A.No. 309/24, 310/24, 311/24, 33/24, 34/24, 35/24, 52/24, 825/23, 826/23, 827/23, 834/23, 835/23, 836/23, 738/23, 739/23, 740/23, 741/23, 202/23

26.03.2025

Present:

Sh. Lohit Ganguly, Ld counsel for the appellant in appeal Nos. 309/24, 310/24, 311/24 joined through VC.

None for the appellant in appeal Nos. 33/24,34/24, 35/24, 52/24, 825/23, 826/23, 827/23, 834/23, 835/23, 836/23, & 202/23.

Sh. Dalip Rastogi, Ld. counsel for appellant in appeal Nos. 738/23, 739/23, 740/23 & 741/23.

Sh. Ravi Chawla, appellant in person in appeal No.202/23.

Sh. V.K. Aggarwal, Ld counsel for the respondent in appeal Nos. 309/24, 310/24, 311/24, 33/24,34/24, 35/24, 52/24, 825/23, 826/23, 827/23, 834/23, 835/23, 836/23, 739/23 & 741/23.

Ms. Praveen Sharma, Ld. counsel for respondent in appeal No.740/23 & 738/23.

Sh. Anubhav Gupta, Ld. counsel for respondent in appeal No.202/23 joined through VC.

Ld. counsels for appellants submits that they are in process of obtaining some documents which shows that the alleged construction in question is covered within the ambit of National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 and seeks some time to file the same.

Accordingly, put up for purpose already fixed on 07.08.2025.

Interim orders to continue till the next date of hearing.

A.No. 197/24, 198/24 & 425/15

26.03.2025

Present:

Sh. Lalit Gupta, Ld counsel for the appellant in appeal nos. 198/24 & 425/15.

Sh. Rajesh Baweja, Ld. counsel for the appellant in appeal no.197/24.

Sh. V.K.Gupta, Ld counsel for the respondent in appeal no.197/24 along with Sh. Muzaffr Naiem, AE(B).

Sh. Mayank Gupta, Proxy counsel for Sh. Ashutosh Gupta, the respondent in appeal no. 198/24 & 425/15.

Part arguments heard. Arguments could not be concluded as Mr. Ashutosh Gupta, who is counsel for MCD in appeal nos.198/24 & 425/15, is unavailable due to some personal exigency.

Put up for the purpose already fixed on 07.07.2025. Interim orders to continue till the next date of hearing in appeal no.425/15.

A.No. 694/24

26.03.2025

Present: Sh. Prateek Jain, Ld counsel for the appellant.
Sh. Mohit Sharma, Ld counsel for the respondent.

- Arguments on application under Section 5 of Limitation Act heard.
- 2. Ld. Counsel for appellant submits that the demolition order was not served upon them and they got copy of order on 23.08.2024 and thereafter filed the present appeal. He submits that tracking report filed by MCD shows that demolition order was received by one Mr. Deepu Kumar and not by appellant.
- Ld. Counsel for respondent / MCD opposes the application and submits that the demolition order was served through registered post and sent to the right address of appellant.
- 4. Arguments heard and record perused. Appellant is disputing the service of demolition order in the present matter. The issue of service needs to be adjudicated on merits in the present case. The appellant has raised grounds in the appeal which are required to be considered on merits. At this juncture, appellant has been able to show sufficient cause for condonation of delay. The application is allowed and delay is condoned.

Put up for arguments on application seeking stay and appeal on 10.07.2025.

Interim orders to continue till the next date of hearing.

A.No. 317/21

26.03.2025

Present:

Sh. Arun Kumar, Ld counsel for the appellant.

Sh. Mayank Gupta, Proxy counsel for the respondent.

Part arguments heard. Arguments could not be concluded as Mr. Ashutosh Gupta, Ld. counsel for respondent / MCD is unavailable being busy in some other court.

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

Reader informs that MCD record is not filed.

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

Put for the purpose already fixed on 13.08.2025.

A.No. 108/24

26.03.2025

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

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Sh. Anand Rao, Ld. counsel for intervener.

Arguments on application under Order 1 Rule 10 CPC heard.

Ld. counsel for applicant /intervener submits that they are not pressing the application in case the Tribunal grants them opportunity to assist the Ld. counsel for MCD and address the arguments in the matter.

Accordingly, the application under Order 1 Rule 10 CPC is dismissed as withdrawn. The applicant /intervener is granted permission to assist the Ld. counsel for MCD and address the arguments at the final stage.

Reply to the application seeking condonation of delay is filed by the MCD.

Ld. counsel for appellant seeks some time to peruse the same before addressing the arguments in the matter.

