

A.No. 147/25

08.05.2025

Present : Ms. Neha Gund and Vikas panwar, Ld counsel for the appellant.
Sh. Nandan Goel, Ld counsel for the respondent.
Sh. Pankaj Chawla and Sh. Saksham Chawla, Ld. counsel for intervener.

1. Hon'ble High Court of Delhi vide order dated 25.03.2025 in W.P.(C) 3721/2025 has directed this Tribunal to dispose of the appeal of the petitioner expeditiously preferably within an outer limit of four months from 25.03.2025.
2. Reply to the application under Section 151 of CPC moved by Sh. Rajesh Kumar is filed by appellant. Copy supplied.
3. Arguments on the application under Section 151 CPC moved by Sh. Rajesh Kumar seeking permission to place on record the relevant documents and join as intervener heard at length from all the parties.
4. In the application, it is stated that property in question is a plot having size of 80 sq. yards which was allotted to Smt. Prakashwati by Slum and J. J. Department of MCD. Smt. Prakashwati died on 05.06.1977. Sh. Jeevan Lal sold 40 sq. yards from his share on 10.10.2002 to the Intervener Sh. Rajesh Kumar. The other portion of 40 sq. yards was bought by appellant.

5. Ld. counsel for the Intervener submits that they are having right, title and interest in the half of the portion in the plot in question and in order to protect their interests, they have filed various complaints with MCD on the basis of which the present proceedings were initiated. He submits that intervener through present application is not seeking to become a party in the matter but intends to assist the MCD and place on record documents to unearth the truth.
6. On the other hand, Ld. counsel for the appellant opposes the said application. However, she does not dispute the position that the intervener is the owner of the half of the portion in the plot in question.
7. Arguments heard and record perused. It is on the complaint made by the intervener the proceedings before the MCD were triggered. The intervener is stated to be the owner of half of the portion of the plot in question where the alleged structure is constructed.
8. In order to unearth the truth and discern the facts, it will be important to look into the documents which are placed on record by the intervener who is one of the stakeholder in the property in question.
9. Accordingly, in view of the mandate given by Hon'ble High Court of Delhi in the case titled as ***Mahipal Singh Vs MCD CM (M) 633/2025, order***

dated 07.04.2025, the application moved by the intervener is allowed to the extent of placing on record the documents and assisting the MCD counsel in present case.

- 10.Arguments on application under Section 5 of the Limitation Act heard from Ld. counsel for all the parties.
- 11.Ld. counsel for appellant submits that they were not provided any opportunity of hearing before the MCD and the demolition order was not supplied. She submits that appellant came to know about the demolition order only when they received the vacation notice. He submits that the appellant had filed a civil suit against the unauthorized construction and the appellant was under the impression that he can seek redressal of his grievances in civil forum. It is argued that due to non supply of the demolition order the delay in filing the present appeal occurred.
- 12.On the other hand Ld. counsel for MCD as well as intervener opposes the application.
- 13.Ld. counsel for MCD submits that the demolition order in present case was served by way of affixation. He submits that merely because the appellant was pursuing his remedy in civil suit, it does not create any sufficient ground for condoning the delay in the present case.
- 14.Ld. counsel for intervener submits that the demolition proceedings were not impugned by the

appellant in the civil suit proceedings and the stand taken by the appellant is flawed.

15. I have heard the arguments and perused the record. In the present case the appellant is disputing the service of demolition order and has also stated that no hearing was provided to the appellant. Perusal of the MCD record shows that the show cause notice is addressed to 'O/B/Occupier' and is not addressed to any individual. Thereafter the hearing notices during the course of the proceedings before the MCD have been only issued to Mr. Rajesh Kumar who is stated to be the owner of back portion in the property in question. In the impugned order MCD has passed demolition order against front portion as well as back portion of the property but neither show cause notice nor hearing notices have been addressed to the owner of front portion (appellant). The demolition order is stated to have been served by way of affixation. The affixation proceedings are not witnessed by any public person. Original photographs of affixation are not filed. The photographs do not clarify whether the affixation has been done in the front portion of the building or in the back portion of the building.

