

A.No. 06/20, 07/20, 08/20, 09/20, 10/20, 519/19, 520/19, 521/19,
522/19 & 523/19

27.03.2025

Present : Sh. Vishesh Issar, Ld counsel for the appellant.
Sh. Pritish Sabharwal, Ld counsel for the respondent
in appeal Nos. 06/20, 07/20, 08/20, 09/20 & 10/20.
Sh. R.B. Sharma, Ld. counsel for respondent in
appeal Nos. 519/19, 520/19, 521/19, 522/19 & 523/19
joined through VC with Mr. Atul Goswami, Advocate
present in the Tribunal.

1. Part arguments on the point of appeal heard.
2. In present case there are allegations of construction of property in violation of the sanctioned building plan. In the impugned order MCD has given the measurements of the covered area which were approved in the sanctioned building plan. Thereafter MCD filed a report dated 24.04.2024 giving status of the covered area in the property at various floors. Appellants are claiming that the alleged excess covered area is old and protected under the National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.
3. In order to appreciate arguments and to unearth the complete facts, it is necessary that a joint inspection of the property in question be conducted to ascertain the covered area on all floors.

4. Accordingly, MCD is directed to conduct a joint inspection of the property in question on 08.04.2025 at 12.00 PM. Appellant is directed to be present at the spot and tender all necessary assistance to the MCD officials in carrying the inspection of the property in question. MCD is directed to file status report highlighting the following points:
 - (a) MCD shall highlight in a comparative table the covered area which was sanctioned as per the sanctioned building plan on each of the floor and the covered area which exists at the spot on all floors.
 - (b) MCD shall highlight / give a comparative of the structure which exists in the property in conformity with the sanctioned building plan on all the floors and shall highlight in red colour the structure which is not in conformity with the sanctioned building plan
 - (c) MCD shall also highlight in their report the non-compoundable deviations which exists in the property in question and shall also highlight any other remarks which will be necessary for adjudication of the present matter.
 - (d) MCD shall also highlight in tabular manner showing the covered area in respect of all the floors of the property in question which has been declared in the property tax return filed by the respective owners of the property prior to

the cut off date as prescribed in National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act and after cut off date also.

The Dy. Commissioner concerned is directed to monitor the exercise and status report be forwarded to this Tribunal under his signature.

Put up for further proceedings on the point of appeal on **31.07.2025**.

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

Copy of order be given dasti to both the parties and sent to AE(B) and Deputy Commissioner for compliance.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 105/23

27.03.2025

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

Some clarifications are required from the Ld. counsel
for appellant in respect of civil suit, copy of which has
been placed on record.

Put up for further arguments on clarification on
28.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 106/23 & 107/23

27.03.2025

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

Some clarifications are required in respect of the application under Rule 6 and 14 DMC Appellate Tribunal (Procedure) Rules, 1986 and additional documents relied upon by the appellant.

Put up for further arguments on the point of clarification on 28.03.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 653/24, 654/24, 163/24, 164/24, 165/24

27.03.2025

Present : Sh. V.K. Mantoo, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Mr. Ayush Gupta, Ld. counsel for intervener in connected appeal No.655/24 submits that in view of the report of structural engineer the intervener Mr. Sanjay Goel has reservation in going ahead with regularization application and requests that the appeal be heard on merits.

Accordingly the matter be listed for arguments on pending interim applications as well as on the point of appeal on 08.08.2025.

Interim orders to continue till the next date of hearing.
163/24, 164/24 & 165/24.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 700/17

27.03.2025

Present: Ms. Neeru Nagpal and Arvind Kumar Nagpal , Ld
counsel for the appellant.
Sh. Mithlesh Singh, Ld counsel for the respondent.

Return submissions are filed by Ld. counsel of MCD.
Copy supplied.

Argument on the point of appeal are heard at length from
Ld. counsel both the parties.

