owner but his details are not provided in para 'C' of the appeal.

Ld. Counsel for appellant seeks some time to take further instructions and file detailed affidavit regarding title of the appellant in present property.

Put up for further arguments on the point of appeal on 09.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 833/24

12.03.2025

Present : Sh. Rajiv Diwan, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

It is already lunch time. Ld. counsel for both the parties submits that they are not available in post lunch session due to some personal exigencies.

Accordingly, Put up for purpose already fixed on 23.07.2025.

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

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 676/22 & 139/20

12.03.2025

Present : Proxy counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent
in appeal no.676/20.
Sh.Sahib Gurdeep Singh, Ld. counsel for the
respondent in appeal no.139/20.

It is informed that main counsel for appellant Sh.
Rupan Dev Sharma is unavailable today due to
bereavement in his family.

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 23.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 57/25

12.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. AShutosh Gupta, Ld counsel for the respondent
along with Sh. Prince Sharma, the then JE(B).

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

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

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
12.03.2025 R

A.No. 139/23

12.03.2025

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

Part arguments on the point of appeal heard.

Arguments could not be concluded today. It is
informed that Ld. Counsel for respondent / MCD is
unavailable in post lunch session due to some
personal exigency.

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
12.03.2025 R

A.No. 48/23

12.03.2025

Present : Sh. Kunal Kalra, Ld counsel for the appellant.
Sh. R.K.Jain, Ld counsel for the respondent along with
Sh. Sunil Chauhan, AE(B).

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

Concerned AE(B) submits that the protection has been already granted to the property in question.

On the other hand, Ld. Counsel for appellant submits that despite that property is still lying sealed.

Under these circumstances, EE(B) is directed to appear in person to clarify the issue before this Tribunal on the next date of hearing.

Put up for clarification on 30.04.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 1089/15

12.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.
Sh. Mohd. Ali, Ld. counsel for the intervener.

Ld. counsel for both the parties submits that they are not available in post lunch session due to personal exigencies.

Put up for purpose already fixed on 23.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 161/20 & 162/20

12.03.2025

Present : Sh. Varun Goswami, Ld counsel for the appellant
joined through VC.

Sh. Dharambir Gupta, Ld counsel for the respondent.

1. The present application is moved by the appellant under Section 151 / 152 CPC seeking modification in judgment dated 14.02.2025 passed by this Tribunal. No reply is filed to the same by the MCD.
2. Ld. Counsel for applicant / appellant submits that in para '10' of judgment dated 14.02.2025 it is recorded that as appellant had already sold the property, the aspect of sale of property by the appellant needs to be determined by MCD by hearing all necessary parties. He submits that by order dated 22.11.2023 passed by this Tribunal, the fact regarding sale of property was already brought to the knowledge of Tribunal by subsequent purchasers. Application under Order I Rule 10 CPC was allowed and Mr. Summit Aggarwal and Mr. Abhishek Aggarwal (the subsequent purchasers) were impleaded as party. He submits that in view of the order dated 22.11.2023, the observations given in para 10 of the judgment dated 14.02.2025 are uncalled for.
3. Ld. Counsel for respondent / MCD does not disputed the aforesaid factual position and does not oppose the application.

4. Arguments heard and record perused. Perusal of record shows that vide order dated 22.11.2023, the application under Order I Rule 10 CPC was allowed by my Ld. Predecessor and Mr. Summit Aggarwal and Mr. Abhishek Aggarwal were impleaded as party. The amended memo of party is already filed. The observations given in para '10' of judgment dated 14.02.2025 are due to accident omissions in making reference to order dated 22.11.2023 wherein the application under Order I Rule 10 CPC was allowed. The modification sought is clerical in nature and does not change nature of judgment.
5. Accordingly, application is allowed. The judgment dated 22.11.2023 is modified to the extent that in the title of appeal names of appellants be read as (1) Mr. Prashant Aggarwal, (2) Mr. Summit Aggarwal and (3) Abhishek Aggarwal. The observations made in para '10' are recalled as not required in view of the order dated 22.11.2023.
6. The expression 'appellant' in the judgment shall refer to all the appellants. Accordingly, the application is disposed off.
7. 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
12.03.2025 R

A.No. 636/17& 737/17

12.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Ravi Ranjan, Ld counsel for the respondent joined
through VC.