16. In these circumstances it is clear that the service of the demolition order is not free from doubt. On the other hand it is not the case that the appellant was sitting with complete inertia and was not pursuing

any legal remedy. Appellant has been able to provide sufficient cause in respect of the condonation of delay. The application seeking condonation of delay is allowed and the delay is condoned.

17.Arguments on appeal heard at length from Ld. counsels for all the parties.

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

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

**Announced in the open
Court today i.e. 08.05.2025.**

**(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025**

A.No. 985/24

08.05.2025

Present :

Sh. Nitin Kumar, Ld counsel for the appellant.

Sh.Ashutosh Gupta, Ld counsel for the respondent.

Proxy counsel for respondent Nos.4 to 6.

An application under Section 151 CPC is moved on behalf of the appellant seeking stay of operation of judgment dated 05.05.2025.

Ld. counsel for appellant submits that it will take considerable time for them to obtain certified copy from the Registry and file the appeal and therefore, operation of the judgment dated 05.05.2025 be stayed.

I do not concur with the submissions made by the Ld. counsel for appellant. After pronouncement of the judgment on 05.05.2025 this Tribunal has become functus-officio and cannot enter into the domain of staying its operation as the jurisdiction to entertain the appeal vest with the Ld. Principal District & Sessions Judge under Section 347-D of the DMC Act.

So far as the issue regarding the certified copy is concerned the appellant may apply for the same and the Registry is directed to dispose of the application on top priority. Application is dismissed.

File be consigned to record room.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (J)

A.No. 1014/24

08.05.2025

Present : Sh. Rahul Kumar Sharma, Ld counsel for the appellant with appellant in person.
Sh. Sanjeet Kumar, proxy counsel for Sh. Prithish Sabharwal, Ld. counsel for respondent.

Ld. counsel for MCD submits that the Building Department, MCD has sent a request to Town Planning Department, MCD to clarify about the status of area where the property in question is situated.

The Chief Town Planner, MCD is requested to depute a representative and apprise the position and clarify the status as sought by the Building Department, MCD.

The Chief Town Planner, MCD is requested to expedite the clarifications as the hearing in the present appeal is getting delayed due to awaited report from his office.

Put up for purpose already fixed on **13.10.2025**.

Interim orders to continue till the next date of hearing.

Copy of this order be sent to Chief Town Planner, MCD for information and compliance.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (J)

A.No. 280/25

08.05.2025

Present : Sh. Jitender Kumar, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent along
with Sh. Tilak Raj, AE (B).

Status report is filed by the MCD. Copy supplied.
Arguments on the point of limitation heard at length
from Ld. counsels for both the parties.
Put up for orders at 4:00 p.m.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (s)

At 4:00 p.m.

Present : As above.

Vide separate judgment of even date, the
application under Section 5 of the Limitation Act is
dismissed. Accordingly, the appeal also stands
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
08.05.2025 (s)

A.No. 900/24

08.05.2025

Statement of Yogesh Kumar S/o Sh. Khairati Lal
Khurana, appellant No.1 R/o B-3/36, Paschim Vihar,
West Delhi, Delhi.

On SA

I am appellant No.1 in the present appeal. I may be
permitted to withdraw the present appeal in view of the
status report dated 08.05.2025 filed by the MCD.

RO&AC

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025

A.No. 900/24

08.05.2025

Statement of Naresh Kumar S/o Sh. Khairati Lal
Khurana, appellant No.2 R/o B-3/36, Paschim Vihar,
West Delhi, Delhi.

On SA

I am appellant No.2 in the present appeal. I may be
permitted to withdraw the present appeal in view of the
status report dated 08.05.2025 filed by the MCD.

RO&AC

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025

A.No. 900/24

08.05.2025

Present : Sh. Shubham Kumar, Ld counsel for the appellant along with appellant no. 1 & 2.
Sh. Atul Tanwar, Ld counsel for the respondent along with Ashish Kumar, JE(B).