Put up for order on 04.04.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025

A.No. 415/20, 416/20 & 417/20

27.03.2025

Present : Sh. Rajat Manchanda, Ld counsel for the appellant.
Sh. Ajay Gaur, Ld counsel for the respondent in appeal No.415/16 and 416/20.
Sh. Zia Lal, Nodal Officer, MCD for Sh. H.R. Aggarwal, Ld. counsel for MCD in appeal No.417/20.

Part arguments heard.

It is already lunch time. Ld. counsel for appellant submits that he is not feeling well today and not in a position to address the arguments in post lunch session. It is informed that in connected appeal Mr. H.R. Aggarwal is representing the MCD and he is also not available today due to bad health.

In the circumstances, the hearing in the matter be rescheduled for purpose already fixed on **26.05.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 286/21, 287/21, 284/21 & 285/21

27.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent
alongwith Sh. Sanjeev Kaushik, AE(B).

It is already lunch time. Ld. counsel for appellant
submits that he is not feeling well today.

Ld. counsel for MCD submits that the then AE(B) Mr.
Arun Kumar is also not available today being busy in a
meeting with Worthy Commissioner, MCD.

At joint request of both the parties the hearing be
rescheduled in the matter for 11.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 169/25

27.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Vineet Kumar Singh, Ld. counsel for the appellant
joined through VC.

Ld. counsel for appellant submits that they have already applied for regularization. He seeks some time to file an affidavit informing about the area/FAR which falls within the compoundable limits and the area which is non-compoundable. He assures that they will file the measurement after getting the same verified from MCD empanelled registered Architect.

At request put up for consideration on 02.04.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 615/19 & 614/19

27.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent
in appeal No.615/19.
Ms. Manjusha Jha, Ld. counsel for respondent in
appeal No.614/19.

It is already lunch time. Ld. counsel for appellant
submits that he is not feeling well today and request
for adjournment in the matter. Ld. counsel for
respondent opposes the request.

Put up for purpose already fixed on 06.06.2025.

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

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 802/24, 805/24, 806/24 & 807/24

27.03.2025

Present : Sh. Ayush Gupta, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent
along with Sh. Sanjay Kumar Soni, AE(B).

Part arguments heard.

Ld. counsel for MCD who is appearing in appeal No.799/24 submits that MCD has passed four demolition orders in respect of property in question. The details of the demolition orders are re-produced below:

S.No.	File No.	Date of demolition order
1.	95/UC/B-II/SZ/18	23.02.2018
2.	196/UC/B-II/SZ/19	30.05.2019
3.	150/UC/B-II/SZ/19	02.05.2019
4.	59/UC/B-II/SZ/18	15.02.2022

Ld. counsel for MCD clarifies that though Khasra Number stated by the appellant in the appeal i.e. 478/396/87/1 is not mentioned in the demolition order but he has taken instructions from the MCD that the demolition order pertains to the property of the appellants also.

In view of the clarifications given by the Ld. counsel for MCD, 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 **27.05.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 799/24

27.03.2025

Present : Sh. Ayush Gupta, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent
along with Sh. Sanjay Kumar Soni, AE(B).

Part arguments heard.

Ld. counsel for MCD submits that MCD has passed four demolition orders in respect of property in question. The details of the demolition orders are reproduced below:

S.No.	File No.	Date of demolition order
1.	95/UC/B-II/SZ/18	23.02.2018
2.	196/UC/B-II/SZ/19	30.05.2019
3.	150/UC/B-II/SZ/19	02.05.2019
4.	59/UC/B-II/SZ/18	15.02.2022

Upon receiving the clarification from the Ld. counsel for MCD the notices have been issued in other appeals bearing Nos.802/24, 805/24, 806/24 and 807/24 to MCD to file their reply.

All the appeals pertains to the same property wherein the said bookings of the property was done by the MCD vide aforesaid files. In these circumstances, it will be prudent to hear the arguments in all the matter collectively.

Accordingly, the present matter be also listed for arguments on the point of pending interim applications and appeal on **27.05.2025**.

In view of the aforesaid circumstances, undertaking given by the MCD shall continue till next date of hearing.