Put up for arguments on interim application seeking stay, condonation of delay and appeal on 24.07.2025. Interim orders to continue till the next date of hearing.

A.No. 118/20

26.03.2025

Present:

Sh. Vinit Sinha, Ld counsel for the appellant joined through VC.

Sh. V.K.Aggarwal, Ld counsel for the respondent. Filed memo of appearance.

Ld. Counsel for respondent / MCD submits that he has been engaged yesterday in the matter and needs to inspect the record before addressing arguments in the matter.

In the interest of justice, one last and final opportunity is granted to MCD to address arguments in the matter. Put for the purpose already fixed on 02.06.2025.

A.No. 102/25

26.03.2025

Present:

Sh. Junaid Alam, Ld counsel for the appellant joined through VC.

Sh. Pritiesh Sabbharwal, Ld. Counsel for the respondent joined through VC.

Ld. Counsel for respondent / MCD points out that title of this case is Md. Khursheed Alam & Others Vs MCD but inadvertently the name of GPA holder Md. Sohrab Alam is mentioned in the cause list as appellant.

Reader informs that name of appellant wrongly mentioned in the cause list inadvertently and they will correct it on the next date of hearing.

Ld. Counsel for respondent / MCD seeks some time to file status report in the matter.

Part arguments heard on application seeking stay heard.

Ld. Counsel for appellant seeks some time to take further instructions to file some additional documents before concluding his arguments.

Put up for further arguments on application seeking stay and appeal on 12.06.2025.

A.No. 281/18

26.03.2025

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

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

appeal no.281/18

Status report is filed by respondent / MCD informing that they have received the response from DDA and the matter is required to be placed before LOSC in the next meeting. Copy supplied.

Accordingly, put up for further proceedings / arguments on the point of appeal on 24.07.2025.

A.No. 51/22

26.03.2025

Present: Clerk of the counsel for the appellant.

Sh. A.L.Agnihotri, Ld counsel for the respondent

joined through VC.

An adjournment is sought on behalf of appellant as main counsel Mr. Bhupinder Singh Saini is unavailable today due to bad health.

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 06.08.2025.

A.No. 164/25

26.03.2025

Fresh appeal filed. Be checked and registered.

Present: Sh. M.P.S.Kasana, Ld. counsel for the appellant.

- Issue notice of interim application(s) as well as appeal
  to the respondent through Chief Law Officer, MCD.
  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 appellants presses the interim application seeking stay. It is submitted by Ld. Counsel for appellants that property in question was constructed by appellants after obtaining sanctioned building plan from MCD. Thereafter, MCD initiated proceedings under Section 338 of DMC Act, 1957 and on the ground of subdivision and issue of title, sanctioned building plan was revoked. He submits that appellants have already filed the appeal no.95/25 before this Tribunal impugning the order revocation of sanctioned building plan.
- He submits that the appellants are law abiding citizen and purchased the property vide registered sale deed dated 15.05.2023. Appellants have started construction after obtaining sanctioned building plan

which was applied through the registered architect. He points out that architect had furnished undertaking (placed at page 135 of the appeal) confirming that the property is part of layout plan / zonal development plan.

- 4. He submits that appellants came to know about the alleged deficiencies only after receipt of show cause notice from MCD. He submits that in order to address deficiencies pointed out by MCD, appellants have already applied for incorporation of subdivision of plot in question in the lay out plan and application is filed by them in this regard (page 152 to 157 of the appeal).
- 5. He submits that appellants have invested their life time savings in construction of property and the application seeking incorporation of subdivision of plot in lay out plan is still pending under consideration with competent authority. He submits that in case subject matter is not protected at this juncture, the present appeal as well as appeal no.95/25 will become infrutuous and appellant will suffer irreparable loss.
- In view of the aforesaid facts and circumstances, it is directed that status quo be maintained in respect of the property in question till the next date of hearing.
- 7. 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.

8. Appellant shall however not raise any unauthorized construction in the said property and shall not create any third party rights without necessary permission as prescribed by law.

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

Copy of order given dasti.

A.No. 1095/24

26.03.2025

Present:

Sh. Gurmit Singh Hans and Ms. Somya Chugh, Ld counsel for the appellant alongwith appellant in person.

Sh. Pritish Sabharwal, Ld counsel for the respondent with Sh. Shaheen Niyazi, AE(B), both joined through VC.

Status report is filed by the MCD, copy supplied.

Affidavit is filed by the appellant informing about the articles which have been removed so far.

Ld. counsel for appellant submits that due to festival of Id-ul-Fitr they are not able to arrange the labourers and request that the property be resealed and be opened again after festival of Id-ul-Fitr is over. He further submits that appellant may be required another 72 hours to remove the remaining articles / items which are still lying in the property.