Status report is filed by respondent / MCD wherein it is informed that the excess coverage which was booked by the demolition order dated 01.10.2024 stands removed by the appellant on all floors.

Ld. Counsel for respondent / MCD submits that as the excess coverage has been removed on all floors and demolition order stands satisfied and current structure is as per approved sanctioned building plan.

He submits that MCD will close the case in their record.

In view of the above submissions made by MCD, Ld. counsel for appellants submits that they wish to withdraw the present appeal.

Separate statement of appellant nos. 1 & 2 is record.
Appeal is dismissed as withdrawn.
File be consigned to record room.

Copy of order be sent to AE(B) for necessary action to close the proceedings.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 R

A.No. 394/24

08.05.2025

Present : Sh. Kunal Mittal, Ld counsel for the appellant along with Sh. Shail Munjal, Ms. Rhea Gandhi & Ms Nancy Singh, Advocates.

Sh. Ashutosh Gupta, Ld counsel for the respondent along with Sh. Sanjay Hingorani, AE(B).

1. Ld. counsel for appellant has placed on record site plan in terms of order dated 25.03.2025. The site plan filed today does not whisper anything about the demarcation on all floors. The site plan filed in the Tribunal is only an eye wash and no compliance of directions as stated in para 4 of order dated 25.03.25 is made in the said site plan.
2. During arguments also non committal approach is shown to file a fresh site plan to comply Tribunal's direction. The Tribunal deprecates the conduct of appellant in this regard and clarifies that necessary inference in this regard may be drawn at the stage of final disposal of case.
3. Under these circumstances, MCD is directed to physically inspect the property in question on 13.05.2025 at 10:00 AM and file status report in terms of order dated 25.03.2025 on next date of hearing. The report shall clearly specify the portion belonging to appellant, residential / commercial usage, structure

Contd....

booked by MCD and portion belonging to other occupants on each floor. Appellant is directed to tender necessary cooperation to MCD officials. The report shall be forwarded through office of Deputy Commissioner concerned.

4. Appellant shall also appear in person on next date of hearing for clarification in respect of demarcation of area on each floor.

Put for the purpose already fixed on 04.06.2025.

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
08.05.2025 R

A.No. 232/24

08.05.2025

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

Copy of the order be sent to AE(B) concerned for 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
08.05.2025 (J)

A.No. 232/24

08.05.2025

Statement of Ms. Parul Agarwal, Ld. counsel for
appellant.

At Bar.

I am the counsel for appellant in the present appeal. I
have instructions to withdraw the present appeal. I
may be permitted to withdraw the same.

RO&AC

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025

A.No. 231/24

08.05.2025

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

Copy of the order be sent to AE(B) concerned for 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
08.05.2025 (J)

A.No. 231/24

08.05.2025

Statement of Ms. Parul Agarwal, Ld. counsel for
appellant.

At Bar.

I am the counsel for appellant in the present appeal. I
have instructions to withdraw the present appeal. I
may be permitted to withdraw the same.

RO&AC

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025

A.No. 816/24

08.05.2025

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

An application under Order 7 Rule 14 CPC read with Section 151 CPC is moved by the appellant to file additional documents, copy supplied to MCD.

MCD seeks some time to file reply. Advance copy be supplied to the appellant.

Put up for reply and arguments on aforesaid application on **16.10.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (J)

A.No. 449/21

08.05.2025

Present : Sh.Uchit Bhandari, Ld counsel for the appellant.
Ms. Jasleen Kaur, Ld counsel for the respondent.
Memo of appearance is filed.

On the last date of hearing present appeal was restored subject to deposit of cost of Rs.2000/-. The cost is not deposited so far.

Ld. counsel for appellant submits that they will deposit the same within a week from today.

Ms. Jasleen Kaur, counsel is filed her memo of appearance on behalf of MCD. She submits that earlier counsel Mr. Shantanu Aggarwal has left the MCD penal and new counsel needs to engage by MCD in this case.

Accordingly, put up for further arguments on the point of appeal on 13.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 R

A.No. 423/18

08.05.2025

Present : Sh. Rohan Panwar, Proxy counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.