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

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
27.03.2025 (J)

A.No. 165/25

27.03.2025

Fresh appeal filed. Be checked and registered

Present : Sh. Manoj Kumar, 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
27.03.2025

A.No. 08/25 (M)

27.03.2025

File taken up today on an application seeking restoration of appeal

Present : Sh. Vasu Dev, Ld counsel for the appellant.

Notice of the application be issued to the respondent MCD for 13.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 681/24 & 682/24

27.03.2025

Present : Sh. Om Prakash, Rajeev R. Pathak, Ld counsel for the
appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

Status report filed by the MCD informing that
regularization application moved by the appellant is
rejected.

Ld. counsel for appellant seeks some time to inspect
the record before addressing argument in the matter.

Put up for further arguments on pending interim
applications and appeal on **08.08.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025

A.No. 356/17 & 448/17

27.03.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.
in appeal no. 615/19
Ms. Manjusha Jha, Ld. counsel for the respondent in
appeal no. 614/19

It is already lunch time. Ld counsel for appellant submits
that he is not feeling well today.

Put up for purpose already fixed on 11.08.2025.
Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025

A.No. 655/24

27.03.2025

Present : Sh. V.K. Mantoo, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.
Sh. Ayush Gupta, Ld. counsel for intervener.

An application is moved by the intervener Mr. Sanjay Goel to place on record inspection report dated 17.10.2024, copy supplied to the appellant and MCD.

Mr. Ayush Gupta, Ld. counsel for intervener submits that in view of the report of structural engineer the intervener Mr. Sanjay Goel has reservation in going ahead with regularization application and request that the appeal be heard on merits.

Accordingly matter be listed for arguments on pending interim applications as well as appeal on 08.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 440/23 & 441/23

27.03.2025

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

It is already lunch time. Ld. counsel for appellant
submits that he is not feeling well today.

Put up for purpose already fixed on 11.08.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 114/23

27.03.2025

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

Sh. Pritish Sabharwal, Ld counsel for the respondent joined through VC with Mr. Sanjeet Kumar, Advocate present in the Tribunal.

Part arguments on the point of appeal heard.

In the appeal, appellant is relying upon the judgment passed by the Civil Court in CS no.254956/16.

To understand the whole scenario it will be relevant to look into the pleadings in the said civil suit i.e. plaint and the written statement.

Appellant is directed to file copy of the same on record on or before the next date of hearing and supply copy to the Ld. counsel for MCD.

Put up for further arguments on pending interim applications and appeal on 08.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 113/25

27.03.2025

Present : Sh. Mayur Vashisht, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An application for placing on record the photographs of the construction is moved by the appellant, copy supplied.

An adjournment is sought on behalf of the appellant as main counsel Sh. Vipin Saini is un-available today being busy before the Hon'ble High Court of Delhi.

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 22.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025

A.No. 342/23

27.03.2025

Present : Sh. Kapil Yadav, Ld counsel for the appellant
alongwith appellant No.2.

Sh. Sanjay Sethi, Ld counsel for the respondent joined
through VC.

Ld. counsel for MCD submits that the AE(B)
concerned is on leave today and therefore, not in a
position to appear and request for short adjournment.

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

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 863/17

27.03.2025

Present : Sh. Amit Sharma and Kumar Sambhv, Ld counsel for
the appellant.
Ms. Vasu Singh, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as
main counsel Sh. Rajeev Singh Chauhan is un-
available today due to bad health.

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 08.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 145/25

27.03.2025

Present : Sh. Jitender Bhardwaj, Ld counsel for the appellant joined through VC with Ms. Apoorva Singh, Ld. counsel present in the Tribunal.

Ld. counsel for appellant submits that there are some technical defects in the appeal which the appellant has filed. She submits that she has instructions to withdraw the present appeal so that the appellant can file a fresh case.

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.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 145/25

27.03.2025

Statement of Ms. Apoorva Singh Ld. counsel for
appellant

At Bar.

I am the counsel for appellant in the present appeal.
There are some technical defects in the appeal which
the appellant has filed. I have instructions to withdraw
the present appeal so that the appellant can file a
fresh case. I seek permission to withdraw the present
appeal.

