

A.No. 1066/24 & 1067/24

20.03.2025

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

Present : Sh. Vimal Dhingra, Ld counsel for the appellant.

Mr. Pritish Sabharwal, Ld. counsel for MCD is appearing in some other matter accept the notice of the application. He seeks some time to take instruction from the department.

At joint request of the parties, put up for arguments on interim application seeking stay and appeal on 24.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 137/23

20.03.2025

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

Sh. Amit Kumar, Ld counsel for the respondent.

Ld. counsel for appellant submits that he is one of the office bearer in Bar association. As the elections are scheduled for tomorrow, due to administrative issues he is not in a position to address arguments today.

In view of the aforesaid submissions appellant is given one more opportunity to address arguments in the matter.

Put up for purpose already fixed on 16.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 218/23 & 219/23

20.03.2025

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

Part arguments heard.

Ld. counsel for appellant submits that he needs some time to take further instructions in the matter.

Put up for further arguments on pending interim applications and appeal on 31.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025

A.No. 418/20

20.03.2025

Present : Ms. Anjana Gosain, Ld counsel for the appellant
joined through VC along with Sh. Anuj Kumar, Ld.
counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An affidavit is filed by Mr. Rajesh Tahilramani in terms
of previous order. Copy supplied.

Ld. counsel for MCD seeks sometime to peruse the
same and seeks instruction in this matter.

Put up for arguments on the point of appeal on
01.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (s)

A.No. 233/23 & 234/23

20.03.2025

Present : Sh. K.N. Singh and Sh. Prabhnoor Singh, Ld counsel for the appellant.
Sh. Sanjeet Kumar, proxy counsel for Sh. Pritish Sabharwal, Ld. counsel for respondent.

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

Put up for arguments on pending interim applications and appeal on **31.07.2025**.

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
20.03.2025 (J)

A.No. 678/16

20.03.2025

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

Part arguments heard.

Some clarifications are required from AE(B) concerned in respect of sealing order which is not part of MCD record.

Appellant submits that their property / shop fall under mixed land use and they have already deposited the conversion charges and penalty with MCD.

Ld. Counsel for respondent / MCD seeks some time to take instructions from the department and file status report in this regard.

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

Put up for further arguments on the point of appeal on 30.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 532/24

20.03.2025

Present : Ms. Parul Agarwal, Ld counsel for the appellant.
Ms. Vasu Singh, Ld counsel for the respondent.

Reply to the application under Section 5 of the Limitation Act is filed on behalf of the MCD, copy supplied.

Reply to the application under order VII Rule 14 CPC is filed on behalf of the MCD, copy supplied.

Another reply of the application under Order VI Rule 17 is filed by the MCD, copy supplied.

Part arguments heard.

Ld. counsel for appellant submits that she will argue the matter alongwith other connected appeal bearing No.71/25 wherein MCD is seeking time to file reply to the application seeking condonation of delay.

Accordingly, put up for further arguments on 31.07.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 71/25

20.03.2025

Present : Ms. Parul Agarwal, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent.

Status report is filed by the MCD, copy supplied.
Ld. counsel for MCD seeks some time to file reply to the application seeking condonation of delay. Advance copy be supplied to the opposite party.
Put up for arguments on application seeking condonation of delay, interim application as well as appeal on 31.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 580/22

20.03.2025

Present : Sh. Dev Raj proxy counsel for the appellant. Fresh Vakalatnama filed, same is taken on record.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

It is submitted that main counsel Mr. Amit Sherawat is unavailable today due to bereavement in his family. In the interest of justice one more opportunity is granted to the appellant to address the arguments in the matter.

Put up for purpose fixed on 01.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 416/18 & 417/18

20.03.2025

Present : Sh. M.N.Siddiqui, Ld counsel for the appellant joined through VC.

Sh. Zia Lal Kasana, Nodal Officer on behalf of the respondent / MCD.

An adjournment is sought on behalf of respondent / MCD as main counsel Sh. Ranjit Pandey is unavailable today being out of station.

