A.No. 349/25

28.05.2025

Fresh appeal filed. Be checked and registered.

Present:

Sh. Jayant Tiwari & Sh. Kaushal Aggarwal, 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 submits that appellant is using the property for residential purpose and prays that short date of hearing be given as they are apprehending coercive action against the property in question.

Put up for arguments on interim application(s) and appeal on 30.05.2025.

A.No. 15/25(M)

28.05.2025

Fresh appeal filed. Be checked and registered.

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

An application under Order IX Rule 9 CPC is moved on

behalf of appellant.

Notice of the aforesaid application be issued to MCD.

Put up for purpose fixed on 12.06.2025.

A.No. 170/25

28.05.2025

Present: Sh. Abhay Gehlot, Ld counsel for the appellant.

Ms. Renu Soni, Nodal Officer on behalf of MCD along

with Sh. Ghanshyam Meena, AE(B).

Status report is filed by MCD. Copy supplied.

It is informed that record is already filed by  $\ensuremath{\mathsf{MCD}}$  in

present case.

Ld. counsel for appellant seeks some time to study the

report before addressing arguments in the matter.

Put up for arguments on application seeking stay and

interim applications as well as appeal on 19.09.2025.

Interim orders to continue till the next date of hearing.

A.No. 244/25

28.05.2025

Present: Sh. Naushad, Ld counsel for the appellant.

Sh. Sagar Kumar, Ld counsel for the respondent. Fresh

Vakalatnama filed, same is taken on record.

Status report is filed by MCD. Copy supplied to

appellant.

Ld. counsel for appellant submits that he seeks some

time to study the report before addressing arguments in

the matter.

Put up for arguments on pending interim application and

appeal on 17.11.2025.

A.No. 1070/24

28.05.2025

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

Ms. Renu Soni, Nodal Officer on behalf of MCD

Ld. counsel for appellant submits that appellant is suffering from serious disease and they are not able to obtained any instructions and seeks a adjournment to take further instructions in the matter.

Put up for consideration on 13.08.2025.

A.No. 109/24 (M)

28.05.2025

Present: Sh. Manish Kaushik, Ld counsel for the appellant.

Sh. Pritiesh Sabbharwal, Ld counsel for the respondent.

Ld. counsel for appellant submits that appellant wish to

withdraw the present execution application.

Separate statement of the Ld. counsel for appellant has

been recorded in this regard.

In view of the facts and circumstances, the application is

filed by the appellant is dismissed as withdraw.

Appeal file be consigned to record room.

A.No. 296/25 & 144/25

28.05.2025

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

no. 144/25 & 296/25.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld counsel for MCD seeks sometime to file status report in appeal no. 296/25, the same be filed on or before next date of hearing. Advance copy be supplied to the appellant.

Arguments could not be heard today as appeal no. 296/25 and appeal no. 144/25 pertains to the same property and arguments needs to be heard together in both cases.

Accordingly, put up for purpose already fixed on 16.09.2025.

A.No. 166/25

28.05.2025

Present:

Sh. Vikas Sharma & Sh. Piyush Lakhanpal, Ld counsel for the appellant.

Sh. Shashi Pratap Singh, Ld counsel for the respondent / NDMC along with Sh. Yashpal, AE(M), Sh. Banwari Meena, JE(M) & Sh. Ashok Kumar, Clerk, NDMC.

- 1. List of judgments is filed by NDMC.
- 2. It is argued by Ld. counsel for NDMC that granting personal hearing under Section 250 of NDMC Act Proceedings is not necessary in every case. He submits that as per the judgments relied upon by them the question of granting personal hearing needs to be decided in the facts and circumstances of each and every case.
- 3. The legal issue involved in the present case needs to be deliberated with the assistance of CLA / NDMC. NDMC is directed to file status report clarifying the following aspects:
  - (a) What is the criteria which has been laid down by NDMC to guide their officers, as to in which case and under which circumstances personal hearing needs to be granted.
  - (b) What are the safeguards which have been proposed in the said criteria to ensure that there is no misuse of

individual discretion by the officers by doing pick and choose while granting personal hearing in the cases.

(c) Any other issue which the NDMC may like to highlight. The CLA / NDMC is directed to remain present in person on the next date of hearing to assist the Tribunal in respect of deliberations regarding legal issue involved in this case.