It is informed that arguing counsel for appellant Sh. H.S. Sharma is unavailable today due to death in his family member.

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 13.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 R

A.No. 329/23

08.05.2025

Present : Sh. Arit Benjamin, Ld counsel for the appellant.
Sh. V.K.Agarwal, Proxy counsel for Ms. Praveen
Sharma, Ld counsel for the respondent.
Sh. Neeraj Kumar Mishra, Ld. counsel for intervener.

Reply to the application under Order VI Rule 17 CPC
is filed by respondent / MCD.

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

Put for the purpose already fixed on 13.10.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 R

A.No. 272/19 & 225/19

08.05.2025

Present : Sh. Subhash chawla, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld Proxy counsel for Sh Pritish Sabharwal Ld counsel for the respondent in appeal no. 272/19.
Sh. Ravi Ranjan Ld counsel for the respondent joined through VC in appeal no. 225/19.

It is already 01.15 PM.

Ld counsel for the appellant submits that he shifting his house and not available in the post lunch session. He seeks a short adjournment to address arguments in the matter.

Ld. counsel for the MCD does not oppose the adjournment request for today due to personal exigencies cited by the appellant.

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

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

Put up for purpose fixed on 07.08.2025.

Interim orders granted vide order dated 26.08.2019 to continue till the next date of hearing in appeal no. 225/19.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 V

A.No. 190/25

08.05.2025

Present : Ms. Garima Sachdeva & Ms. Divyanshi Maurya , Ld
counsel for the appellant.
Sh. Jai Gupta, Proxy counsel for Sh. Ashutosh Gupta,
Ld counsel for the respondent.

Ld. counsel for appellant submits that they want to
deposit the misuse charges as well as penalty to get
the premises desealed.

Ld. Counsel for respondent / MCD submits that for
that purpose the premises needs to desealed for
taking measurements.

AE(B) is at liberty to desal the property on
13.05.2025 at 12:00 PM for the purpose of taking
measurements.

Appellant shall tender necessary cooperation to MCD
officials.

Property be resealed after completion of work. MCD
shall file status report informing the misuse / penalty /
any other charges which are liable to be paid by the
appellant on or before next date of hearing.

Put up for further proceedings on 26.05.2025.

Copy of order be given dasti to both the parties.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 R

A.No. 44/23, 45/23 & 46/23

08.05.2025

Present : Sh. M.S. Khan, Ld counsel for the appellant.
Sh. Arun Sharma, Ld counsel for the respondent.
Sh. Ayush Gupta, Ld counsel for the intervener joined
in VC.

Sh. Ayush Gupta, Ld counsel for the intervener
submits that they are not having copy of the trust deed
and they will file relevant affidavit in this regard on
next date of hearing.

Ld counsel for the appellant submits that he needs
some time to inspect the record before addressing
arguments on the point of appeal and seeks an
adjournment.

Put up for argument on application under Order 1 Rule
10 CPC as well as appeal on 13.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 V

A.No. 1051/24

08.05.2025

Present : Sh. Umesh Choubey, Proxy counsel for the appellant along with son of appellant.
Sh. Paras Aggarwal, Ld counsel for the respondent joined through in VC.
Sh. Gurmeet Singh, respondent no. 3 in person.

It is informed that Ld counsel for the appellant Mr. Mirtunjay Kumar is not available today due to bad health.

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

Put up for purposed fixed on 17.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025

A.No. 790/13

08.05.2025

Present : Ms. Shivani Vashisht proxy counsel for the appellant.
Sh. Nilsh Sahwney Ld counsel for the respondent
joined through VC with Sh. Shrikant JE(M). NDMC.

Status report is filed by the MCD, copy supplied.

An adjournment is sought on behalf of the appellant as
main counsel Sh. Vikas Bhatia is un-available today
due to death of his father-in-law.