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

Put for the purpose already fixed on 31.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 419/20

20.03.2025

Present : Ms. Anjana Gosain, Ld counsel for the appellant
joined through VC along with Sh. Anuj Kumar, Ld.
counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An affidavit is filed by Mr. Pradeep Chowdhary in
terms of previous order. Copy supplied.

Ld. counsel for MCD seeks sometime to peruse the
same and seeks instruction in this matter.

Put up for arguments on the point of appeal on
01.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (s)

A.No. 1081/24 & 461/24
20.03.2025

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

It is submitted that main counsel for appellant Mr. Simran Pal Singh is unavailable today due to some personal exigency.

Ld. Counsel for respondent / MCD opposes the adjournment request. He submits that on last hearing appellant requested for short hearing and despite that he is seeking an adjournment. He also request to clarify that there is no protection granted in this matter and request for dasti order.

On last date of hearing also adjournment request was made by appellant. Even today scenario is same.

In the interest of justice, one more opportunity is granted to appellant to address arguments in the matter subject to cost of Rs.10,000/- to be deposited in the Registry of this Tribunal.

It is clarified that no interim protection is granted by this Tribunal in this matter.

Put up for arguments on pending interim applications and appeal on 31.07.2025.

Copy of order be sent to AE(B) concerned. Copy of order be given dasti to both the parties.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 64/24 & 65/24

20.03.2025

Present : Ms. Parul Agarwal, Ld counsel for the appellant.
Sh. Avishek Kumar, Ld counsel for the respondent.

1. Arguments on application under Section 5 of Limitation Act seeking condonation of delay heard from both the parties at length.
2. Appellant is disputing the service of impugned order. He submits that when he become aware of proceedings, appellant approached MCD officials to supply the certified copy of impugned order. Thereafter, appellant filed the present appeal. It is argued that due to non-supply of impugned order the delay had occurred.
3. On the other hand, Ld. Counsel for respondent / MCD submits that the impugned order was served by way of affixation.
4. Arguments heard and record perused. Appellant has disputed service of impugned order. The aforesaid aspect needs to be considered on merits while adjudicating the appeal. At this juncture appellant has been able to show sufficient cause seeking condonation of delay. Accordingly, application is allowed and delay is condoned.

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.

Put up for further arguments on pending interim applications and appeal on 31.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 448/23

20.03.2025

Present : Sh. Hardhik Aggarwal, Ld counsel for the appellant
joined through VC.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments on application seeking condonation
delay heard.

To appreciate the submissions made by Ld. Counsel
for appellant, it is necessary to look into the record of
appeal bearing no.70/23 which was filed by appellant
impugning the demolition order.

The Registry is directed to produce the record of
aforesaid appeal on the next date of hearing.

Put up for further arguments on pending interim
applications and appeal on 01.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 720/24

20.03.2025

Present : Ms. Parul Aggarwal, Ld counsel for the appellant.
Sh. R.K.Jain , Ld counsel for the respondent.

Ld. Counsel for respondent / MCD seeks some time to file reply to the application seeking condonation of delay. Opportunity granted.

Advance copy of reply be supplied to appellant.

As the MCD has sought adjournment in the matter today, the undertaking given by MCD on 13.11.2025 to continue till next date of hearing.

Put up for further arguments on application seeking condonation of delay and pending interim applications as well as appeal on 04.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 96/25 & 97/25

20.03.2025

Present : None for the appellant.
Sh.Avishek Kumar, Ld counsel for the respondent along with Sh. A.K.Mandal, AE(B). Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record.

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

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

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

Put for the purpose already fixed on 31.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 220/20

20.03.2025

Present : Sh. S. C. Singhal, Ld counsel for the appellant joined through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Ashok Golas, Intervener in person.

Written submissions are filed by Intervener. The same is taken on record. Copy of the same is also kept on record for supplying to the Ld. counsel for the appellant against due acknowledgement.

Part arguments heard.

Put up for further arguments on the point of appeal on **01.08.2025.**

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (s)

A.No. 291/21

20.03.2025

Present : Ms. Kanishka Sharma proxy counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent
Nos. 1 and 2.
Sh. Shresht Jain, Ld. counsel for respondent Nos.3, 4,
6 and 7.

