

A.No. 121/25

21.03.2025

Present : Sh. Mukesh Shukla proxy counsel for the appellant.  
Sh. Sanjeet Kumar, proxy counsel for Sh. Pritish Sabharwal, Ld. counsel for respondent with Sh. R.K. Meena, AE(B).

Status report is filed by the MCD, copy supplied.

An adjournment is sought on behalf of the appellant as his counsel Mr. Prashant Diwan is busy in election duty. Ld. counsel for MCD opposes the request.

On last date of hearing Ld. counsel for appellant assured that he will not take any adjournment in the matter, however, keeping in view the exigencies cited, one last and final opportunity is granted to the appellant to address the arguments.

Put up for purpose already fixed on **25.03.2025**.

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

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  
21.03.2025 (J)

A.No. 50/25, 78/25 & 728/24

21.03.2025

Present : Sh. B.S. Saini, Ld counsel for the appellant in appeal No.50/25 & 728/24.  
Sh. D.S. Khatri, Ld. counsel for appellant in appeal No.78/25.  
Sh. Madan Sagar, Ld counsel for the respondent in appeal No.50/25. Fresh Vakalatnama filed, same is taken on record.  
Sh. Ashutosh Gupta, Ld. counsel for respondent in appeal No.78/25.  
Sh. Atul Tanwar, Ld. counsel for respondent in appeal No.728/24.  
Sh. P.K. Jindal, AE(B).

Status report is filed by the MCD in appeal No.78/25.  
Part arguments on the point of appeal heard.  
Ld. counsel for appellant has relied upon the status report dated 14.10.2024 filed by the MCD wherein covered area of the property is mentioned in tabular form. It is informed by the AE(B) concerned that after filing of the said status report some other construction has taken place in the property and covered area in the property as on today needs to be assessed again. Accordingly joint inspection of the property is scheduled for 25.03.2025 at 12.00 P.M. in respect of first floor, second floor and third floor of the property in question. The status report shall give a comparative

table containing the covered area as per sanctioned building plan, covered area existing at the spot, area and nature of non-compoundable deviations, area and nature of compoundable deviations, additional area which have been covered after filing of the status report dated 14.10.2024. The report shall also clarify the FAR which is available to the various floor owners proportionately to their land rights in the property. Photographs of property be also filed with the report. Put up for filing of status report by the MCD, arguments on interim application and appeal on **25.07.2025**.

Interim orders to continue till the next date of hearing in appeal No.728/24.

Copy of order be given dasti.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)

A.No. 180/23

21.03.2025

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

Part arguments on application seeking condonation of delay as well as appeal heard.

Put up for further arguments on the purpose already fixed on 15.05.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 56/25

21.03.2025

Present : Sh. Ankit Bhattoni, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent  
along with Sh. Sanjeev Kumar Kaushik, AE(B).

It is informed that that the matter listed before the Ld.  
JSCC/ASCJ/G. Judge (N/E) in civil suit bearing no.  
69/25 is scheduled for 25.03.2025.

Accordingly, put up for further proceedings in the  
present matter on 01.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 566/19

21.03.2025

Present : Sh. Shard Agnihotri, Ld counsel for the appellant  
joined through VC.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.  
Sh. Purushartha Singh, Ld counsel for the respondent.  
no.2.

It is informed that the matter before Hon'ble High  
Court of Delhi is listed on 09.07.2025.

Accordingly, put up for further proceedings on  
01.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 323/18

21.03.2025

Present : None for the appellant.  
Sh. Ajay Gaur, Ld counsel for the respondent.

None for the appellant since morning despite repeated calls either through VC or in person.

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

Put up for purpose fixed on 04.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (s)

A.No. 532/17 & 1074/17

21.03.2025

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

Sh. Ashutosh Gupta, Ld counsel for the respondent.

It is submitted that arguing counsel Mr. Arvind Kumar  
Gupta is not available today being busy in Election.

