

A.No. 484/24

06.05.2025

Present : Sh. Ashwani Jha and Sh. Gaurav Adhikari, Ld counsel
for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

1. An application is moved by the appellant to place on record additional documents, copy supplied to MCD. In present case MCD has passed the sealing order against the property bearing Khasra No.564, F-Block adjacent to Khazani Women Polytechnique, Devli Road, Khanpur Extension, Delhi.
2. Ld. counsel for appellant submits that the actual property number which is sealed by the MCD in the present case is Khasra No.562 F-Block adjacent to Khazani Women Polytechnique, Devli Road, Khanpur Extension, Delhi. He request that joint inspection of the property be ordered to clarify this issue.
3. Ld. counsel for MCD does not oppose the request.
4. Accordingly joint inspection of the property be conducted on 09.05.2025 at 2.00 p.m. MCD shall file a status report clarifying the issue regarding the property number and identity of the property. 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. Photograph of property be also taken.
Put up for filing status report by MCD and arguments on the point of pending interim application and appeal on **06.08.2025**.

Copy of order be given dasti to both the parties.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (J)

A.No. 16/22

06.05.2025

Present : Sh. Dushyan Tyagi proxy counsel for the appellant.
Sh. Anupam Sharma, Ld counsel for the respondent
DDA joined through VC.

Ld. counsel for DDA informs that no application for regularization is moved by the appellant so far.

An adjournment is sought on behalf of the appellant as main counsel Sh. Jagdeep Sharma 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 **06.10.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (J)

A.No. 73/24 & 74/25

06.05.2025

Present : Sh. Surjeet Singh, Proxy counsel for the appellant.
Sh. Ranjit Pandey, Ld counsel for the respondent
joined through VC.

An adjournment is sought on behalf of the appellant as
main counsel Ms. Sunila Choudhary is un-available
today due to medical exigencies.

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 06.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (V)

A.No. 185/25, 186/25 & 187/25

06.05.2025

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

Ld counsel for the appellant seeks sometime to inspect the record before addressing the arguments.

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

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (V)

A.No. 253/24, 254/24, 176/24 & 133/24

06.05.2025

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

It is informed by Ld. counsel for appellant that the matter before the Hon'ble High Court of Delhi is coming on 10.07.2025.

Ld counsel for the MCD seeks sometime to take further instructions in the matter.

Put up for further proceedings on 15.09.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (V)

A.No. 87/24(M)

06.05.2025

Present : Sh.Dalip Rastogi , Ld counsel for the applicant /
appellant.
Sh.Mohit Sharma, Ld counsel for the respondent.

Reply to the application under Section 151 is filed by
respondent / MCD. Copy supplied.

Reply to the application under Section 5 seeking
condonation of delay is filed by respondent / MCD.
Copy supplied.

Part arguments heard.

Ld. counsel for applicant seeks some time to take
further instructions before concluding arguments in the
matter.

Put up for arguments on application seeking
condonation of delay as well as application seeking
restoration of appeal on 14.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 R

A.No. 747/23

06.05.2025

Present : Sh. Rahul Tyagi, Ld counsel for the appellant.
Sh. Sandeep Kumar, Ld counsel for the respondent
along with Sh, Dushyant, JE(B).

Written submission is filed on behalf of appellant.
Copy supplied.

Ld counsel for the appellant submits that the property
in question is ancestral property. Mr. Dewan Chand
Yadav and Mr. Lakhan Yadav do not have any stake
or interest in the property in question.

He seeks some time to file affidavit in this regard.

Put up for further arguments on pending interim
application and appeal on 10.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (V)

A.No. 1072/24

06.05.2025

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

No one is present on behalf of the appellant in Tribunal and in VC despite various calls since morning.

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

Put up for the purpose fixed on **06.10.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (s)

12.30 PM

At this stage appellant Mr. Samrat Chhaparia appeared. He is apprised about the order passed today.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (s)

A.No. 372/24

06.05.2025

Present : None for the appellant.
Sh. Om Prakash Singh, Ld counsel for the respondent.

No one is present on behalf of the appellant in Tribunal and in VC despite various calls since morning.

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

Put up for purpose fixed on 06.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (V)

A.No. 13/25 (M)

06.05.2025

File is taken today on an application moved by the respondent No. 4 under Section 152 CPC read with Section 151 CPC.

Present : Sh. Rajat Aneja, Ld counsel for the appellant.

Notice of the application be issued to all the non-applicants including the appellant for 04.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (V)

A.No. 287/25

06.05.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Mandeep Singh, Ld. counsel for the appellant.

Ld. counsel for appellant submits that he has instructions to withdraw the present appeal as the same has been filed against the show cause notice.