An adjournment is sought on behalf of the appellant as
main counsel Sh. Manoj Singh is un-available today
due to personal exigencies.

Ld. counsel for respondents opposes the request and
submits that the appellant is intentionally delaying the
matter.

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

Put up for purpose fixed on **01.08.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 66/21

20.03.2025

Present : Sh. Anil Kumar, Ld counsel for the appellant.
Sh. V.K. Aggarwal proxy counsel for Sh.
H.R.Aggarwal, Ld counsel for the respondent.

An adjournment is sought on behalf of the MCD as their counsel Mr. H.R. Aggarwal is unavailable today due to bad health.

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

Put up for purpose fixed on 01.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 713/22

20.03.2025

Present : Sh. Rajinder Juneja, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.
Fresh Vakalatnama filed, same is taken on record.

Part arguments on application seeking condonation delay heard.

Ld. counsel for appellant submits that they have received the impugned order through RTI. He seeks some time to place on record reply/documents received through RTI from the MCD.

Put up for further arguments on application seeking condonation of delay on **01.08.2025**.

The application under Order 1 Rule 10 CPC will be taken up after decision on application seeking condonation of delay.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 998/24

20.03.2025

Present : Appellant in person.
Sh. Ashutosh Gupta , Ld counsel for the respondent.

Appellant submits that his counsel Mr. S.D. Ansari has died and he is in process of engaging new counsel. 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 **11.06.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 175/23, 176/23 & 689/22

20.03.2025

Present : Ms. Parul Agarwal, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Proxy counsel for Ms. Bhavya Chauhan, Ld. counsel for the respondent in appeal nos. 175/23 & 176/23.
Sh. Pawan Kaushik, Ld counsel for the respondent in appeal no. 689/22.

Ld. Counsel for appellant submits that they will file affidavit in terms of previous order during course of the day. Copy be supplied to respondent / MCD.

It is informed that Ld. Counsel for respondent / MCD is also not available due to some personal exigency.

Put for the purpose already fixed on 01.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 36/25

20.03.2025

Present :

Sh. Vijay Kasana, Ld counsel for the appellant joined through VC with Sh. Ankit Kumar, Advocate present in the Tribunal.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Copy of the order dated 17.03.2025 passed by the Hon'ble High Court of Delhi in W.P.(C) 15750/2023 is placed on record by the appellant.

Ld. counsel both the parties confirms that the Hon'ble High Court has clarified that this Tribunal has liberty to deal with appeal without being influenced by pending writ petitions.

Ld. counsel for MCD submits that before Hon'ble High Court on 17.03.2025 Advocate Mr. Manu Chaturvedi appeared and represented MCD, but inadvertently in the order sheet his attendance could not be recorded.

It is already lunch time. Put up for arguments in post lunch session.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025

2.30 P.M.

Present:

Mr. Chirag Verma, proxy counsel for appellant joined through VC with Mr. Ankit Kumar, Advocate present in the Tribunal.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments heard from Ld. counsel for MCD.

It is submitted that arguing counsel Mr. Vijay Kasana is busy in some other matter before the Hon'ble High Court of Delhi.

Accordingly, at request of the parties matter be re-list for further arguments on the application under Section 5 of the Limitation Act and interim application on 28.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 118/24

20.03.2025

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

An adjournment is sought on behalf of the appellant as main counsel Sh. Sanjay Manchanda is un-available today due to some personal exigencies.

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.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 237/17 & 151/17

20.03.2025

Present : Sh. Abhishek Gupta, Ld counsel for the appellant.
Sh.Ashutosh Gupta, Ld counsel for the respondent.
Sh. Dalip Rasotgi, Ld. counsel for the intervener.

Ld. counsel for intervener seeks some time to take further instructions in the matter.

Put up for further arguments on pending interim applications and appeal on 31.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 1084/24

20.03.2025

Present : Sh. Gurmeet Singh, Ld counsel for the appellant.
Sh. Raujas Sharma, Proxy counsel for Sh. Ajay Gaur,
Ld counsel for the respondent.