Ld. Counsel for respondent / MCD seeks an
adjournment in the matter as he is out of station today.
In the interest of justice, one more opportunity is
granted to respondent / MCD to address arguments in
the matter.

Put for the purpose already fixed on 24.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 237/14

12.03.2025

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

It is informed that main counsel for appellant Mr. Prashant Katara is unavailable today due to death of acquaintance.

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 23.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 106/22, 107/22, 108/22, 109/22, 110/22, 111/22, 112/22, 113/22, 114/22, 115/22, 116/22, 117/22, 118/22, 119/22, 120/22, 78/22, 91/22, 130/22, 135/22,136/22 & 137/22.

12.03.2025

Present : Ms. Aditi Singhal proxy counsel for the appellant in appeals Nos. 106/22, 107/22, 108/22, 109/22, 110/22, 112/22, 113/22, 114/22, 115/22, 116/22, 117/22, 118/22, 119/22, 120/22, 78/22.
Sh. Raujas Sharma, Ld. counsel for appellant in appeal No.111/22.
Appellant in person in appeal No.91/22.
Ms. Bandana Kaur, Ld. counsel for appellants in appeal Nos. 135/22,136/22 & 137/22.
None for the appellant in appeal No. 130/22,
Sh. Ashutosh Gupta, Ld counsel for the respondent with Sh. A.L. Agnihotri, Ld. counsel for MCD in appeal No.109/22.

Part arguments heard.

Ld. counsel for both the parties submits that there is intricate question of law involved in the present matter and they will take instruction for submitting the written submissions in the matter.

Accordingly, put up for further arguments on the point of appeal on 22.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 683/16

12.03.2025

Present : Sh. Swadesh Kumar, Proxy counsel for the appellant.
Sh. Ashutosh Gupta , Ld counsel for the respondent.

It is informed that main counsel for appellant Mr. Noor-UI-Islam is unavailable today as he has undergone eye surgery.

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 23.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 105/25

12.03.2025

Present : Sh. Awijit Paliwal, Ld counsel for the appellant.
Sh. Ashutosh Gupta , Proxy counsel for Sh. Atul
Tanwar, Ld. counsel the respondent along with Sh.
Muzaffar Naiem, AE(B).

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

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

Put up for further arguments on pending interim
applications and appeal on 03.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 1012/24

12.03.2025

Present : Sh. Sanjay Sharma, Ld counsel for the appellants.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by the MCD in terms of previous order. Copy supplied.

Part arguments heard. Perusal of the record shows that the record from page No.55 to 62 is not available in the judicial file.

The registrar. ATMCD is directed to look into the matter and apprise the position in this regard.

Put up for further arguments on interim application as well as appeal on 18.03.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 143/25

12.03.2025

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 21.04.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025

A.No. 101/25

12.03.2025

Fresh appeal filed. Be checked and registered.

Present : Ms. Dharini, 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 22.04.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 144/25

12.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Satya Prakash Sharma, 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.
3. Ld. counsel for the appellant presses interim application seeking stay. He submits that the property in question is an old structure and in case any protection is not granted at this juncture the appeal will become infructuous.
4. Perusal of the record shows that the MCD has passed the detailed order dated 11.02.2025 appreciating all the documents which have been mentioned in tabular form. MCD had concluded that appellant had failed to bring on record any document to show that the structure is old.
5. Along with the appeal, appellant is relying upon the KYC documents which are not prima-facie

sufficient to show the nature of structure which existed in the property on the date of issuance of KYC documents. Apart from that it is the case of the MCD that entire new structure has been brought into picture and the documents are not of any relevance. No property tax returns and other documents have been filed by the appellant to substantiate his version that the property is old structure.

6. Accordingly, at this stage no ground is made out for grant of ex-parte stay and request is declined.
7. 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.

Put up for arguments on interim application seeking stay and appeal on 24.04.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 112/25

12.03.2025

Present :

Sh. Jaisal John, Ld counsel for the appellant.

