

A.No. 334/25

23.05.2025

Fresh case is received. It be checked and registered.

Present : Ld. Proxy counsel for the appellant.

An adjournment is sought on behalf of the appellant as arguin counsel Sh. Jitender Kumar is unavailable today being busy in some other Court.

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

Put up for consideration on **05.06.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025

A.No. 340/25

23.05.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Yashpreet Singh, 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.

At request of Ld counsel for MCD matter be put up with the connected cases.

Put up for arguments on interim application(s) and appeal on 11.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 V

A.No. 132/23 & 133/23

23.05.2025

File is taken up today on application under Section 151 CPC seeking early hearing in the matter.

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

Ld. counsel for appellant submits that the property in question is lying sealed and some trespassers / criminal elements are entering unauthorizedly and misusing the property. He submits that there is seepage in property and urgent repair needs to be done.

In view of the aforesaid, notice of application be issued to MCD for 03.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 R

A.No. 318/25

23.05.2025

Present : Sh. Dharamvir Singh, Ld counsel for the appellant.
None for MCD.

None has appeared on behalf of respondent / MCD since morning either in Tribunal or through VC despite various calls.

Record of MCD is not produced. It is already 1.15 PM.

Ld counsel for the appellant submits that they are apprehending that the MCD will carry out demolition action against the property in question. He submits that as the MCD is not appearing before the Tribunal in this matter, protection may be given till the next date hearing.

Notice be issued to the Chief Law Officer, MCD to depute a representative to assist the Tribunal on the next date of hearing and explain why no one has appeared on behalf of MCD in this matter and why the MCD record is not filed on record.

In the said circumstances, status quo be maintained till the next date of hearing.

Put up for purpose already fixed on 30.05.2025.

Copy of this order be given dasti to the parties.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (V)

A.No. 1089/24
23.05.2025

Present : None for the appellant.
Sh. V. K. Aggarwal, Ld. counsel for the respondent.

Despite various calls no one is appearing on behalf of the appellant
either in the Tribunal or through VC.

Put up at 2:00 p.m.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025

At : 3:10 p.m.

Present: None for the appellant.
Sh. V. K. Aggarwal, Ld. counsel for the respondent.

No one has appeared on behalf of appellant since
morning in the Tribunal or through VC despite various
calls. None had appeared on behalf of the appellant on
09.04.2025 as well. It is already 03.10 PM. The present
appeal is dismissed in default for non-appearance.

Copy of the order be sent to AE(B).

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

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (V)

A.No. 93/25

23.05.2025

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

Ld counsel for the MCD seeks sometime to produce MCD record and file status report in the matter. He assures that MCD will not take any coercive action against the property in question till next date of hearing.

Put up for purposed already fixed on 05.06.2025.

Copy of this order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (V)

A.No. 56/25

23.05.2025

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

ORDERS

1. Arguments on the point of interim application seeking stay as well as limitation heard at length from Ld. Counsels of both the parties in respect of property bearing no.25-26, Gali No. 9 & 10, K.No.387/1, 386/1, Near Anar Masjid, Old Mustafabad, Delhi-110094.
2. Ld. Counsel for appellant submits that he is not pressing application under Order 1 Rule 10 CPC at this juncture and needs to take instructions from his client and submits that the limitation as well as application seeking stay be decided on merits.
3. It is case of appellant that the property in question is devolved on appellant by way of various gift deeds and other documents which were executed by Hazi. Karimuddin. It is submitted that total plot size is 440 sq. yds and appellant Mr. Irshad Malik is the owner of 125 sq. yds.
4. In respect of Limitation period, it is stated that there is delay of around 542 days. It is submitted that the impugned demolition order was not served upon the appellant and appellant obtained impugned demolition

Contd....

order on 28.01.2025 and thereafter filed the present appeal. Ld. Counsel for appellant further submits that

property in question is situated on Kh.No.347 and the MCD has passed order against the K.No. 386/1 & 387/1. He submits that as property number is unclear therefore benefit needs to be granted to the appellant.