Part arguments heard.

Put up for further arguments on pending interim
applications and appeal on 29.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 249/24

20.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Akash Chatterjee, Ld counsel for the respondent
joined through VC.
Ms. Bhairabhi Dass, Ld. counsel for intervener.

Reply to the application under Order 1 Rule 10 CPC is filed by the appellant, copy supplied.

Ld. counsel for intervener Ms. Bhairbhi Dass submits that the application under Order 1 Rule 10 CPC was moved by some other counsel and she is recently engaged in this case. She submits that she will file her vakalatnama during the course of the day and seeks some time to take instruction before addressing arguments. Opportunity granted.

Put up for purpose fixed on **31.07.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 154/25

20.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Pawan Kumar Singh, 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 the interim application seeking stay. He submits that vide judgment dated 19.02.2024 in appeal bearing No.853/18 the demolition order dated 14.11.2018 against the property in question was set aside and the MCD was granted liberty to issue fresh show cause notice. He submits that Para No.6 of the said judgment records that the demolition order does not records any deviations/excess coverage and also the sanctioned building plan was not available on record. He submits that the Tribunal in the said judgment referred to the judgment **Masonic Club Vs MCD & Ors CWP No.6674/2000 and C.M. No.10226 of 2000**

wherein the requirement of mentioning the unauthorized portion of property, approximate date of alleged construction and the area of construction was emphasized. He submits that despite that MCD had passed a demolition order dated 10.02.2025 which does not refer to the sanctioned building plan and the alleged deviations in comparison to the same. The area of the deviations and the date of alleged unauthorized construction is also not mentioned. He submits that property in question is protected and appellant had submitted the documents including the property tax return before the MCD which were not considered and appreciated in the impugned order. He points out that as per the MCD assessment the covered area of property in question i.e. HIG, C-1 category (without store) is 1321 sq.ft. He submits that appellant had filed affidavit on record which confirms that the area of the property is well within limits. He submits that in case interim protection is not granted at this juncture the appellant will suffer irreparable loss and appeal will become infructuous.

4. In view of the above facts and circumstances, 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 03.06.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 149/25

20.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Anupam Gupta, Ld. counsel for the appellant.

Ld. counsel for appellant submits that they have filed the present appeal for first floor, second floor and third floor of the property in question.

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 owner of ground floor of the property also preferred a separate appeal bearing No.127/25 which is listed on 03.04.2025.

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
20.03.2025 (J)

A.No. 151/25

20.03.2025

Fresh appeal filed. Be checked and registered.

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

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Put up for arguments on interim application(s) and appeal on 02.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025

A.No. 1029/24 & 1030/24

20.03.2025

Present : Sh. Ravin Rao, Sh. Akshit Sawal and Sh. Ayan Sharma, Ld counsels for the appellant.
Sh. Sandeep Kumar , Ld counsel for the respondent along with Sh. Paramjeet Singh, JE (B).

Part arguments heard on application seeking early hearing in the matter.

Ld. counsel for the MCD submits that MCD has already carried out partial demolition action in respect of the property in question. He submits that as the appeal is listed for hearing before this Tribunal on 28.03.2025, the same be decided on merits and till the next date of hearing they will not take any coercive action against the property in question.

In view of the aforesaid submissions, the application stands disposed of.

Put up for arguments on interim application seeking stay as well as on the point of appeal on **28.03.2025**.

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

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (s)

A.No. 1095/24

20.03.2025

Present : Sh. Gurmit Singh Hans, Ld counsel for the appellant.
Sh. Pritesh Sabbharwal, Ld. Counsel for the
respondent along with Sh. S.A. Neyazi, AE(B) / CLZ.