RO&AC

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 620/23 & 31/19

27.03.2025

Present : Sh. Man Mohan Goel, Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent
along with Mr. R. R. Meena, AE (B).

Part arguments on the point of appeal heard from Ld.
Counsels for both the parties at length.

Mr. R. R. Meena AE submits that he has recently
joined this Department and needs to study the record
before assisting the Tribunal in this matter.

Mr. Meena, AE assures that on the next of hearing an
officer who is well versed with the facts of this case
will appear in person for assisting the Tribunal.

Put up for further arguments on the point of appeal on
11.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (s)

A.No. 160/25

27.03.2025

Present : Sh. Govind Vashisht, Ld counsel for the appellant.
Sh. Anupam Sharma, Ld counsel for the respondent
joined through VC.

Ld. counsel for the respondent submits that he needs to take instructions from the department before addressing further arguments in the matter.

Ld. counsel for the appellant submits that protection be granted till next date of hearing.

Ld. counsel for respondent opposes the said request. He submits that the interim application be decided on merits. However, on instructions from the department he assures that the respondent will not carry out any coercive action against the property in question till next date of hearing.

Put up for further arguments on interim application seeking stay and appeal on 14.04.2025.

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

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 542/17 & 543/17

27.03.2025

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

Part arguments heard.

Ld. counsel for NDMC submits that due to financial year closing he is overburdened with the matters listed before the Hon'ble High Court of Delhi and therefore, could not appear in the morning session.

Arguments could not be concluded today as appeal No.700/17 is already scheduled for arguments at 2.30 p.m. today.

Accordingly re-list for further arguments on pending interim applications as well as appeal on 21.07.2025.
Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 118/21

27.03.2025

Present : Appellant with counsel Mr. Kamal Upadhyay.
Sh. K.K. Arora, Ld counsel for the respondent.
Sh. Anuj Garg, Ld. counsel for intervener.

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

Copy of this order be sent to Dy. Commissioner concerned and AE(B) concerned for their information.

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
27.03.2025 (J)

A.No. 133/25

27.03.2025

File taken up today on an application under Section 151 CPC seeking early hearing moved by the MCD with application under Order XXXIX Rule 4 read with Section 151 CPC seeking vacation of ex-parte status quo granted by this Tribunal vide order dated 07.03.2025.

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

In view of the exigencies cited in the application, notice of the applications be issued to the appellant for 04.04.2025. Copy of the notice be also given dasti to Ld. counsel for MCD to serve the appellant.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)

A.No. 170/25

27.03.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Abhay Gahlot , 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. At this stage, Ld. counsel for the appellant presses for interim application seeking stay. He submits that appellant is a senior citizen and residing in the property in question. He submits that the impugned demolition order was not served upon the appellant and they came to know about the same when MCD filed status report in the Civil Suit bearing no. CS/SCJ/075/23 dated 26.03.2024. He submits that copy of show cause notice which they have received mentions deviations against the sanctioned building plan but deviations have not been specified. He submits that appellant had already applied for regularization with the MCD. He submits that in the status report filed before the Ld. Civil Court, the MCD informed that the demolition action is scheduled for 02.04.2025 and in case any coercive action is taken against the property in question the present appeal as

well as the regularization application will become infructuous.

4. Accordingly, in view of the exigencies cited by Ld. counsel for the appellant and in view of the overall facts and circumstances of this case, it is directed that 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 Tribunal 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 further arguments on pending interim applications as well as appeal on 28.05.2025.

Copy of this order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (s)

A.No. 913/24

27.03.2025

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

Mr. Ayush Gupta, Ld. counsel for appellant submits that in view of the report of structural engineer (filed in connected appeal No.655/24) the intervener Mr. Sanjay Goel has reservation in going ahead with regularization application and request that the appeal be heard on merits.

Accordingly matter be listed for arguments on pending interim applications as well as appeal on 08.08.2025.
Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
27.03.2025 (J)