5. Ld. Counsel for appellant conceded that there is no sanctioned building plan of property in question and they have not filed property tax returns on record.
6. Ld.counsel for MCD submits that as per the MCD record the impugned demolition order was served by way of affixation on 05.07.2023 as is evident from the photographs available (at page no.81/C) of MCD record. He submits that service of show cause notice dated 20.06.2023 is not in dispute as it was duly replied by the appellant and the reply is part of paper book (at page no. 207 to 211 of the appeal). He submits that MCD had carried out demolition actions in property in question on 20.07.2023, 12.10.2023, 16.10.2023, 06.01.2025 and 18.02.2025. He submits that it is the admitted position on record that parallel civil proceedings were going on wherein MCD had filed status reports informing about the court about the proceedings in the matter. He submits that in view of demolition actions and the civil proceedings, appellant cannot plead ignorance to the demolition proceedings and appeal is highly time barred.

Contd...

7. He further submits that the title documents filed by appellant on record are unregistered and hit under Section 17 as well Section 49 of the Registration Act and cannot be read in evidence. He submits that the documents filed on record by appellant clearly shows that from time to time they are assigning different property numbers to subdivided plots. He submits that subdivided private property numbers cannot be taken as shield to protect the action against unauthorized construction. He submits that MCD in their FIR as well as show cause notice has clearly shown that unauthorized structure in question is situated between street no.9 and street no.10. He submits that the said fact is also confirmed by the site which is filed by appellant at page no.203 of the appeal. He submits that MCD photographs at page 77/C also shows that absolutely new structure is erected without any sanctioned building plan. He submits that electricity bills filed (at page 204 to 206 of the appeal) also shows the energisation date of the year 2023 which substantiate the case of MCD that a new structure is erected. It is argued that the appellant has erected absolute new structure without obtaining any sanctioned building plan and is liable to be demolished being unauthorized.
8. Arguments heard. Record perused. MCD has placed on record the photographs of unauthorized construction in question. During the course of arguments identity of

Contd....

property in the said photographs is not disputed by Ld. Counsel for appellant. It is conceded that the said structure shown in the said photographs (page 77/C) exist on the plot of 440 sq.yds which originally belong to Hazi Karimuddin. So far as the question of khasra number is concerned, MCD in their record has placed photographs of property in question and has also shown a sketch plan showing that structure in question exists between street no.9 and street no.10. The site plan filed by appellant also confirms that the structure in question exists between street no.9 and street no.10. Therefore, from the substantive evidence on record there is no confusion in respect of identity of property which has been booked by the MCD.

9. It is the case of appellant that they have received the impugned demolition order on 28.01.2025. In the present case the service of show cause notice is not denied and the said notice is duly replied by appellant. The demolition order is stated to have been served by way of affixation. The photograph of affixation is placed on MCD record. In view of the affixation proceedings, the demolition order is deemed to be served as per Section 444 of DMC Act, 1957. No reasonable explanation has been tendered by appellant in respect of various demolition actions which have taken by MCD from the year 2023 to 2025. Appellant cannot permit the plead of ignorance about the

Contd....

demolition order specially in view of various demolition actions carried out by MCD from the year 2023 to 2024. It is clear that no reasonable justification has been provided by appellant in respect of delay which has occasioned in filing of present case. It gets aggravated due to pendency of civil proceedings wherein MCD is filed various status reports apprising about proceedings.

10. In view of aforesaid background appellant cannot claim any nescience in respect of demolition proceedings and no reasonable grounds has been tendered for seeking condonation of huge delay of more than 500 days in filing of this appeal. From the MCD record it is clear that identity of property in question is unambiguous and appeal is highly time barred. Application seeking condonation of delay is dismissed. In consequence thereof, the interim application seeking stay, application under order 1 Rule 10 CPC is also disposed off. Appeal is dismissed.
11. The record of the respondent be send back alongwith copy of this order. Appeal file be consigned to record room after due compliance.

