

A.No. 258/SCM/14, 261/SCM/14, 259/SCM/14 & 260/SCM/14,

18.03.2025

Present : Sh. Deepak Vuttsya and Ms. Preet Arora, Ld counsel
for the appellant.

Sh. Ravi Ranjan, Ld counsel for the respondent joined
through VC.

An application under Section 5 of the Limitation Act is
moved by the appellant in support of application under
order 22 Rule 3 CPC, copy supplied.

Mr. Ravi Ranjan, Ld. counsel for MCD seeks some
time to take instructions on this application from the
department.

Put up for arguments on an application under Order
22 Rule 3 CPC as well as aforesaid application
seeking condonation of delay on 04.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
18.03.2025 (J)

A.No. 27/25

18.03.2025

Present : None for the appellant.
Sh. Sanjeet Kumar, proxy counsel for Sh. Pritish Sabharwal, Ld. counsel for respondent.

It is 2.30. p.m. None is present on behalf of the appellant in the Tribunal or through VC.

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

Put up for purpose fixed on 24.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
18.03.2025 (J)

A.No. 01/20

18.03.2025

Present : Sh. Sukhbir Singh, Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld. counsel for the respondent
along with Sh. Anjum Bhardwaj, Dy. Assessor &
Collector and Sh. Sumit Chahal, AZI.

Status report is filed by the MCD, copy supplied.

Part arguments on the point of appeal heard.

Ld. counsel for appellant submits that he needs time
to inspect the record before addressing further
arguments in the matter.

Accordingly, put up for further arguments on the point
of appeal on 28.04.2025.

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

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
18.03.2025 (J)

A.No. 141/25

18.03.2025

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

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Record is brought. Ld. counsel for MCD submits that they will file the record during the course of the day. He seeks some time to file status report as well as detailed reply to the application seeking condonation of delay. Advance copy be supplied to the appellant /counsel.

Put up for arguments on the point of application seeking condonation of delay on 29.04.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
18.03.2025 (J)

A.No. 1014/24

18.03.2025

Present : Sh. Rahul Kumar Sharma, Ld counsel for the appellant with appellant in person.
Sh. Avishek Kumar, Ld counsel for the respondent.

1. Arguments on application under Order 7 Rule 14 CPC moved by the appellant seeking permission to file the additional documents heard.
2. Ld. counsel for appellant submits that they are relying upon the documents pertaining to the construction of property as well as photographs which are relevant to the present dispute.
3. Ld. counsel for MCD submits that without prejudice to their rights and contentions and verification of the documents they are not opposing the application. Accordingly, in view of the aforesaid facts and circumstances, the application is allowed. MCD is at liberty to verify the documents.
4. Part arguments on the point of appeal heard.
5. Ld. counsel for appellant submits that the area where the property in question is situated is unauthorized colony. On the other hand, Ld. counsel for MCD submits that he has instructions that the property is situated in unauthorized regularized colony. MCD is directed to file the status report and clarify the issue.

6. AE(B) concerned is directed to remain present in person on next date of hearing.
7. Put up for further arguments on the point of interim application and appeal on **25.03.2025**.
8. Interim orders to continue till the next date of hearing in view of the directions passed by the Hon'ble High Court of Delhi.
9. It is clarified that no request for adjournment shall be entertained in the matter.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
18.03.2025 (J)

A.No. 804/23

18.03.2025

Present : Ms. Rashi Gupta, Ld counsel for the appellant joined through VC.
Sh. S. Adil Hussain, Ld counsel for the respondent with Sh. Ravinder Kumar, AE(B).

It is submitted that the arguing counsel Mr. Ashish Mohan is unavailable today being busy in arbitration proceedings.

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 29.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
18.03.2025 (J)

A.No. 768/24

18.03.2025

Present : Ms. Nisha Thakur and Sh. Deepak Sain, Ld. counsels
for the appellant.

Sh. Ashutosh Gupta, Ld. counsel for the respondent.

1. The matter was listed for arguments on interim application seeking stay and appeal on 04.06.2025. On 17.03.2025 appellant moved an application seeking early hearing as the demolition action was initiated by MCD against the property in question. Notice of early hearing was issued to MCD and matter is listed for today for arguments on interim application seeking stay.
2. Arguments on interim application seeking stay of the demolition order moved by the appellant are heard at length from both the parties.
3. It is submitted by Ld. counsel for the appellant that appellant is the owner of first floor of the property in question. The property was constructed pursuant to sanctioned building plan. She submits that by impugned order the MCD had booked the alleged additional construction which was done over and above the sanctioned building plan. She submits that the whole structure at the first floor is not unauthorized and appellant along with his family is residing there. She submits that MCD has already taken substantial demolition action and in case further demolition action

is carried out, the appeal filed by the appellant will become infructuous.