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 **16.10.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (J)

A.No. 827/24

08.05.2025

Present : None for the appellant.
 Ms. Mehak Arora, 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 **13.10.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (J)

A.No. 569/24

08.05.2025

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

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

Ld. counsel for MCD request to list the present matter alongwith other cases pertaining to West Jyoti Nagar area which are listed before this Tribunal on 14.08.2025.

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 14.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (J)

A.No. 174/25

08.05.2025

Statement of Rajiv Kumar Sharma, Ld. counsel for
appellant

At Bar.

I am the counsel for appellant in the present appeal.
On instruction, I submit that the appellant is
challenging the impugned order in respect of third floor
of the property only. Appellant is not pressing the
appeal in respect of fourth floor of the property in
question.

RO&AC

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025

A.No. 174/25

08.05.2025

Present : Sh. Rajeev Kumar Sharma, Ld counsel for the appellant along with Ms. Smita Sharma & Sh. Sandeep Sharma, Advocates.

Sh. Ajay Gaur, Ld counsel for the respondent. Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record. Along with Sh. L.R.Meena, AE(B).

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 submits that they are impugning the order in respect of third floor of property in question only.

A separate statement of Ld. counsel for appellant is recorded in this regard.

Part arguments heard.

Ld. counsel for appellant seeks some time to clarify about the source of document at page 99 / annexure A11 of the appeal and seek further instructions before concluding their arguments.

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
08.05.2025 R

A.No. 1060/24

08.05.2025

Present : Sh. Rajiv Thukral & Ms. Shivani Meena, Ld counsel for the appellant. Fresh Vakalatnama filed, same is taken on record .

Sh. Madan Sagar, Ld counsel for the respondent alongwith Sh. Jeewan Kumar, JE(B). Fresh Vakalatnama filed, same is taken on record.

Sh. Paras Jain, Ld. counsel for respondent No.2.

1. Matter is listed today for arguments on interim application as well as appeal. Since morning MCD has already sought two pass over and at request of Ld. counsel for MCD the matter was listed at 12.30 p.m. despite inconvenience of Ld. counsel for appellant, as he has to appear in some other court.
2. It is 12.50 p.m. and MCD has produced its record. Despite seeking two pass over today MCD has failed to file the status report in the matter. Even on last date i.e. 13.01.2025 the report was not filed.
3. Directions were issued to the MCD on 13.12.2024 to file their reply / status report in the matter and even after a lapse of five months the MCD has failed to file their status report.
4. Due to non filing of the reply/status report by the AE(B) and JE(B) concerned of MCD, un-necessary delay is happening in the present matter and the

Tribunal is not able to hear the arguments. It is clear that AE(B) and JE(B) concerned have remained callous and negligent in the matter and are avoiding to file the status report in this case.

5. The matter is adjourned today subject to cost of Rs.10,000/- imposed upon MCD. AE(B) and JE(B) concerned are directed to show cause why the adjournment cost be not recovered from their salary.
6. MCD shall file their status report within three working days from today. Advance copy be supplied to the appellant. It is clarified that no further request for adjournment shall be entertained in the matter.
7. As the arguments on interim application could not be heard today due to non filing of the status report by the MCD, therefore, in these peculiar circumstances, status quo be maintained in respect of the property in question till next date of hearing.
8. Put up for arguments on the interim application as well as appeal on **26.05.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (J)

A.No. 843/17

08.05.2025

Present : Sh. Indresh Upadhaya, Ld counsel for the appellant joined through in VC.

Sh. Dharamvir Gupta, Ld counsel for the respondent along with Sh. Sandeep Kumar, Dy. Commissioner, Keshavpuram Zone, Delhi.

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

In the report it is informed that the relevant record of the assessment file is not traceable and a Vigilance Inquiry has been initiated against Mr. Rajesh Kumar, the then JSA who was handling the record.

Sh. Sandeep Kumar, Dy. Commissioner, Keshavpuram Zone, Delhi submits that in order to bring the clear facts before this Tribunal they will file a detailed report clarifying about the probable covered area of the property in respect of which the property tax was paid by the appellant vide payment receipt dated 25.10.2004.