Announced in the open Court.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 R

A.No. 428/24

23.05.2025

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

Ld counsel for the MCD seeks some time to file relevant notification in terms of previous order. Opportunity granted.

Put up for purpose fixed on 06.11.2025.

Interim orders to continue till next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (V)

A.No. 1004/24 & 1005/24

23.05.2025

Present : Sh. Manish Tanwar, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent along
with Sh. A. Karthikeyan, Asstt. Director (Vigilance) and
Sh. Pawan Kumar, AE (B) KBZ.

Ld. counsel for the MCD submits that during the course of
the day they will be filing complete record of the
proceedings before this Tribunal. He seeks sometime to
file a detailed status report and requests to adjourn the
matter.

Accordingly, at joint request of both the parties, the
matter be listed for arguments on interim application as
well as on the point of appeal on **10.07.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (s)

A.No. 817/23 & 329/24

23.05.2025

Present : Appellant in person.

Sh. Ravi Ranjan, Ld counsel for the respondent joined through VC in appeal no. 817/23 along with Sh. Sanjeev Kaushik, AE (B).

Ms. Bhavya Chauhan, Ld counsel for the respondent in appeal no. 329/24.

1. The matter is listed today for clarifications regarding the area where the property in question is situated. The clarification is necessary from the point of view of cut off date prescribed under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. Sh. Sanjeev Kaushik, AE (B) has filed status report informing that they have written a letter to the SDM Gokalpuri, Delhi seeking clarifications regarding the status of the area.
2. In the present case, the sealing order is passed by the then Deputy Commissioner Sh. Sanjiw Kumar Mishra, IRS. At the time of passing the sealing order, the Quasi Judicial Authority of MCD is supposed to appreciate the pleas in respect of protection which is available as per National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. Under the said legislation, the cut off dates have been prescribed depending upon the nature of locality where the property is situated. It is presumed that when Quasi Judicial Authority of MCD passed

any order of sealing or demolition, they are aware about the nature of locality as well as the cut off date applicable to it.

3. It is alarming to see that after passing of the sealing order the MCD is struggling to determine the nature of locality where the property is situated. In such a scenario it becomes patently clear that the question of protection which may have been available to the property in question must have been jeopardized because MCD is not sure about the cut off date which is applicable to the property in question.
4. In the said circumstances, the Chief Legal Officer, MCD as well as the then Deputy Commissioner Sh. Sanjiw Kumar Mishra, IRS are directed to appear in person on the next date of hearing and clarify about the aforesaid aspect.

Put up for further arguments on interim application as well as on the point of appeal on **02.06.2025**.

Copy of this order be given dasti to the parties for necessary compliance and be sent along with notice.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (s)

A.No. 540/23 & 541/23

23.05.2025

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

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

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

Put up for purpose already fixed on 04.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (V)

A.No. 580/12

23.05.2025

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

Part arguments heard.

Ld counsel for the appellant seeks some time to take instructions regarding property tax return in respect of 4th floor, which have been filed after tax assessment dated 26.03.1997 in respect of the property in question.

The matter pertains to the year 2012 due to which short date of hearing is given in this matter.

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

Put up for further arguments on pending interim applications and appeal on 27.05.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (V)

A.No. 109/24 & 55/23

23.05.2025

Present : Sh. Prateek Jain, Ld counsel for the appellant in appeal no. 109/24.
Sh. Dalip Rastogi, Ld counsel for the appellant in appeal no. 55/23.
Sh. Sandeep Kumar, Ld counsel for the respondent in appeal no. 55/23.
Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal no. 109/24.
Ms. Prachi Gupta, Ld counsel for intervener in appeal no. 55/23.

Part arguments heard.

Ld counsel for the MCD seeks some time to take instructions regarding shop no. A, B & C involved in appeal no. 55/23. AE(B) concerned is directed to remain present in person on next date of hearing.