4. Ld. counsel for the MCD confirms that there exist sanctioned building plan in respect of the property in question. He submits that MCD has booked the additional structure which is unauthorized. He also confirms that partial demolition action is already been taken against the property in question. He also confirms that two walls of the first floor room (which are stated to be unauthorized) have been already demolished by the MCD. On instructions from the Department he further submits that MCD is ready to take further demolition action subject to outcome of this case.
5. Arguments heard and record perused. Perusal of the record shows that MCD has booked one room, one toilet, one balcony in rear side of the first floor. It is admitted position on record that whole of the structure on the first floor is not unauthorized. The appellant is stated to be residing on the first floor along with his family. Partial demolition action is already taken against the unauthorized construction especially the room which was unauthorizedly constructed by the appellant.
6. I find merits in the submissions made by Ld. counsel for the appellant that in case interim protection is not granted at this juncture, the appeal is likely to become infructuous as action of demolition is irreversible.

7. Accordingly, keeping in view of the overall facts and circumstances, the MCD is directed not to take any further demolition action against the property in question till the next date of hearing.
8. It is clarified that the observations made while passing of this order by this Tribunal shall not tantamount to the expression on the merits of this case.
9. It is also directed that the appellant shall not carry out any further impermissible construction in the property in question without necessary approval as per law.

Put up for the purpose fixed on **04.06.2025** the date already fixed.

Copy of this order be given dasti to both the parties.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
18.03.2025 (s)

A.No. 642/23 & 557/23

18.03.2025

Present : Appellant in person.
Sh.Jasman Singh Sethi, Ld. counsel for the respondent joined through VC with Sh. Pratap Singh JE and Sh. Ashok Kumar, Senior Assistant.

Status report is filed by the NDMC, copy supplied. It is stated that the shortcomings in regularization application have been already pointed out to the appellant but the appellant is responding in the offline manner. It is informed that the appellant needs to submit his reply through a designated web portal and only thereafter the department will be able to process the application.

Appellant submits that he will take necessary steps within four weeks from today for submitting the reply/necessary documents as pointed out by the department through the authorized online mode.

Accordingly, put up for further proceedings on 10.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
18.03.2025 (J)

A.No. 852/24

18.03.2025

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

Present : Sh. Vinod Pant, Ld counsel for the appellant.

Ld. counsel for appellant submits that the appellant has received vacation notice and MCD is about to take demolition action against the property in question. He submits that in case the interim application is not heard on priority the appeal will become infructuous.

In view of the submissions made by the Ld. counsel for appellant, notice of the application be issued to the respondent MCD for 21.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
18.03.2025 (J)

A.No. 525/24

18.03.2025

Present : Sh. Shiv Prasad father-in-law of appellant.
Ms. Bhavya Chauhan , Ld counsel for the respondent.

Status report is filed by the MCD, copy supplied.
Hon'ble Presiding Officer is on half day leave in pre-lunch session.
As requested, put up for purpose fixed on 24.07.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 968/24

18.03.2025

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

Hon'ble Presiding Officer is on half day leave in pre-lunch session.

As requested, put up for purpose fixed on 25.07.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 16/25

18.03.2025

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

Hon'ble Presiding Officer is on half day leave in pre-lunch session.

As requested, put up for purpose fixed on 28.07.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 1012/24

18.03.2025

Present : Sh. Sanjay Sharma, Ld counsel for the appellant
joined through VC.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Hon'ble Presiding Officer is on half day leave in pre-
lunch session.

As requested, put up for purpose fixed on 02.04.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 1028/24

18.03.2025

Present : Ms. Kriti Gupta, Ld counsel for the appellant joined through VC along with Sh. Md. Ilyas, Advocate in person.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Hon'ble Presiding Officer is on half day leave in pre-lunch session.

As requested, put up for purpose fixed on 14.05.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 812/24

18.03.2025

Present : Sh. Dinesh Kumar, Ld counsel for the appellant.

An application under Section 151 CPC seeking early hearing is moved by appellant.

Hon'ble Presiding Officer is on half day leave in pre-lunch session.

As requested, put up for purpose fixed on 02.04.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 810/24 & 811/24

18.03.2025

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

Hon'ble Presiding Officer is on half day leave in pre-lunch session.

As requested, put up for purpose fixed on 02.04.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 124/25

18.03.2025

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

Hon'ble Presiding Officer is on half day leave in pre-lunch session.

As requested, put up for purpose fixed on 25.03.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 145/25

18.03.2025

Present : Sh. Jitender Bhardwaj, Ld counsel for the appellant.

Fresh appeal filed.