Put up for arguments on pending interim applications and appeal on **21.08.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (V)

A.No. 277/25
08.05.2025

Present : Sh. Navin Gupta and Ms. Nancy, Ld counsel for the appellant alongwith appellant in person.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

List of documents is filed by the appellant, copy supplied.
An application under Section 151 CPC seeking action against the MCD official moved on behalf of the appellant.

Ld. counsel for appellant submits that in view of the protection available under Section 477 of the DMC Act, appellant is not pressing the present application under Section 151 CPC and seeks permission to withdraw the same.

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

Accordingly, application under Section 151 CPC moved on behalf of the appellant is dismissed as withdrawn.

Ld. counsel for MCD takes a preliminary objection that the appeal is time barred and no application seeking condonation of delay is filed by the appellant.

Ld. counsel for appellant seeks some time to take appropriate steps. Advance copy of the application, if any, be supplied to the MCD to cut short the delay.

Put up for arguments on pending interim application and appeal on **18.07.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (J)

A.No. 277/25

08.05.2025

Statement of Ms Payal Gupta W/o Late Praveen Gupta, appellant R/o 1887, Gali Lehsua, Bazar Sita Ram, Delhi.

On SA

I am the appellant in the present appeal. In view of the protection available under Section 477 of the DMC Act, I am not pressing the present application under Section 151 CPC dated 06.05.2025 and seeks permission to withdraw the same.

RO&AC

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025

A.No. 701/23

08.05.2025

Present : Appellant in person.
None for the respondent.

It is informed that arguing counsel for appellant Mr. N.R.Sharma 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 13.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 R

A.No. 740/22
08.05.2025

Present : Clerk for Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh Sabbharwal, Ld. Counsel for the respondent along with Mr. Mr. Rakesh Brijwal, EE(B), City –S.P.Zone joined through VC.

Mr. Rakesh Brijwal, EE(B), City–S.P.Zone submits that they have written various letters to the EE(B) / HQs to supply the record pertaining of building sanctioned plan of property bearing no.1/21, Asaf Ali Road, Delhi-110002. He submits that no response has been received so far. He submits that he was informed that record is not traceable. Due to non-availability of record of building sanctioned plan record, the hearing in this case is getting delayed. MCD is not clarifying so far as to why record is not traceable or whether any responsibility is fixed in this case.

Accordingly, worthy Commissioner, MCD is requested to look into the issue and issue directions to the concerned officer to produce relevant record of sanctioned building plan of the property in question before the Tribunal on next date of hearing. In case record is not traceable, the report shall clarify about reason in that regard.

Contd....

Put up for further proceedings on 16.10.2025.

Copy of order be sent to worthy Commissioner, MCD.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 R

A.No. 243/25

08.05.2025

Present : Sh. M.S. Khan, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by the MCD, copy supplied.

Part arguments on the point of appeal heard.

Ld. counsel for appellant is relying upon the proceedings of civil suit bearing No.93/2007 to buttress his arguments in the matter. He seeks some time to file the pleading as well as relevant documents of the said case before the Tribunal so that the facts can be appreciated properly.

Put up for further arguments on pending interim application and appeal on **30.07.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (J)

A.No. 250/25 & 251/25

08.05.2025

Present : Ms. Parul Agarwal , Ld counsel for the appellant.
Sh. Abhishek Kumar, Ld counsel for the respondent
along with Sh. S.P.Dabas, AE(B).

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

Ld. counsel for appellant seeks some time to inspect
the record before addressing arguments in the matter.
Put up for arguments on application under Section 5 of
Limitation Act and pending interim applications as well
as appeal on 10.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 R

A.No. 264/25

08.05.2025

Present : Sh. Manmeet Singh Maini, Ld counsel for the appellant.

Sh. Jasleen Kaur, Ld counsel for the respondent.
Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record.

Status report is filed by the MCD. Copy supplied.

Service report of respondent no. 3 Sh. Satish Kataria is not received back. He is stated to be the owner of first floor of property in question and appellant is stated to be the owner of upper ground floor, second floor and third floor.