Put up for further arguments on pending interim applications and appeal on 07.11.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (V)

A.No. 679/23 & 680/23

23.05.2025

Present : Sh. Jaspreet Singh Rai, Ld counsel for the appellant
joined through VC.

Sh. Praveen Sharma, Ld counsel for the respondent.

Sh. Anshuman Choudhary, Ld counsel for the intervener
joined through VC.

Affidavit is filed on behalf of appellant. Copy supplied.

Status report is filed by MCD along with copy of DDA
standard building plan in respect of property in question.

Copy supplied.

Copy of standard plan filed with the report is not
readable.

MCD is directed to produce legible copy on next date of
hearing.

Put up for purpose fixed on 11.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (V)

A.No. 164/23

23.05.2025

Present : Sh. Ashok Popli, Ld counsel for the appellant.
Sh. Ravi Ranjan , Ld counsel for the respondent joined through VC.
Sh. Rajiv Kumar Sharma and Ms. Smita Sharma, Advocates for applicant.

Part arguments heard

The then AE (B) who has passed the impugned order is directed to appear in person on next date of hearing for clarifications in respect of portion to which protection has been granted and which portion which has been booked.

Put up for further arguments on pending interim applications and appeal on 06.11.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (V)

A.No. 787/23 & 788/23

23.05.2025

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

Sh. Parveen Sharma, Ld counsel for the respondent.

Sh. Madan Sagar, Ld counsel for the respondent in appeal Nos. 787/23 & 788/23.

Ld counsel for the MCD submits that although he has obtained the record but needs some time to go through the same before addressing arguments in this case.

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

Put up for purpose already fixed on 12.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (V)

A.No. 99/20

23.05.2025

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

An adjournment is sought on behalf of the appellant as arguing counsel Sh. Naval Kishore is unavailable today due to medical exigencies in his family.

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

Put up for purpose fixed on **07.11.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (s)

No. 261/24, 262/24 & 263/24

23.05.2025

Present : Ms. Aditi Aggarwal, Ld counsel for the appellant.
Sh. Jai Gupta, Ld. Proxy counsel of behalf of Mr.
Ashutosh Gupta, Ld. counsel for the respondent.

It is informed that Mr. Ashutosh Gupta, Ld. counsel for MCD who had appeared in the other matters in the morning has to rush back due to some family exigencies and is not available now.

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

Put up for purpose fixed on **10.11.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (s)

A.No. 73/12, 79/12 & 919/17

23.05.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant in appeal nos. 73/12 and 79/12.

Sh. Ashok Popli, Ld counsel for appellant in appeal no. 919/17 along with appellant joined through VC.

Sh. Dharamvir Gupta, Ld. counsel for the respondent.

Part arguments heard. The question involved in the present appeal involves interpretation of provision for Master Plan in respect of the sub division of plots. To understand the issue with clarity assistance of representative from the Law Department (MCD) will be required.

Accordingly, the Chief Law Officer (MCD) is requested to depute a representative to assist the Tribunal on the next date of hearing.

Put up for further arguments on the point of appeal on **07.11.2025.**

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (s)

A.No. 38/22 & 45/22

23.05.2025

Present : Sh. Balvidner Singh, Ld counsel for the appellant joined through VC.
None for the respondent MCD.

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

Put up for purpose fixed on **21.08.2025**.

Notice be issued to the Chief Law Officer (MCD) to ensure that their counsel will appear on the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (s)

A.No. 303/2020 & 151/24

23.05.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Ms. Praveen Sharma, Ld. counsel for the respondent in
appeal No. 151/24.
Ms. Praveen Sharma, Ld. Proxy counsel on behalf of
Sh. H. R. Aggarwal, Ld. counsel for the respondent in
appeal No. 303/24.

An adjournment is sought on behalf of the respondent
MCD as arguing counsel Sh. H. R. Aggarwal is
unavailable today due to bad health.

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

Put up for purpose already fixed on **12.11.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (s)

A.No. 143/22

23.05.2025

Present : Ms. Mudita Sharda, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld counsel for the appellant intends to file additional documents and will move appropriate application in this regard.