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

Accordingly, put up for the purpose already fixed on  
**07.08.2025.**

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (s)

A.No. 194/17

21.03.2025

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

None for the appellant since morning despite repeated calls either through VC or in person.

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

Put up for purpose fixed on 04.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025

At this stage Mr. Shivam Sharma, Advocate appeared.  
He is apprised about the proceedings in the matter.  
Put up on the date fixed.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025

A.No. 299/17

21.03.2025

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

None for the appellant since morning despite repeated calls either through VC or in person.

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

Put up for purpose fixed on 04.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025

At this stage Mr. Shivam Sharma, Advocate appeared.  
He is apprised about the proceedings in the matter.  
Put up on the date fixed.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025

A.No. 838/23

21.03.2025

Present : Sh. Navin son of the appellant in person.  
Sh. Chetan Hasija, Ld counsel for the respondent.

It is submitted that arguing counsel is not available today being busy in the Election.

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

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

Put up for the purpose fixed on 04.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (s)

A.No. 102/24 (M)

21.03.2025

Present : Sh. Mahipal Singh, Ld counsel for the appellant.  
Sh. S.Adil Hussain, Ld counsel for the respondent.

It is informed that the matter is listed before the Hon'ble High Court of Delhi on 22.07.2025.

Accordingly, put up for further proceedings on 04.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 188/21

21.03.2025

Present : Sh. Yaman Yadav proxy counsel for the appellant.  
Sh. Pradeep proxy counsel for the respondent.

It is informed that the arguing counsel Mr. Kunal Kalra is unavailable today as he is appointed as returning officer in Bar election.

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 04.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)

A.No. 649/13

21.03.2025

Present : Appellant in person.  
Sh. Dharavir Gupta , Ld counsel for the respondent.  
Ms. Vinnie Sharma, Ld. counsel for the Monitoring  
Committee

Status report is filed by the MCD is ambiguous and does not clarify the position in terms of previous order. Accordingly, the Executive Engineer concerned is directed to appear in person and file a categorical report clarifying the queries made by the Tribunal vide order dated 13.02.2025.

Put up for further proceedings on **21.07.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025

A.No. 109/25,110/25 & 111/25

21.03.2025

Present : Sh. Charanpreet Singh, Ld counsel for the appellant joined through VC.  
Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal nos.110/25 & 111/25.  
Sh. Sanjeet Kumar, proxy counsel for Sh. Prithish Sabharwal, Ld. counsel for respondent in appeal No.109/25 joined through VC.

Part arguments on the point of appeal heard.

Ld. counsel for appellant is disputing the address of the property. He is relying upon un-registered title documents filed along with appeal.

Ld. counsel for MCD submits that these un-registered documents cannot be looked into for ascertaining the property number especially in the circumstances when no electricity bill/water bill/property tax return etc is filed by the appellant on record.

Ld. counsel for appellant seeks some time to take instructions for filing the additional documents.

Put up for filing of the documents on **28.03.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)

A.No. 153/25

21.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Vipin Nandwani, Ld. counsel for the appellant.

Part arguments heard.

Appellant has filed payment receipt of the house tax returns at page 51 of the appeal. He seeks some time to file property tax returns on record.

Put up for consideration on 01.04.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)

A.No. 22/22

21.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Zia Lal, Nodal Officer, MCD.

Nodal Officer Mr. Zia Lal informs that Mr. Sanjay Sethi, Ld. counsel for MCD 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 05.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)

A.No. 439/17

21.03.2025

Present : Appellant in person.  
Sh. Ashutosh Gupta, Ld counsel for the respondent no.1.  
Sh. Vimal Dhingra, Ld counsel for the respondent no.2.  
None for other respondents

Appellant seeks a pass-over in the matter as his counsel is not available.

Put up at 2:15 p.m as requested.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025

3.35 P.M.

Present : As above  
Appellant seeks an adjournment as his counsel is not available today due to some personal exigencies.  
Sh. Vimal Dhingra, Ld counsel for the respondent no.2 vehemently opposed the same. He submits that he is waiting since morning in the matter and it is already 3:35p.m. and appellant is intentionally avoiding the arguments in the present matter.