Put up for arguments on aforesaid legal issue and on the point of appeal on 11.07.2025.

Copy of order be sent to CLA, NDMC.

A.No. 197/25

28.05.2025

Present:

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

with Sh. Arpit Singh, Advocate.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld counsel for the MCD seeks sometime to file reply to the application seeking permission to file additional documents on record as well as application seeking condonation of delay. Reply be filed on or before next date of hearing. Advance copy be supplied to the appellant.

Ld counsel for the appellant informs that they have filed appeal in the demolition proceedings before South-West District and Session Court, which is listed on 02.06.2025. He request that the matter be posted thereafter for arguments in this case.

Accordingly, at request of the parties, matter be listed for purpose already fixed on 11.07.2025.

28.05.2025

Present: Sh. Vishal Maan, Ld counsel for the appellant.

Sh. Pritiesh Sabbarwal, Ld counsel for the respondent joined through VC.

Sh. Samman Vardhan Gautam, Ld. counsel for intervener joined through VC.

- 1. Part arguments on the point of appeal heard.
- Ld. counsel for appellant has placed on record order dated 16.05.2025 passed in WP(C) 6621/2025 wherein the following directions have been passed:
  - "12. Having heard learned counsels for parties, this court notes that the issues in the contempt petition, which are pending before this Court, are independent of any proceedings, which are pending before the learned ATMCD.
  - 13. This Court notes that the ATMCD is hearing the appeal in question as per its statutory authority, which is completely separate from any contempt proceedings that may be pending before this Court.
  - 14. Accordingly, it is clarified that the ATMCD can continue with the hearing of the appeal in question before it, which shall be heard and decided independently, on its own merits.
  - 15. Insofar as the contempt proceedings pending before this Court are concerned, the orders in the same shall be passed on the basis of the submissions made before this Court.
  - 16. Needless to state, that this Court is not precluded from passing any appropriate orders in the contempt proceedings, if need so be, without being affected by any order that may be passed in the proceedings before the ATMCD.
  - 17. Noting the aforesaid, the present petition, along with the pending application, is accordingly disposed of."

Contd.....

- Ld. counsel for appellant as well as MCD submits that in view of the aforesaid directions issued by the Hon'ble High Court, this Tribunal can proceed further to hear to adjudicate the present appeal.
- 4. In the present case MCD has filed the record of file no.49/UC/B-IISZ/2022 dated 24.01.2022. The said record also contains photocopy of orders passed in file no. 14/UC/B-IISZ/2021. In order appreciate the contentions it is essential to look into the original record of file no. 14/UC/B-IISZ/2021.
- 5. Ld. counsel for MCD submits that they will produce the record before the Tribunal on the next date of hearing.
- 6. Ld. counsel for appellant points out that in respect of file no. 14/UC/B-IISZ/2021, appeal no.122/22 was filed before this Tribunal which disposed on 05.04.2022. He submits that it is quite possible that the record of file no.14/UC/B-IISZ/2021 is annexed with that appeal. Registry is directed to produce said record on next date of hearing.

Put up for the further arguments on the point of appeal on 03.06.2025.

Interim orders to continue.

A.No. 1074/24

28.05.2025

Present: Sh. Anmol Aggarwal, Ld counsel for the appellant joined

through VC.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by the MCD regarding calculation of misuse of the penalty charges. Copy be supplied to the appellant.

Put up for purpose fixed on 17.11.2025.

A.No. 599/13

28.05.2025

Present:

Sh. Mayank Wadhwa, Ld counsel for the appellant joined through VC along with Ms. Muskan Gupta, Advocate present in person.

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

Status report is filed by the MCD in terms of previous orders. Copy be supplied to the appellant.

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

Matter be listed for arguments on the point of appeal on 18.07.2025.

A.No. 202/20

28.05.2025

Present: Sh. Mukesh Sharma Ld counsel for the appellant.