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
06.05.2025

A.No. 287/25

06.05.2025

Statement of Sh. Mandeep Singh, Ld. counsel for
appellant

At Bar.

I am the counsel for appellant in the present appeal. I
have instructions to withdraw the present appeal as
the same has been filed against the show cause
notice. I seek permission to withdraw this appeal.

RO&AC

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025

A.No. 288/25

06.05.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. S.M. Pandey, Ld. counsel for the appellant
alongwith appellant in person.

Appellant submits she may be permitted to withdraw
the present appeal as the same is not maintainable
before this Tribunal at this stage.

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.

Appeal file be consigned to record room.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (J)

A.No. 288/25

06.05.2025

Statement of Ms. Shobha Agnihotri D/o Late J.S.
Agnihotri, appellant R/o J4/21A, Ground Floor, DDA
Flats, Kalkaji, New Delhi-110019.

On SA

I may be permitted to withdraw the present appeal as
the same is not maintainable before this Tribunal at
this stage.

RO&AC

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025

A.No. 279/20, 280/20 & 281/20

06.05.2025

Present : Sh.Dalip Rastogi , Ld counsel for the appellant.
Sh.Ashutosh Gupta, Ld counsel for the respondent.
Sh. Pujya Kumar Singh, Ld. counsel for intervener.

Part arguments heard.

Ld. counsel for applicant seeks some time to take further instructions before concluding arguments in the matter.

Put for the purpose already fixed on 14.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 R

A.No. 371/19

06.05.2025

Present : Sh. Bharat Bhatia, Ld counsel for the appellant joined through VC.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

Ld. counsel for appellant seeks some time to deposit the cost imposed vide order dated 23.09.2024. Same be deposited on or before the next date of hearing.

He also seeks some time to take instructions for addressing arguments in the present matter.

Put up for purpose already fixed on **06.10.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (J)

A.No. 146/24

06.05.2025

Present : Sh. Pujay Kumar Singh , Ld counsel for the appellant.
Sh. Sandeep Kumar, Ld counsel for the respondent.

Ld. Counsel for respondent / MCD submits that in order dated 14.01.2025 it is recorded that MCD is required to file reply to the application seeking condonation of delay. He submits that no application seeking condonation of delay is moved by appellant.

Ld. counsel for appellant confirms the same and clarification is taken on record.

Put up for the purpose already fixed along with other connected cases on 14.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 R

A.No. 710/24

06.05.2025

Present : Sh. Durga Prasad Shukla, Ld counsel for the appellant. Fresh Vakalatnama filed.
Ms. Renu Soni, Nodal Officer on behalf of MCD.
Sh. Prateek Jain, Ld. counsel for intervener Sh. Jagat Singh. Fresh Vakalatnama filed.

Ld. counsel for appellant submits that he is recently engaged and seeks some time to inspect the record.

Put up for purpose already fixed on **12.08.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (J)

A.No. 169/25

06.05.2025

Present : Sh. Basant Lal and Sh. Akash Gupta, Proxy counsel
for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Affidavit filed by the appellant along with area chart
prepared by the Architect,

It is submitted that Ld counsel for the appellant is
unavailable today due to personal exigencies.

Put up for consideration on 27.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (V)

A.No. 321/24

06.05.2025

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

No one is present on behalf of the appellant in Tribunal and in VC despite various calls since morning.

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

Put up for purpose fixed on 06.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (J)

A.No. 232/25

06.05.2025

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

Status report filed by the MCD. Copy supplied to the appellant.

Ld counsel for the MCD seeks sometime to take further instructions from the department before concluding the arguments.

Put up for further arguments on appeal on 29.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (V)

A.No. 585/12

06.05.2025

Present : Sh. Shashank Khurana, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent no.
1,2 & 3.
Sh. A.K. Tripathi & Sh. Mohit Sharma for the
respondent no. 4 & 5.

Ld counsel for the appellant submits that they are in
process of moving appropriate application before the
concerned Court in respect of the FSL examination.
Accordingly, put up for purpose already fixed on
06.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (V)

A.No.239/24, 240/24, 241/24, 242/24, 243/24 & 244/24

06.05.2025

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

It is informed by Ld. counsel for appellant that the matter before the Hon'ble High Court of Delhi is coming on 10.07.2025.

Ld counsel for the MCD seeks sometime to take further instructions in the matter.

Put up for further proceedings on 15.09.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (V)

A.No.158/24

06.05.2025

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

It is informed by Ld. counsel for appellant that the matter before the Hon'ble High Court of Delhi is coming on 10.07.2025.

Ld counsel for the MCD seeks sometime to take further instructions in the matter.