Hon'ble Presiding Officer is on half day leave in pre-lunch session.

As requested, put up for purpose fixed on 27.03.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 683/15, 318/12, 186/10, 294/14, 1203/13, 221/10, 1202/13, 1106/13, 277/14, 1109/13, 278/14, 1104/13 & 1105/13, 398/10 & 163/14, 09/14 & 53/14.

18.03.2025

Present : Sh. Rohit Jain, Ld counsel for the appellant joined through VC.

Sh. V.K. Aggarwal, Ld counsel for the respondent in appeal Nos. 186/10, 294/14, 1202/13, 1106/13, 277/14, 1109/13, 278/14, 1105/13 and 1104/13.

Sh. R.K. Kashyap, Ld. counsel for respondent in appeal No.53/14.

Sh. Dharamvir Gupta, Ld. counsel for respondent in appeal Nos. 318/12, 1203/13 & 221/10.

Sh. Ankit Kaushal, Ld. counsel for respondent in appeal No.398/10 and 163/14.

Sh. V.K. Aggarwal, proxy counsel for Sh. H.R. Aggarwal, Ld. counsel for respondent in appeal No.683/15.

Sh. Ashutosh Gupta, Ld. counsel for respondent in appeal No.09/14.

Hon'ble Presiding Officer is on half day leave in pre-lunch session.

As requested, put up for purpose fixed on 28.07.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 684/15, 81/14, 25/14, 116/14 & 121/14

18.03.2025

Present : Sh. Rohit Jain, Ld counsel for the appellant joined through VC.
Sh. Manjusha Jha, Ld counsel for the respondent in appeal nos. 684/15,
Sh. Dharamvir Gupta, Ld counsel for the respondent in appeal nos.81/24 & 25/14.
Sh.V.K.Aggarwal, Ld counsel for the respondent in appeal nos. 116/14 & 121/14.

Hon'ble Presiding Officer is on half day leave in pre-lunch session.

Ld. counsel for appellant submits that appellant company wants to withdraw the aforesaid appeals.

As requested, put up for purpose fixed on 30.04.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 788/24

18.03.2025

Present : Sh. Dalip Rastogi , Ld counsel for the appellant along with Ms. Daljit Kaur, daughter of appellant
Sh. Anubhav Gupta, Ld counsel for the respondent joined through VC.

Hon'ble Presiding Officer is on half day leave in pre-lunch session.

As requested, put up for purpose fixed on 29.07.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 405/18

18.03.2025

Present : Sh. Awijit Paliwal, Ld counsel for the appellant joined through VC.

Sh. Dharambir Gupta, Ld counsel for the respondent.

Hon'ble Presiding Officer is on half day leave in pre-lunch session.

As requested, put up for purpose fixed on 28.07.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 202/20

18.03.2025

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

Hon'ble Presiding Officer is on half day leave in pre-lunch session.

As requested, put up for purpose fixed on 28.05.2025.

Reader
Appellate Tribunal, MCD
18.03.2025

A.No. 146/25

18.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh.Suraj Parkash Sharma, Ld counsel for the appellant joined through VC.

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 presses the interim application seeking stay. He submits that MCD had passed the impugned demolition order ignoring the property tax return of the year 2007-08. He submits that the aforesaid return clearly mentions the covered area which existed on terrace of third floor in the aforesaid year. Ld. counsel for appellant submits that in case the structure is not protected at this juncture the appeal will become infructuous.
3. Arguments heard and record perused. The property tax return of the year 2007-08 needs to be considered on merits. At this juncture the appellant has been able to show prime facie case for protection of the property in question.

4. Accordingly, it is directed that status quo be maintained 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 impermissible construction in the property in question without necessary approval as per Law. Put up for arguments on pending interim application(s) and appeal on 21.05.2025.

Copy of order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
18.03.2025 R

A.No. 1029/24 & 1030/24

18.03.2025

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

Present : Sh. Akshit Sawal, Ld counsel for the appellant joined through VC.

Ld. counsel for appellant submits that the appellant has received vacation notice and MCD is about to take demolition action against the property in question. He submits that in case the interim application is not heard on priority the appeal will become infructuous.

In view of the submissions made by the Ld. counsel for appellant, notice of the application be issued to the respondent MCD for 20.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
18.03.2025 (J)

A.No. 147/25

18.03.2025

Fresh appeal filed. Be checked and registered.

Present : Ms. Neha Gund and Sh. Shubham Jain, 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
18.03.2025 (J)

A.No. 946/24

18.03.2025

Present : Sh. Irshad Khan, Ld counsel for the appellant.
Sh. Anupam Sharma, 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)
P.O.: Appellate Tribunal, MCD
18.03.2025(J)