Notice be issued to respondent no. 3. In case premises is found locked or refusal, affixation proceedings be done as per rule.

Ld. counsel for appellant is pressing interim application. Ld. counsel for respondent / MCD opposes the said request. She submits that the interim application be decided on merits. However, on instructions from the department she assures that the respondent MCD will not carry out any demolition action against the property in question till next date of hearing.

Contd...

It is clarified that no request of further adjournment shall be entertained in the matter till next date of hearing.

Put up for further arguments on pending interim applications and appeal on 19.05.2025.

Copy be given as dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 V

A.No. 296/25

08.05.2025

Fresh appeal filed. Be checked and registered.

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

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

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

Ld. counsel for appellant informs that the other appeal pertaining to the same property is already listed before this Tribunal on 28.05.2025.

Put up for arguments on interim application(s) and appeal on 28.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (J)

A.No. 295/25

08.05.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Maroof Ahmad and Gaffar Husain, 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 06.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (V)

A.No. 211/25

08.05.2025

Present : Sh. Siddharth Rana, Ld counsel for the appellant along with Sh. Rishi and Sh. Sourav Drall.
Sh. Chetan Hasija, Ld. counsel for respondent MCD with Sh. Ghanshyam Meena, AE(B).

Status report is filed by the MCD. Copy supplied.
Ld counsel for appellant seeks some time to inspect the record before addressing the arguments in the matter and to file some additional documents.
Put up for purposed fixed on **17.07.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (J)

A.No. 942/24

08.05.2025

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

An application under Section 5 of Limitation Act is moved by the appellant seeking condonation of delay in the matter, copy supplied to MCD.

MCD seeks some time to file reply. Advance copy be supplied to the appellant.

Put up for reply and arguments on aforesaid application on **13.10.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (J)

A.No. 1023/24

08.05.2025

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

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

Ld. counsel for appellant submits that he is not in a position to argue the matter today being busy in family function.

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 13.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 R

A.No. 13/23

08.05.2025

Present : Sh. Tanishq, Proxy counsel for the appellant.
Sh. Ravi Ranjan, Ld counsel for the respondent joined through VC along with Sh. K.P.Yadav, AE(B) in person.

It is informed that arguing counsel for appellant Mr. Rajnikant is unavailable today being busy before the 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 13.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 R

A.No. 85/25

08.05.2025

File taken up today on an application seeking preponement of date of hearing.

Present : Sh. Harish Kumar, Ld counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent.

Ld. counsel for appellant submits that they are not pressing the present application. Accordingly, application is dismissed as withdrawn.

List of documents is filed by the MCD alongwith copy of the letter dated 18.01.2023, copy supplied to the Ld. counsel for appellant.

Put up for purposed fixed on date already fixed i.e. 28.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (J)

A.N. 280/2025

Indu Bhardwaj Vs. Municipal Corporation of Delhi

08.05.2025

Present :

Sh. Jitender Kumar, Ld. Counsel for the appellant.

Sh. Atul Tanwar, Ld. Counsel for respondent.

1. This Order will decide an application under Section 151 of CPC read with Section 5 of the Limitation Act, 1963 moved by the appellant.

2. It is stated in the application that upon receipt of vacation notice dated 25.03.2025 appellant filed an appeal inadvertently on e-filing portal of North West District and thereafter came to know that appeal needs to be filed before this Tribunal. It is submitted that delay has been occasioned due to inadvertent filing of appeal on e-filing portal of North West District, Delhi. It is submitted that no opportunity of hearing was provided to the appellant and therefore, the impugned order needs to be set aside and delay needs to be condoned.

3. Ld. Counsel for the MCD opposes the submissions. He submits that after receipt of the show cause notice the appellant filed reply dated 09.08.2024 before the MCD which is available (at page 8/C of MCD record). He submits that the demolition order was duly served upon the appellant. He submits that appellant is wrongly creating cause of action from the date of service of vacation notice dated 25.03.2025. He submits that no explanation has been tendered by the appellant in respect of the period from 13.08.2024 to

25.03.2025. He submits that at the most the period after inadvertent e-filing of a case in wrong forum may be considered by this Tribunal but no explanation whatsoever has been provided by the appellant in respect of the period prior to it.