Sh. Madan Sagar proxy counsel for Sh. Atul Tanwar,
Ld counsel for the respondent with Sh. Dev Raj
Chudhary, AE(B).

Status report is filed by the MCD, copy supplied.

It is informed that the present appeal has been assigned to Mr. Atul Tanwar who has been recently discharged from the hospital and is not in a position to address the arguments.

The AE(B) Mr. Dev Raj Chaudhary, opposes the grant of interim protection at this juncture and request that the case be decided on merits. He submits that as the Ld. counsel for MCD is not available due to medical exigencies, he has instructions to submit that the MCD will not take any demolition action against the property in question till next date of hearing.

Accordingly, the application seeking early hearing is disposed off.

Put up on date already fixed i.e. 01.04.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 141/25

12.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Rakesh Chahar, Ld. counsel for the appellant.

An application seeking condonation of delay filed.

Issue notice of application seeking condonation of delay 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
12.03.2025 (J)

A.No. 142/25

12.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Dalip Rastogi, 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.
3. Ld. counsel for appellant submits that appellant had constructed the building only after obtaining the sanctioned building plan which was later on revoked by the MCD. He submits that appellant had already filed an appeal challenging the said revocation of sanctioned building plan. He submits that as a consequence of revocation of sanctioned building plan, the structure raised by the appellant under the impression that he is carrying out the lawful construction, has become unauthorized and consequently booked vide impugned demolition order. He submits that in case subject matter is not protected at this juncture, the present appeal as well as appeal impugning revocation of

sanctioned building plan will become infructuous. He informs that the next date of hearing in other connected case is 03.04.2025.

4. Accordingly, status quo be maintained 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.
- Put up for arguments on interim application(s) and appeal on 03.04.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 524/23

12.03.2025

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

It is already 2:55 PM. Despite various calls none has
appeared on behalf of respondent / MCD in person or
on VC since morning in the matter and therefore,
arguments could not be concluded.

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

Put for the purpose already fixed on 23.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 463/19 & 464/19

12.03.2025

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

It is informed that Ld. Counsel for respondent / MCD is
not available in post lunch session due to some
personal exigency.

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

Put for the purpose already fixed on 24.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 175/24

12.03.2025

Present : Ms. Savita Rustagi, Ld counsel for the appellant.
Sh. Pritiesh Sabbharwal, Ld. Counsel for the respondent no.1 joined through VC.
Sh. Jaffar Abas , Ld counsel for the respondent no.2 & 3.

Part arguments heard at length on application seeking condonation of delay from both the parties.

Put up for further arguments in post lunch session today.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025

2:30 PM

Present : Ms. Savita Rustagi, Ld counsel for the appellant.
Sh. Pritiesh Sabbharwal, Ld. Counsel for the respondent no.1 joined through VC.
Proxy counsel for the respondent no.2 & 3.

1. Arguments on application seeking condonation of delay heard from Ld. Counsel for appellant as well as respondent / MCD. Arguments were part heard in pre-lunch session but thereafter Ld. Counsel for respondent nos. 2 & 3 has chosen not to appear and address arguments.

2. The applicant is seeking condonation of delay of around 20 days through the present application. It is stated in the application that applicant came to know about the impugned sanctioned building plan and thereafter applied through RTI got the details of sanctioned building plan vide RTI reply dated 26.02.2024 received on 27.02.2024. Ld. Counsel for appellant submits that thereafter the present appeal was filed on 07.03.2024. Appellant has acted promptly to file appeal on receipt of information through RTI application and there is no delay on her part.
3. Ld. Counsel for respondent / MCD submits that case may be considered as per law.
4. Arguments heard and record perused. The present sanctioned building plan was applied by respondent no.2 & 3. Appellant is aggrieved from the sanction of installation of lift in favour of respondent nos. 2 & 3. Appellant got details of sanctioned building plan through RTI reply dated 26.02.2024 which was received on 27.02.2024. The present appeal was filed on 07.03.2024. Under these circumstances, the appellant has been able to show sufficient cause for condonation of delay. Application is allowed and delay is condoned.
5. Put up for arguments on pending interim applications and appeal on 23.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 R

A.No. 441/24

12.03.2025

Present : Sh. K.N. Singh, Ld counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent with
Sh. Sanjeev Kumar Singh, EE(B), Sh. R.K. Garg,
AE(B), Sh. Lekh Raj Meena, AE(B) and Sh. Naveen
Kumar, JE(B).
Ms. Anita Dev, Ld. counsel for intervener.