Accordingly at joint request of the parties the property be resealed by the AE(B) concerned today itself. The property be temporarily desealed again on 02.04.2025 at 12.00 P.M. in terms of the order dated 20.03.2025 for a period of 72 hours. Upon removal of the articles / items by the appellant prior to the expiry of 72 hours or upon lapse of 72 hours, the MCD is directed to reseal the property. EE(B) and AE(B) shall monitor the progress during temporary desealing.

Status report in that regard be filed before the Tribunal on next date of hearing.

Appellant shall also file an affidavit in respect of the remaining items removed, on next date of hearing.

Put up on date already fixed i.e. **29.05.2025**.

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

A.No. 166/25

26.03.2025

Fresh appeal filed. Be checked and registered.

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

Issue notice of interim application(s) as well as appeal to the respondent through CLA, NDMC.

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 04.04.2025.

A.No. 568/23

26.03.2025

Present: Dr. Ashutosh, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant submits that he has instructions to withdraw the present appeal.

Separate statement of the Ld. counsel of appellant

has been recorded in this regard.

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

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

A.No. 568/23

26.03.2025

Statement of Dr. Ashutosh, Ld. counsel for appellant, Chamber No.143, Patiala House, New Delhi

At Bar.

I am the counsel for appellant in the present appeal. I have instructions to withdraw the present appeal, the same may be dismissed as withdrawn.

A.No. 167/25

26.03.2025

Fresh appeal filed. Be checked and registered.

Present:

Sh. Nasuhad, Ld. counsel for the appellant alongwith appellant No.2 in person.

The present appeal has been filed impugning the show cause notice. Ld. counsel for appellants submits that he has instructions from the appellants to withdraw the present appeal without prejudice to their rights and contentions. He submits that the appellants will take appropriate course of legal action once the proceedings under Section 343 of the DMC Act are concluded by the MCD.

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

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

Appeal file be consigned to record room.

A.No. 167/25

26.03.2025

Statement of Naushad, Ld. counsel for appellant,

Chamber No.507, Rohini Court, New Delhi

At Bar.

I am the counsel for appellants in the present appeal.

The present appeal has been filed impugning the

show cause notice. I have instructions from the

appellants to withdraw the present appeal without

prejudice to their rights and contentions. The

appellants will take appropriate course of legal action

once the proceedings under Section 343 of the DMC

Act are concluded by the MCD. The present appeal

be dismissed as withdrawn.

RO&AC

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge

P.O.: Appellate Tribunal, MCD 26.03.2025 (J) A.No. 132/19 & 164/19

26.03.2025

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

Sh. Madan Sagar, Ld. counsel for th respondent / MCD along with Sh. P.K.Jindal, AE(B).

- Status report is filed by MCD in terms of previous order. Along with status report copy of standard plan / key plan of property received from L&DO is filed. It is blurred and illegible. MCD is directed to file typed or legible copy.
- Ld. Counsel for respondent / MCD submits that in the present case MCD has passed an order in respect of front portion of tenement in respect of which the supplementary deed is yet to be executed by L&DO in their favour.
- 3. Ld. Counsel for appellant submits that the L&DO has already approved the policy for execution of supplementary deed in respect of front portion of property but the same is yet to be executed. He submits that MCD has passed the order without taking into consideration the policy decision taken by the L&DO.
- 4. In order to understand the issue in respect of execution of supplementary deed by the L&DO, it will be prudent to seek assistance from a representative of the L&DO who can guide the Tribunal in the matter.

- Accordingly, notice be issued to the L&DO with the request to depute a representative to assist the Tribunal in the matter on the next date of hearing.
- 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 08.08.2025.

Interim orders to continue till the next date of hearing.

26.03.2025

Present: Sh. R.P.Tyagi, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

- 1. Affidavit of Sh. Lakshay Seth is filed by appellant along with site plan showing the area which have been removed by appellant in terms of undertaking dated 05.12.2024. It is clear from the affidavit that appellant has not removed complete area as shown in the red colour in site plan exhibit as P-1.
- Status report is filed by MCD on 18.11.2024 is also listed today for consideration. Ld. Counsel for respondent / MCD submits that in respect of illegal conduct of the appellant and his associates they had already filed a complaint dated 08.11.2024 to SHO, PS Bharat Nagar, New Delhi but no action is taken by police so far.
- Notice be issued to SHO, PS Bharat Nagar, New Delhi to appear in person to apprise the status in respect of aforesaid complaint made by MCD.
- 4. Ld. Counsel for appellant submits that he is recently engaged and needs some time to inspect the record before addressing arguments in the matter.

Contd...

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

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

Put up for further arguments on pending interim applications and appeal on 17.04.2025.