4. I have heard the arguments and perused the record. MCD record shows that appellant had participated in the proceedings before the MCD and also submitted reply dated 09.08.2024 to the show cause notice which is available at page 8/C of the MCD record. After appreciating the facts and circumstances, the MCD passed the demolition order dated 13.08.2024 which provided 06 days time to the appellant to demolish the structure. The cause of action firstly arose when the demolition order was passed and then upon the expiry of the period provided to the appellant to demolish unauthorized structure. Vacation notice is only issued to ensure the eviction of the persons residing in the property and is not impugnable under Section 343 and 347 B of The Delhi Municipal Corporation Act, 1957.

5. The limitation cannot be considered to start running from the date of vacation notice. Even if the period which got wasted by inadvertent filing of the appeal on e-filing portal of North West District, Delhi is considered, the appellant has failed to tender any kind of explanation for the inaction and inertia from 13.08.2024 to 25.03.2025. No reasons whatsoever have been cited by the appellant in the application in respect

of said delay. In this regard, it will be relevant to the observation made by Hon'ble Supreme Court of India in the case titled as **H. Guruswamy & Ors Vs Krishnaiah Since Deceased by LRS in Civil Appeal No.317 /2024** which mandated as follows:

“13. We are at our wits and to understand why the High Court overlooked all the aforesaid aspect. What was the good reason for the High Court to ignore all this? Time and again, the Supreme Court has reminded the District judiciary as well the High Courts that the concepts such as “liberal approach”, “Justice oriented approach”, “substantial justice” should not be employed to frustrate or jettison the substantial law of Limitation.”

15. The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.

16. The length of the delay is definitely a relevant which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the *bona fides* of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the 'Sword of Damocles' hanging over the head of a litigant for an indefinite period of time."

6. From the mandate given by the Hon'ble Supreme Court of India it is clear that the concept such as liberal approach, justice oriented approach, substantial justice shall not be employed to frustrate the substantial law of limitation. The court owes a duty to first ascertain the bonafides of the explanation offered by the party seeking condonation of delay.

7. From the aforesaid, it is clear that no explanation whatsoever has been provided by the appellant in respect of the period from 13.08.2024 to 25.03.2024. The limitation cannot be said to be start from running from vacation notice and the appellant was sleeping over his rights after passing of demolition order. The appellant has failed to tender any sufficient cause for condonation of delay.

8. Accordingly, the application under Section 5 of the Limitation Act as well as appeal stands dismissed.

9. The file of the respondent be send back along with copy of this order. Appeal file be consigned to record room after due compliance.

(ABHILASH MALHOTRA)
P.O.: Appellate Tribunal, MCD
08.05.2025 (s)

A.No. 20/24

08.05.2025

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

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

Vide separate judgment of even date, the present appeal is set aside 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
08.05.2025 R

A.No. 134/19 & 135/19

08.05.2025

Present : None for appellant.
 Sh. Sandeep Kumar, Ld counsel for the respondent
 no.1 & 2.
 Sh. Shubam Sharma Ld counsel for the respondent
 no. 3.

MCD has placed on record copy of record pertaining to sanctioned building plan of property nos. 11 MCD No. 1426 A and 12 MCD 1426 A1, Wazir Nagar, Kotla Mubarakpur, New Delhi-110003.

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 one more opportunity is granted.

Put up for purposed fixed on 17.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025

02:30 PM

At this stage, Sh. R.K. Pandey, Ld. counsel for the appellant is appeared. He is apprised about the orders passed today.

Put up on the date fixed i.e.17.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (V)

A.No. 293/25 & 294/25

08.05.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Ilesh Shukhla, Ld. counsel for the appellant.

Ld counsel for the appellant submits that the property in question has come to their share by way of partition and seeks some time to file site plan as per the partition deed.

Put up for consideration on 09.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
08.05.2025 (V)