Put up for further proceedings on 15.09.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (V)

A.No. 539/23

06.05.2025

Present : Sh. M.S. Khan, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent
along with Sh. Vijay Meena, AE(B).
Sh. A.K. Sharma, Ld counsel for the intervener.

Reply to the application under Rule 14 & 17 of DMC
Act, 1957 filed by the appellant. Copy supplied.

An application under Section 151 CPC is moved on
behalf of the appellant for issuance of directions to the
respondent. Copy supplied.

Arguments on application under Section 5 of the
Limitation Act heard from Ld counsel from all the
parties.

Put up for order today at 04.00 PM.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (J)

4.00 P.M.

Vide separate order, the application under Section 5 of
the Limitation Act is allowed.

In compliance of directions given by Hon'ble High
Court of Delhi in W.P.(C) 3749/2025 dated 26.03.2025
for expedite disposal, matter be listed for arguments
on pending interim applications and appeal on
30.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (J)

A.No. 1071/24

06.05.2025

Present : Sh. Vinod Kumar Khanna, Ld counsel for the appellant.

Sh. Ashutosh Gupta , Ld counsel for the respondent.

Ld. counsel for the appellant submits that due to some confusion at the end of the appellant they could not participate in the joint inspection. He tenders an unconditional apology in the matter and requests that a joint inspection be re-scheduled in terms of previous order dated 07.02.2025.

In terms of the unconditional apology tendered by the appellant, Ld. counsel for the MCD does not oppose the request.

Accordingly, at joint request of the parties, joint inspection of the property in question be re-scheduled for **09.05.2025 at 2.00 p.m** in terms of order dated 07.02.2025.

Put up for filing status report by the MCD and further arguments on the point of pending interim application as well as on the point of appeal on **08.07.2025**.

Interim orders to continue till the next date of hearing.

Copy of order be given dasti to both the parties.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (s)

A.No. 684/24

06.05.2025

Present : Sh. Vinod Kumar Mantoo, Ld counsel for the appellant.

Sh. Chetan Hasija , Ld counsel for the respondent.

1. Status report is filed by the MCD in terms of order dated 10.03.2025. Copy supplied.
2. Reply is filed on behalf of the appellants to the application under Order I Rule 10 CPC. Copy supplied.
3. Objection against the status report dated 21.01.2025 is filed by the appellants. Copy supplied.
4. Vide order dated 22.11.2024, this Tribunal directed the MCD to clarify about the inspection dated 17.05.2024 done by the then JE (B) and the photographs of the property taken during the said inspection.
5. Pursuant to the said order, MCD filed status report dated 10.03.2025. The Tribunal was not satisfied from the report and further directed the MCD to file a fresh report.
6. Fresh report dated 06.05.2025 is filed today. Once again this report does not clarify whether any inspection report dated 17.05.2024 was prepared by MCD and if so, why it is not available on record.
7. Along with the report, photographs of the property are filed. It is not clarified in the report that on which date these photographs have been taken.
8. On the said photographs, the date is hand written as 17.05.2024. It is not explained in case these

photographs were taken on 17.05.2024, then why they were not part of record submitted before this Tribunal.

9. It is clear that MCD officials are submitting evasive and ambiguous report in respect of inspection report dated 17.05.2024.

10. Accordingly, the Deputy Commissioner concerned is directed to file a status report apprising the Tribunal about the inspection report dated 17.05.2024 as well as the photographs taken during the said inspection. The report shall categorically inform whether any inspection report was prepared by MCD, who were the officers who carried out inspection and who are the persons who joined the inspection. The report shall clarify as to why the photographs relied upon by the MCD in the report filed today were not part of MCD record which was submitted in the Tribunal. The Deputy Commissioner concerned shall also appear through VC on the next date of hearing.

11. Copy of this order be sent to the Deputy Commissioner concerned for information and necessary compliance.

Put up for filing of status report by MCD and for further arguments on the application under Order I Rule 10 CPC as well as on the point of appeal on **06.08.2025**.
Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (s)

A.No. 283/25

06.05.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Shiv Shankar Parashar, 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
06.05.2025 (V)

A.No. 289/25

06.05.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Pankaj Gupta, Ld. counsel for the appellant along with Sh. Jitender Sharma, Advocate.

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
06.05.2025 (V)

A.No. 140/25

06.05.2025

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

Present : Sh. Umesh Kumar Chhobey, Ld counsel for the appellant.

It is submitted that MCD is likely to take coercive action against the property in question and in case interim application seeking stay is not heard on merits the appellant will suffer irreparable loss and appeal will become infructuous.

Notice of the application be issued to the respondent MCD for 04.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (V)

A.No. 657/24

06.05.2025

Present : Sh. Deepak Vashisht, Ld counsel for the appellant.
Sh. Sandeep Kumar, Ld counsel for the respondent.