The Tribunal strongly deprecates the conduct on the part of the appellant. The appellant is given last opportunity to address arguments in the matter subject to cost of Rs.10,000/- to be paid to respondent no. 2 in the present matter.

Put up for purpose fixed on 04.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025

A.No. 418/24

21.03.2025

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

None is appeared in the Tribunal as well as in the VC despite various calls.

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

Put for the purpose already fixed on 01.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 150/24

21.03.2025

Present : Sh. V.K.Bajaj, Ld counsel for the appellant.  
Sh. V.K.Aggarwal, Ld counsel for the respondent.  
Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record.  
Sh. Sanjeev Sharma, Ld counsel for the respondent nos. 2 to 5.

Reply by respondent no. 2 to 5 to the application seeking injunction is moved by appellant. Copy supplied.

Part arguments on the point of application seeking stay, condonation of delay as well as appeal heard from both the parties.

It is argued by Ld. Counsel for appellant that the total plot size is 339 sq. yds but MCD has sanctioned the building plan only for subdivided area of the plot measuring 169 sq. yds in violation of Master Plan, 2021. He submits that apart from other pleas taken in the appeal, the sanctioned building plan is not maintainable on the preliminary ground of sub-division of plot itself.

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

Continued...

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Concerned AE(B) is directed to remain present in person before the Tribunal on the next date of hearing. Put up for further arguments on application seeking condonation of delal, pending interim applications as well as appeal on 04.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 13/24

21.03.2025

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

An adjournment is sought on behalf of the appellant as main counsel Sh. Upender Kumar is un-available today due to Bar election.

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 **04.08.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)

A.No. 357/23

21.03.2025

Present : Ms. Sana Ansari, Ld counsel for the appellant.  
Ms. Kamakshi Sharma, Ld counsel for the respondent.  
Sh. Ayush, Ld. counsel for respondent nos. 2 to 6.

1. Part arguments on application seeking condonation of delay heard.
2. The appeal has been filed impugning the sanction building plan dated 23.02.2018. It is stated by appellant that he came to know about the sanction building on 09.05.2023 when the status report was filed by MCD in Writ Petition (C) No.44/23.
3. To the contrary, it is pointed out by Ld. Counsel for respondent that at page 58 of the appeal appellant has placed on record the order dated 17.01.2023 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in original application no.26/23.
4. It is submitted that the said order categorically records the submissions made by appellant that they were aware about sanction building plan in respect of property in question. It is submitted that the stand taken by the Ld. Counsel for appellant is contrary and misleading.
5. To clarify the issue, Ld. Counsel for appellant seeks some time to file on record the copy of the pleadings / petitions filed by them before the Hon'ble NGT as well as in the writ petition. Advance copy be supplied to opposite party.

6. It is clarified that observations made herein are not on merits of case.

Put up for further arguments on application seeking condonation of delay and appeal on 16.04.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 123/22

21.03.2025

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

Rejoinder is filed on behalf of the appellant to the reply  
filed by respondent no. 3. Copy supplied.

An adjournment is sought on behalf of appellant as  
arguing counsel Ms. Sumita Hazarika is not available  
today being busy in some other court before the  
Hon'ble High Court of Delhi.

Perusal of the record shows that in the past also  
appellant had sought adjournments. However, in the  
interest of justice the appellant is granted last  
opportunity to address further arguments in the matter.  
It is clarified that no further adjournment request shall  
be entertained in this case.

Put up for arguments on the point of appeal on  
**16.04.2025.**

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (s)

A.No. 14/20

21.03.2025

Present : Sh. Aditya Kapoor, Ld. Proxy counsel for the appellant.  
Sh. Ashutosh Gupta , Ld counsel for the respondent No. 1.  
None for respondent no. 2 & 3.