1. List of inventory of items required to be removed from the property is filed by appellant. Copy supplied.
2. Arguments on application under Section 151 CPC is moved by appellant seeking temporary desealing of property is heard from both the parties.
3. Ld. Counsel for appellant submits that in past theft has taken place in the property and such incidents are already reported to the police. He submits that due to sealing of property in question, appellant is not able to remove items of the inventory which are mentioned in the list. He submits that appellant apprehends loss of items due to theft and wear and tear because of non-usage. He submits that in case necessary permission is not granted, appellant will suffer irreparable loss. He prays that two weeks time be granted for removal of aforesaid items mentioned in the inventory.
4. Ld. Counsel for respondent / MCD opposes the request for grant of two weeks to remove the items. He submits that MCD had already made a complaint regarding tempering of seal which is under investigation and in case property remains open for longer period of time, MCD apprehends creation of

third party interest in the matter. He also submits that appellant has not filed any invoice in respect of items which are proposed to be removed from the property. He submits that appellant shall file an affidavit giving undertaking indemnifying third party claims which may arise in respect of items proposed to be removed.

5. Arguments heard and record perused. The property in question is stated to have been sealed by MCD. Appellant want to remove items which are mentioned in the inventory filed in the Tribunal today. No invoices have been filed by appellant in support of application / inventory. I found merits in submissions made by Ld. Counsel for respondent / MCD that appellant shall file an affidavit giving undertaking to indemnify for third party claim, if any, arises in respect of items proposed to be removed. Appellant is directed to do the needful in this regard. On the other hand, the apprehension of appellant regarding loss due to theft, wear and tear cannot be ruled out. Accordingly, the interim application seeking temporary desealing is allowed for a period of 72 hours. The property in question be temporary desealed on **24.03.2025 at 12:00 PM**. EE(B) and AE(B) concerned is directed to monitor the progress during the period of temporary desealing. Appellant shall file list of items removed on next date.
6. Respondent / MCD shall file a status report about the progress of removal of items from the property in question on next date of hearing.

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.
8. 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.
9. Accordingly, put up for further proceedings in respect of application seeking temporary desealing on 26.03.2025.
10. Put up for further arguments on pending applications and appeal on 29.05.2025.

Copy of order be given dasti to both the parties.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 155/25

20.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Ujjwal Jha & Sh. Jagjit Nandal, Ld counsel for the appellant.

1. Issue notice of applications, if any, 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 for interim application seeking stay. He submits that a bare perusal of demolition order shows that it is addressed to owner / builder and not to the appellant. He submits that around 74 flats exist in plot no.100A/1 but demolition order does not mention flat number of appellant and is vague. He submits that no show cause notice was served upon appellant and no opportunity of hearing was provided by MCD which is in violation of Section 343 of the DMC Act, 1957. He submits that MCD has already carried out partial demolition action in the property in question and in case the interim protection is not granted at this juncture the appeal will become infructuous.

3. In view of the aforesaid submissions made by Ld. counsel for appellant, status quo be maintained in respect of the property in question till the next date of hearing.
4. 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.
5. 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.
6. Put up for arguments on pending interim application(s) and appeal on 02.06.2025.

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

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 156/25

20.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Ujjwal Jha & Sh. Jagjit Nandal, Ld counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Put up for arguments on interim application(s) and appeal on 02.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 132/25

20.03.2025

Present : Sh. G.R.Verma , Ld counsel for the appellant.

An affidavit on behalf Sh. Anil Kumar Sharma is filed.
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 05.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 234/24

20.03.2025

Present : Sh. Tanvir Zaki proxy counsel for the appellant.
Sh. Prabhakar Mani Tripathi, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as counsel for appellant Mr. S.D. Ansari has died and instructions are required to be obtained from the appellant.

Notice be issued to the appellant to appear in person before the Tribunal on the next date of hearing.

Put up for further proceedings on **31.07.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025

A.No. 150/25

20.03.2025

Fresh appeal filed. Be checked and registered.

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

1. Affidavit of appellants are filed on record.
2. Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.
3. 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.
4. Ld. counsel for appellants presses for interim application seeking interim stay. He submits that in the affidavit they have depicted the covered area of the property which exists prior to the cut of date and also mentioned in house tax returns of 2004. He submits that no changes have been done by the appellants in the property. He submits that in reply filed before the MCD the appellants have affirmed that the structure was raised in the year 1991 and no further construction has been done. But despite that the MCD did not appreciated the said facts. He submits that appellants have placed on record the electricity bill

of all the floors of the property which shows the energization date prior to cut of date. He submits that the demolition order did not whisper anything about the property returns as well as the electricity bills provided by the appellants. He submits that in case interim protection is not granted, the appellants will suffer irreparable loss and the appeal will become infructuous.