Copy of order be sent to SHO, PS Bharat Nagar, New Delhi.

## A.No. 395/23, 401/23 & 402/23

26.03.2025

Present:

Sh. D.M. Bhalla appellant No.1 in person. In appeal No.395/23.

Sh. D.M. Bhalla proxy counsel for appellant with Sh. Dinesh Vohra, husband of the appellant in appeal No.401/23.

Sh. Ajit Jha, Ld. counsel for appellant in appeal No.402/23.

Sh. Anupam Sharma, Ld counsel for the respondent joined through VC with Sh. Ritesh Kumar Goyal, JLO DDA present in the court.

Notice issued to SDM, Alipur received back served. No report has been filed.

Fresh notice be issued to SDM, Alipur (through Secretary, Department of Revenue, GNCTD) with directions to file status report in terms of the order dated 24.01.2025.

Copy of the present order as well as order dated 24.01.2025 be annexed with the notice to avoid any confusion in the matter.

Put up for further arguments on the point of appeal on 29.07.2025.

Interim orders to continue till the next date of hearing.

A.No. 11/22 & 387/21

26.03.2025

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

Sh. Mayank Gupta, Proxy counsel for the respondent.

Part arguments heard. Arguments could not be concluded as Mr. Ashutosh Gupta is unavailable being busy in some other court.

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

Ld. Counsel for appellant also seeks some time to consult with other owners of the property and to take a decision for regularization of whole structure.

Put up for further arguments on pending interim applications and on the point of appeal on 06.08.2025.

A.No. 113/24 (M)

26.03.2025

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

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

respondent / MCD.

An application under Section 5 of Limitation Act is moved on behalf of appellant in support of application seeking restoration of appeal. Copy supplied.

Put up for arguments on application seeking restoration and on application seeking condonation of delay on 29.05.2025.

A.No. 377/19 & 376/19

26.03.2025

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

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

Part arguments heard. Ld. counsel for MCD submits that he needs some more time to inspect the record

before addressing the arguments in the matter.

Put up for purpose fixed on 08.08.2025.

Interim orders to continue till the next date of hearing.

A.No. 527/16 & 531/16

26.03.2025

Present: Sh. Rajesh Baweja, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent

along with Sh. Muzaffar Naim, AE(B)...

An application under Section VII Rule 14 CPC is moved by appellant to take on record additional documents / evidence they are relying upon in support of their appeal. Copy supplied.

It is informed that Mr. Ashutosh Gupta, Ld. counsel for respondent / MCD is unavailable today due to some personal exigency and some time is sought to file reply to the application.

Put up for reply and arguments on aforesaid application, pending interim application as well as appeal on 07.07.2025.

Interim orders to continue till the next date of hearing.

A.No. 672/23 & 673/23

26.03.2025

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

Proxy counsel for the respondent.

An adjournment is sought on behalf of the respondent as main counsel Sh. Chetan Hasija is un-available today being busy before the Saket Court.

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 08.08.2025.

Interim orders to continue till the next date of hearing.

A.No. 733/24 & 734/24 26.03.2025

Present: Sh. Arush Kapoor, Ld counsel for the appellant

alongwith appellant No.2.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments heard. It is already lunch time.

Put up for further arguments in post lunch session.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
26.03.2025

2.30 PM

Present:

Sh. Arush Kapoor, Ld counsel for the appellant alongwith appellants.

Sh. Pulkit Garg proxy counsel for Sh. Ashutosh Gupta,

Ld counsel for the respondent.

Arguments could not be concluded today as Mr. Ashutosh Gupta, Ld. counsel for MCD is unavailable today due to some personal exigencies.

Appellants informed that they are in process of regularization of the property.

Accordingly, put up for further arguments on interim application seeking stay as well as appeal on 08.08.2025.

Interim orders to continue till the next date of hearing.

A.No. 100/17

26.03.2025

Present:

Sh. Dalip Rastogi, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Proxy counsel for Sh. H.R.Aggarwal, Ld. counsel for the respondent in

appeal no.100/17.

Parcha is filed by the Registry informing that the file is not traceable today. Registry is directed to trace the file and placed before the Tribunal along with connected appeal bearing no.281/18 on the next date of hearing.

Put for the purpose already fixed on 24.07.2025.

A.No. 705/17

26.03.2025

Present:

Sh. Vimal Dhingra, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ms. Anisha Grover, Ld. counsel for intervener alongwith Ms Kavita Grover, intervener joined through VC.

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Ld. counsel for the appellant submits that he is not feeling well today and seeks some time to address further arguments in 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 **06.08.2025**.

Interim orders to continue till the next date of hearing.