It is submitted that arguing counsel Mr. Ankur Mehendru is not available today being busy in Election.

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

Accordingly, put up for the purpose already fixed on **04.08.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (s)

A.No. 31/24

21.03.2025

Present : None for the appellant.  
Sh. Sandeep Kumar , Ld counsel for the respondent  
joined through VC.

Despite various calls none is appeared in Tribunal and  
in VC.

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

Put for the purpose already fixed on 04.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 523/23

21.03.2025

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

An adjournment is sought on behalf of the appellant as main counsel Ms. Prabha Giri is un-available today being busy in Bar election.

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 04.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)

A.No. 494/24

21.03.2025

Present : Mr. Ashish clerk of Ld. counsel of the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main counsel Sh. Sandeep Khatri is un-available today due marriage 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 04.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)

A.No. 107/25

21.03.2025

Present : Sh. Satyender Kumar Singh, Ld counsel for the appellant.

Sh.Vashu Singh , Ld counsel for the respondent.  
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.

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

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  
21.03.2025 R

A.No. 76/21

21.03.2025

Present : None for the appellant.  
Sh. Ranjit Pandey, Ld counsel for the respondent.

No one has appeared on behalf of the appellant since morning despite repeated calls either through VC or in person.

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

Put up for purpose fixed on **04.08.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (s)

A.No. 1078/24

21.03.2025

Present : Ld. Proxy counsel for the appellant.  
Sh. Tushar Ahuja, Ld counsel for the respondent  
along with Mohd. Firoz Khan, AE.

Reply to application under Order XI Rule 14 CPC is  
filed by the MCD. Copy supplied.

It is submitted that arguing counsel is not available  
today being busy in Election.

Accordingly, put up for the purpose already fixed on  
**01.08.2025.**

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (s)

A.No. 915/24

21.03.2025

Present : Ms. Perna Chaturvedi, Proxy counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

It is submitted that main counsel for appellant Mr. Ayush Gupta is unavailable today due to election of Bar Association.

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 01.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 919/24

21.03.2025

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

It is submitted that main counsel for appellant Mr. Ajay Sharma is unavailable today due to election of Bar Association.

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 01.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 152/24

21.03.2025

Present : None for the appellant.  
Sh. Jainendra Kumar, Ld counsel for the respondent.

None is appeared in the Tribunal as well as in the VC despite various calls.

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

Put for the purpose already fixed on 01.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

**1:30 PM**  
**At this stage**

Appellant appeared. He informed about the order passed today.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 842/23

21.03.2025

Present : Sh. Jitender Singh Dahiya husband of the appellant in person.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by the MCD, copy supplied.

Husband of the appellant submits that their counsel is unavailable today due to death of some relative.

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 28.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)

A.No. 852/24

21.03.2025

Statement of Vinod Pant, Ld. counsel for appellant

At Bar.

I am the counsel for appellant in the present appeal. Under the instructions of the appellant, I am submitting that appellant has already removed the structure at fourth floor of the property in question and MCD may verify the said fact. Appellant is not pressing the present appeal in respect of fourth floor of the property and is pressing the appeal in respect of third floor only.

RO&AC

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025

A.No. 852/24

21.03.2025

Present : Sh. Vinod Pant, Ld counsel for the appellant.  
Ms. Mehak Arora, Ld counsel for the respondent along  
with Sh. Ravi Kumar, AE(B).

1. Arguments on the point of interim application seeking stay as well as application under Section 347-C Rule 17 seeking permission to file additional documents heard.
2. Ld. Counsel for appellant submits that they are not pressing the present appeal in respect of structure alleged at fourth floor of property in question. He submits that they have already demolished entire structure at fourth floor and MCD may inspect the same. Separate statement of appellant is recorded in this regard.
3. In respect of third floor of property in question, Ld. Counsel for appellant submits that he is relying upon some additional documents which could not be filed earlier. He submits that such documents includes the property tax assessment order dated 12.03.2007 which shows that covered area of 215.50 sq. mtrs existed in the property in question in the year 2007.
4. Ld. Counsel for respondent / MCD submits that as the appellant is relying upon some additional documents, she needs to take instructions from the department and also to verify the said record before concluding further arguments in the present matter. Advance copy of reply be supplied to appellant.