Ld. counsel for the MCD submits that due to death of his relative he could not prepare the reply to application under Order VI Rule 17 CPC. He assures that MCD will file the reply within two weeks from today. Advance copy of the same be supplied to the appellant.

Put up for reply and arguments on application under Order VI Rule 17 CPC on **18.07.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (s)

A.No. 209/18 & 210/18

06.05.2025

Present : Ms. Ashu Arora, Ld counsel for the appellant joined through VC with appellant present in the Court.
Sh. R.K. Kashyap, Ld counsel for the respondent in appeal No.209/18.
Sh. V.K. Aggarwal, Ld. counsel for respondent in appeal No.210/18.

1. Ld. counsel for appellant informs that a notice dated 16.04.2025 has been issued by the MCD directing them to make certain compliance as enumerated therein. She submits that appellant is in process of making those compliances and will inform about it to MCD.
2. Status report is filed by the MCD informing that the hearing in the regularization application is continuing and the next date is fixed for 24.05.2025.
3. Ld. counsel for appellant submits that they will require some more time to arrange documents and make necessary compliances by submitting necessary documents before the L&DO. She submits that they will appear before the MCD on 24.05.2025 and they will seek some more time for carrying out compliances.
4. Ld. counsel for MCD assures that they will tender necessary cooperation and accommodate the appellant by providing sufficient time to submit documents and make necessary compliances.

Accordingly, put up for further proceedings on
30.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
06.05.2025 (J)

IN THE COURT OF SH. ABHILASH MALHOTRA :
ADDL. DISTRICT & SESSIONS JUDGE-CUM-PRESIDING OFFICER,
APPELLATE TRIBUNAL, M.C.D., DELHI.

APPEAL NO. 539/ATMCD/2023

Vinod Kumar VS MCD

ORDER ON APPLICATION UNDER SECTION 5 OF THE
LIMITATION ACT.

- 1 This order will decide application under Section 5 of the Limitation Act read with Section 347-B of the DMC Act moved by the appellant seeking condonation of delay in filing the appeal.
- 2 It is submitted by Ld. counsel for the appellant that they are impugning the demolition order dated 07.01.2020 and the appeal was filed on 17.08.2023. He submits that the impugned demolition order was never served upon the appellant. Appellant came to know about the demolition order through vacation notice dated 11.08.2023 which was received by him on 14.08.2023. Thereafter the appellant pursued his remedy and filed the appeal. He submits that MCD record do not have any service report of the demolition order. He submits that MCD is claiming to have served the demolition order by way of affixation but no photographs of affixation proceedings are on record and the AE(B) concerned has given a statement on 15.04.2025 that the photographs are not available.
- 3 On the other hand, Ld. counsel for MCD as well as intervener have opposed the application. It is submitted by Ld. counsel for the MCD that in the civil suit MCD has filed its written statement on

28.01.2020 wherein they have categorically mentioned about the passing of the impugned demolition order dated 07.01.2020. He submits that appellant was aware about the demolition proceedings and participated by submitting a reply also. He submits that appeal is time barred and the application be rejected.

- 4 I have heard the arguments and perused the record. Appellant has not disputed the service of show cause notice dated 26.12.2019 and also admitted the reply dated 13.01.2026. submitted by him. It is the case of the appellant that the demolition order was never communicated to him and he came to know about the same only when vacation notice was served in the year 2023.
- 5 On the other hand Ld. counsel for MCD as well as intervener has argued that appellant become aware about the demolition order through the averments made in the written statement in the year 2020. Though the written statement filed by the MCD in the year 2020 records the averments in respect of demolition order but the MCD record does not contain any document to show proof of service. Averments made in the written statement cannot be taken as substitute for service of demolition order which is an essential condition to conclude the proceedings. It is upon service of the demolition order a person has option either comply the same or file an appeal. Mr. Vijay Meena, AE(B) on 15.04.2025 had given a statement that no

photographs of affixation proceedings are available with MCD. The only mode of service is through affixation but photographs are not available on record.

- 6 In these circumstances, the service of demolition order cannot be said free from doubt. After receiving of the vacation notice the appellant has taken prompt steps and filed the present appeal. Appellant has raised ground in the appeal which needs to be adjudicated on merits.
- 7 In view of the aforesaid facts and circumstances, appellant has been above to tender sufficient cause to condone the delay. The application seeking condonation of delay is allowed.
- 8 It is clarified that the observation made while passing of this order by this court shall not tantamount to the expression on the merits of this case.

**Announced in the Open Court,
Today i.e. on 06.05.2025**

**(ABHILASH MALHOTRA)
AD&SJ-cum-P.O.
Appellate Tribunal : MCD Delhi**