An application under Order 1 Rule 10 CPC is filed on
behalf of the intervener, copy supplied.

Ld. counsel for appellant seeks some time to file reply.
Put up for filing reply and arguments on application
under Order 1 Rule 10 CPC, interim application and
appeal on 23.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 428/24

12.03.2025

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

An application under Order XLI Rule 27 CPC is moved by the appellant seeking permission to place on record the additional documents, copy supplied.

Arguments heard. Ld. counsel for appellant submits that aforesaid documents are necessary for adjudication of the matter. On the other hand Ld. counsel for MCD submits that without prejudice to their rights and contentions and verification of the documents, they have no objection in case application is considered.

In view of the aforesaid the application is allowed. MCD is at liberty to verify the documents filed by the appellant.

It is already lunch time. Ld. counsel for appellant and respondent MCD are not available in post lunch session due to some personal exigencies.

Put up for arguments on interim application seeking stay as well as appeal on 14.05.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 793/24

12.03.2025

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

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

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

Put up for purpose fixed on 23.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 768/24

12.03.2025

Present : Sh. Rohit Krishna Naagpal, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Satinder Singh, Ld. counsel for intervener.

An application under order VII Rule 14 CPC is filed on behalf of the appellant, copy be supplied.

Arguments on application under order 1 Rule 10 CPC heard from Ld. counsel for intervener as well as appellant.

At this juncture, Ld. counsel for appellant presses the interim application seeking stay. Ld. counsel for other parties opposes the request. It is submitted that unless and until this Tribunal decide the question that who is the necessary party in the present appeal, it will be premature exercise to hear the arguments on the interim application as well as appeal. I found merits in the said submissions of the Ld. counsel for MCD and intervener.

Apart from that appellant has moved an application under Order VII Rule 14 CPC wherein he is seeking permission to file on record some additional documents in support of appeal. It will be relevant to decide the said application first and to ascertain whether the said documents can be brought on record or not.

Put up for orders on application under Order 1 Rule 10
CPC at 4.00 p.m.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

4.00 P.M.

ORDER:

1. This order will decide the application under Order 1 Rule 10 CPC filed by Mr. Satinder Pal Singh Chopra, who stated to be the owner of second floor in the property bearing No.J-65, Kirti Nagar, Delhi.
2. It is stated in the application that applicant is aggrieved from the unauthorized construction carried by the appellant and has filed other litigations also. In order to bring the clear picture before the Tribunal it is prayed that applicant be made a party in the present matter.
3. On the other hand, Ld. counsel for appellant opposes the application. He submits that in view of the mandate given by the Hon'ble High Court in ***Hardayal Singh Mehta Vs MCD, AIR 1990 Delhi 170***, the present application is not maintainable. He submits that the impugned demolition order had been passed in respect of first floor of the property. Appellant is the independent owner of the first floor and applicant has no locus-standi to intervene in the proceedings initiated by the MCD in respect of first floor.

4. Arguments heard Record perused. From the record it is clear that applicant/intervener is the independent owner of the second floor in the property. The present appeal has been filed impugning the demolition order passed against the first floor of the property in question. Appellant has independent title in first floor and the second floor owner has no locus-standi in that regard. So far as grievances of the applicant/intervener is concerned, the civil proceedings between the parties are already pending. So far as the scope of present appeal is concerned, application under Order 1 Rule 10 CPC is not maintainable in view of the clear mandate given by the Hon'ble High Court of Delhi in **Hardayal Singh Mehta Vs MCD (Supra)**. 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.

Put up for arguments on interim application seeking stay and appeal on 04.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
12.03.2025 (J)

A.No. 213/23

12.03.2025

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

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, 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
12.03.2025

A.No. 125/25

12.03.2025

Present : Sh. Anil Aggarwal, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

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, 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
12.03.2025 (J)