5. As the interim application is part heard and the appellant is relying upon the property tax assessment order for the year 2007 in respect of third floor, therefore, in the interest of justice and also to protect the subject matter, the status quo in respect of third floor of the property in question be maintained till next date of hearing.
6. AE(B) concerned is directed to inspect the property and file status report regarding removal of alleged structure at fourth floor.
7. AE(B) is also directed to inform the covered area which exist at the third floor of property. Photographs be also filed.
8. It is also clarified that nothing herein shall reflect any opinion on the merits of this case.

Put up for arguments on interim application seeking stay, application seeking permission to file additional documents as well as appeal on the date already fixed i.e. **09.04.2025**.

Copy of order be given dasti to both the parties.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 918/24

21.03.2025

Present : Sh.Sunil Lalwani & Ms. Neha Sharma, Ld counsel for the appellant along with appellant.  
Sh. Ashutosh Gupta , Ld counsel for the respondent along with Sh. Lekhraj Meena, AE(B).

It is informed by Ld. Counsel for respondent / MCD that the regularization application is still under consideration.

Ld. Counsel for respondent / MCD assures that they will continue their undertaking and will not take demolition action in the property in question till next date of hearing.

On the last date of hearing, MCD was directed to make endeavor to decide the regularization application within six weeks but the application is still pending. Due to pendency of aforesaid application, the hearing in the present matter is getting delayed.

MCD is directed to decide the regularization application before the next date of hearing.

Put for the purpose already fixed on 04.08.2025.

Copy of order be given dasti.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 586/22

21.03.2025

Present : Ms. Savita Rustogi , Ld counsel for the appellant  
joined through VC.

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

Status of joint inspection is not informed by the MCD.  
Notice be issued to EE(B) concerned to appear in  
person before the Tribunal and apprise the status on  
the next date of hearing.

Put up for further proceedings on 23.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 181/23

21.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent along with Sh. Pushpender Kumar, EE(B), Sh. Vinod Bansal, AE(B) & Sh. Kamal Prakash Yadav, the then AE(B).

1. Status report is filed by respondent / MCD in terms of previous order. Copy supplied.
2. Part arguments on application seeking condonation of delay as well as appeal heard from both the Ld. Counsels at length.
3. As per the case of MCD, the property at fourth floor, fifth floor and sixth floor were sealed on 13.12.2010 and file noting in this regard is made at page 3/N of sealing record.
4. Ld. Counsel for appellant disputed the sealing of property in the year 2010 and submits that in the year 2022 only ground floor was sealed by MCD. He submits other portions of property are never sealed by MCD so far.
5. A perusal of filing noting at page 3/N shows it does not bear the signature of the then by AE(B). It is informed that Sh. Vinod Sharma was the then AE(B). In order to appreciate the aforesaid file noting it will be important to examine Mr. Anil Sharma, the then AE(B) in this regard.

6. Accordingly, notice be issued to the then AE(B) Sh. Vinod Sharma through concerned AE(B) Sh. Kamal Prakash Yadav with direction to appear on next date of hearing.
7. Concerned EE(B) & AE(B) are also directed to remain present in person before the Tribunal on the next date of hearing.

Put up for further arguments on the point of application seeking condonation of delay as well as appeal on 15.05.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 555/23

21.03.2025

Present : Sh. N.K. Jha, Ld counsel for the appellant along with appellant in person.

Sh. Zia Lal, Nodal Officer, MCD for Ms. Bhavya Chauhan, Ld. counsel for MCD alongwith Sh. Firoz Khan, AE(B).

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

Separate statement of the appellant has been recorded in this regard.