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

Put up purpose already fixed on 20.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (V)

A.No. 988/14

23.05.2025

Present : Sh. Rajan Chaudhary, Ld counsel for the appellant.
Ms. Praveen Sharma, Ld. Proxy counsel on behalf of Sh.
H. R. Aggarwal for the respondent.
Sh. Gaurav Kumar, Ld. counsel for Intervener.

An adjournment is sought on behalf of the respondent MCD as arguing counsel Sh. H. R. Aggarwal is unavailable today due to bad health.

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

Put up for purpose already fixed on **10.11.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (s)

A.No. 196/15

23.05.2025

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

An adjournment is sought on behalf of the appellant as main counsel Sh. B. D. Sharma is unavailable 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 arguments in the matter.

Put up for purpose fixed on **10.11.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (s)

A.No. 647/22
23.05.2025

Present : None for the appellant.
Sh. V. K. Aggarwal, Ld. counsel for the respondent.

Despite various calls no one is appearing on behalf of the appellant
either in the Tribunal or through VC.

Put up at 2:00 p.m.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025

At : 3:10 p.m.

Present: None for the appellant.
Sh. V. K. Aggarwal, Ld. counsel for the respondent.

No one has appeared on behalf of appellant since
morning in the Tribunal or through VC despite various
calls. None had appeared on behalf of the appellant on
28.01.2025 as well. It is already 03.10 PM. The present
appeal is dismissed in default for non-appearance.

Copy of the order be sent to AE(B).

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

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (V)

A.No. 338/19, 119/19 & 71/19

23.05.2025

Present : Sh. Alok Singh, Ld counsel for the appellant.
Sh. V. K. Aggarwal, Ld counsel for the respondent in
appeal no. 119/19 & 338/19.
Ms. Praveen Sharma, Ld. Proxy Counsel on behalf of
Sh. H. R. Aggarwal, Ld. counsel for respondent in appeal
no. 71/19.

An adjournment is sought on behalf of the respondent
MCD as arguing counsel Sh. H. R. Aggarwal is
unavailable today due to bad health.

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

Put up for purpose already fixed on **14.11.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (s)

A.No. 176/25

23.05.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Jai Gupta, Ld. Proxy counsel of behalf of Mr.
Ashutosh Gupta, Ld. counsel for the respondent.

Part arguments heard.

Arguments could not be concluded due to non-availability
of concerned Executive Engineer from PWD in terms of
previous order dated 09.04.2025.

Put up for further arguments on 09.09.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025

At 3:30 p.m.

At this stage Mr. Gajender Singh, AE from PWD is
present. He is apprised about the proceedings.

Put up on the date fixed.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025

A.No. 1048/24 & 1049/24

23.05.2025

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

The matter is listed for pronouncement of judgment today.

Appellant has filed his written submissions in the Registry today. No service report of advance copy to MCD is annexed with it.

The Tribunal deprecates the conduct. The order was reserved in this case on 07.05.2025 and appellant woke up from the slumber to file the written submissions today only.

Put up for further arguments on the point of written submissions on **05.06.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025

A.No. 341/2025

23.05.2025

Fresh appeal is filed. It be checked and registered.

Present : Sh. Lallan Tiwari, 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.

At this stage, Ld counsel for the appellant presses for interim protection. He submits that appellant is working as a security guard and residing in property admeasuring 25 sq. yards. He submits that vacation notice has been issued in respect of the property in question, which is used for residential purposes. He submits that appellant does not have any other accommodation. He submits that no hearing was provided to the appellant as per Section 343 of the DMC Act, 1957 and order is passed in violation of principals of natural justice. He submits that appellant has placed on record the documentary evidence including electricity bills to show that the structure is old and protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.

In view of the aforesaid submissions, it is directed that the status quo be maintained in respect of the property in question till the next date of hearing.

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.

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 14.07.2025.

Copy of this order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
23.05.2025 (V)