5. In view of the above facts and circumstances, status quo be maintained in respect of the property in question till next date of hearing.
 6. 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.
 7. 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 04.06.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 88/25

20.03.2025

Present : Sh. Rohit Kumar Modi and Ms. Anusheya, Ld counsel for the appellant.
Sh.V.K. Aggarwal, Ld counsel for the respondent with Sh. Anurag Shandilya, AE(B).
Sh. Navin Yadav, Ld. counsel for respondent Nos.2 to 7.

Status report is filed by the MCD, copy supplied.

Written statement is filed on behalf of the respondent Nos.2 to 7, copy supplied.

Ld. counsel for the appellant presses for the application seeking interim relief for stay.

Ld. counsel for respondents No.2 to 7 submits that they are opposing the request and the case be heard on merits. However, he submits that in order to cut short the controversy, respondent Nos. 2 to 7 will not carry out any further construction work of the lift till the next date of hearing.

Accordingly, put up for arguments on interim application as well as appeal on 20.05.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 107/24

20.03.2025

Present : Sh. Tanvir Zaki proxy counsel for the appellant.
Sh. Prabhakar Mani Tripathi, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as counsel for appellant Mr. S.D. Ansari has died and instructions are required to be obtained from the appellant.

Notice be issued to the appellant to appear in person before the Tribunal on the next date of hearing.

Put up for further proceedings on **31.07.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 598/24
20.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Guneet Sidhu, Ld. counsel for the intervener
joined through VC.

Brief written synopsis is filed on behalf of appellant.
Reply to the application under Order VII Rule 14 CPC
is filed by respondent / MCD. Copy supplied.

Ld. Counsel for appellant submits that through the
application under Order VII Rule 14 CPC, appellant
intends to bring on record the legal notices which were
exchanged between owner of fourth floor and the
owners of second floor and third floor. He submits
that they checked MCD record it has come to his
knowledge that said legal notices are found part of
MCD record. He submits that he has instruction to
withdraw the present application. Accordingly, the
present application is dismissed as withdrawn.

Arguments on application under Order I Rule 10 CPC
heard at length from both the parties.

Put up for orders on application under Order I Rule 10
CPC on 21.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 R

A.No. 147/25

20.03.2025

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

Present : Sh. Droon Dutt and Sh. Rohit Rawat, Ld counsel for the appellant.

Ld. counsel for appellant submits that they are apprehending demolition action in the property in question and prays for interim protection.

Notice of the application be issued to the respondent MCD for 02.04.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 391/24

20.03.2025

Present : Sh. Devender Kumar, Ld counsel for the appellant.
Sh.Avishek Kumar , Ld counsel for the respondent.

Reply to the application seeking condonation of delay
filed, copy supplied.

Arguments on the application seeking condonation of
delay as well as appeal heard at length from both the
parties.

Put up for orders on **21.03.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 105/23, 106/23 & 107/23

20.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent. Fresh Vakalatnama filed, same is taken on record.

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

Put up for orders on **27.03.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)

A.No. 152/25

20.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Sparsh Jhamb, 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 submits that they have received the vacation notice dated 28.02.2025 which mentions about file No.10/UC/B/SZ/08 dated 02.04.2008. alleging unauthorized construction in the property. He submits that appellant has never participated in the said hearing and never received any notice. He submits that it is apparent from the vacation notice that demolition order was passed in the year 2008 and the MCD is carrying out the action after lapse of about 17 years in 2025. He submits that appellant is residing in the property alongwith her family and in case interim protection is not granted, the appellant will suffer irreparable loss and the appeal will become infructuous.

4. In view of the above facts and circumstances, 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 03.06.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
20.03.2025 (J)