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

Interim protection granted vide order dated 24.08.2023 is vacated.

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

Record of the respondent, if any, be returned.

Appeal file be consigned to record room.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)

A.No. 555/23

21.03.2025

Statement of Ram Pratap Yadav S/o Late Sarju Prasad Yadav, appellant R/o H.No.B-2010-11, Gali No.57, B-Block, Khasra No.141/10/2, Hanuman Kunj, Yadav Chowk, Sant Nagar, Burari, Delhi-110084.

On SA

I am the appellant in the present appeal. I may be permitted to withdraw the present appeal, the same may be dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)

A.No. 38/25

21.03.2025

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

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

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

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025

A.No. 54/25

21.03.2025

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

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

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

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025

A.No. 391/24

21.03.2025

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

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

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

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

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 205/24

21.03.2025

Present : Sh. Vaibhav Kumar, Ld counsel for the appellant.  
Sh. Akash Chatterjee, Ld counsel for the respondent  
joined through VC.

Part arguments on the point of appeal heard.

No reasonable explanation has been tendered in respect of clarification made by the Tribunal in the previous order.

Initially Ld. counsel for MCD submit that he will take instructions from the department to withdraw the present order and later on he submits that MCD is contesting the present case. It is clear that Ld. counsel for MCD has not having clear instructions in the matter.

In these circumstances, the Dy. Commissioner concerned is directed to appear in person or through VC on next date of hearing and clarify the stand of the MCD in respect of the present case.

Put up for further arguments on the point of appeal on 24.03.2025.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)

A.No. 216/24

21.03.2025

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

Part arguments heard.

Put up for further arguments on interim application and  
appeal on 24.03.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)

A.No. 607/19

21.03.2025

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

It is submitted that main counsel for appellant Sh. Naveen Grover is unavailable today being busy in Hon'ble High Court of Delhi.

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 04.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 R

A.No. 598/24

21.03.2025

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

**ORDER ON APPLICATION UNDER ORDER 1 RULE 10 CPC.**

1. This order will decide application under Order 1 Rule 10 CPC moved by the applicants Ms. Tania Rai Vaish and Mr. Abhijit Rai Vaish seeking permission to implead them as respondent No.2 in the present appeal.
2. It is submitted by Ld. counsel for the applicants that appellants have made unauthorized construction in the property against which they complained at various forum and action was taken by the MCD. He submits that due to unauthorized construction made by the appellants the easementary rights of the applicants on the terrace have been effected and there is apprehension of causing damage to the building and, therefore, applicants are required to be impleaded as respondent No.2 in the present matter.
3. Ld. counsel for appellant / non-applicant submits that the present appeal has been filed impugning the demolition order in respect of fourth floor and

fifth floor of the property. He submits that applicants were also party before the MCD and have chosen not to impugned the demolition order. He submits that by way of present application applicants are bypassing the law of limitation. He submits that in respect of easementary rights the applicants needs to file appropriate claim before the civil forum and not before this Tribunal whose jurisdiction is limited to adjudicate the demolition order.

4. Arguments heard. Record perused. It is the admitted position on record that applicants are one of the party before the MCD and the demolition order is passed against the applicants also. Applicants have chosen not to file appeal and clearly their right to appeal impacted by the law of limitation. No application seeking condonation of delay is filed alongwith this application.
5. Apart from that the present appeal is only restricted to fourth and fifth floor of the property which belongs to appellant and admittedly the applicants have no ownership rights. Regarding the easementary right or damage to the building, the applicants may avail appropriate civil remedy.
6. Accordingly, in view of the mandate given by the Hon'ble High Court of Delhi in ***Hardayal Singh Mehta Vs MCD, AIR 1990 Delhi 170*** the application under Order 1 Rule 10 CPC is dismissed. However, applicants are at liberty to

assist the MCD counsel in putting forth the correct position of facts before this Tribunal.

Put up for arguments on the point of appeal on **03.04.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
21.03.2025 (J)