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

- 1. Notice be issued to the District Magistrate is received back served and despite that no status report is filed.
- 2. In this matter the Tribunal has directed for verification of abadi deh certificate. On 02.01.2024 Mr. Sunil Kumar, advocate appeared on behalf of SDM, Narela, Delhi Mr. Rakesh Dass and assured that verification report will be filed. Thereafter, neither the report was filed nor anyone had appeared on behalf of SDM, Narela, Delhi. No report is filed despite service of notice to the District Magistrate concerned.
- 3. Under these circumstances, the Tribunal left with no option but to take assistance from the office of the Secretary (Revenue), Department of Revenue, GNCT of Delhi for getting the verification of documents so that the proceedings in this case can continue.
  - 4. Fresh notice be issued to the District Magistrate through the Secretary (Revenue), Department of Revenue, Govt. of NCT of Delhi with the direction to file the status report for verification of abadi deh certificate in terms of order dated 04.09.2024 on or before next date of hearing.

Contd...

Copy of this order be annexed with the notice to avoid any confusion.

Put up for the purpose already fixed on 17.11.2025.

A.No. 87/25

28.05.2025

Present:

Sh. Sanjeet Kumar and Ms. Deepali Sharma, Ld counsel for the appellant along with Ms. Seema Gupta and Sh. Harish Chander, applicant.

Sh. V.K. Aggarwal, Ld counsel for the respondent along with Sh. Harjit Singh, AE(B) and Sh. Pankaj Kumar, AE(B).

An application under Order 1 Rule 10 CPC is filed by the Mr. Harish Chander, applicant. Copy be supplied to the appellant as well as MCD.

An adjournment sought by the MCD as Mr. Atul Tanwar, Advocate is not available today due to some personal exigencies.

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

Put up for purpose fixed on 19.08.2025.

Interim orders to continue till the next date of hearing in respect of 1<sup>st</sup> and 2<sup>nd</sup> floor of the property in question.

A.No. 102/22

28.05.2025

Present: Sh. Brij Kishore, Ld counsel for the appellant.

Sh. Mohit Sharma, Ld counsel for the respondent.

Part arguments heard.

Put up for further arguments on pending interim

applications and appeal on 08.08.2025.

A.No. 501/23

28.05.2025

Present: Sh. Brij Kishore, Ld counsel for the appellant.

Sh. Mohit Shama, Ld counsel for the respondent.

Affidavit is filed by the appellant informing that the building material / debris has been removed from the site. Ld counsel for the MCD seeks sometime to conform the same and file status report regarding removal of debris / resealing of the premises.

Put up for purpose fixed on 08.08.2025.

A.No. 61/24 & 62/24

28.05.2025

Present: Appellant in person.

Sh. Sandeep Kumar, Ld counsel for the respondent.

It is informed that arguing counsel for appellant Mr. Ashish Pandey is unavailable today due to some personal exigency.

Perusal of record shows that in the past also various adjournments have been sought by appellant and no fruitful hearing is happening.

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

Put up for the purpose already fixed on 14.11.2025.

A.No. 637/23

28.05.2025

Present: Appellant in person.

Sh. C. Mukund, Proxy counsel for the respondent no. 2.

Sh. Nagender Yadav, Ld counsel for the respondent no. 3

joined through VC.

Ld counsel for the MCD seeks an adjournment that Ld counsel Sh. Mahender Shukla is not available 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 up for purpose fixed on 17.11.2025.

A.No. 520/23

28.05.2025

Present:

Sh. Prag Chawla and Ms. Jaspreet Kaur, Ld counsel for the appellant.

Sh. S. Adil Hussain, Ld counsel for the respondent no. 1. Sh. M. Nafees Bukhari, Ld counsel for the respondent no. 2.

Part arguments on the point of appeal heard.

Ld counsel for appellant seeks sometime to take instructions for impleading legal heirs of Late Sh. Mujeebuddin.

Put up for further arguments on pending interim applications and appeal on 17.11.2025.

A.No. 292/24

28.05.2025

Present:

Sh. S.B.Sharma, Ld counsel for the appellant joined through VC.

Sh. Anupam Sharma, Ld counsel for the respondent/DDA.

Reply to the application seeking condonation of delay is filed by DDA. Copy kept in record and be released to the appellant against due acknowledgment.

Ld. counsel for appellant submits that he wants to study the report before addressing further arguments in the matter.

Matter be relisted for the purpose already fixed on 17.11.2025.

A.No. 1012/17

28.05.2025

Present: Sh. Saurabh Tiwari, Ld counsel for the appellant.

Ms. Renu Soni, Nodal Officer on behalf of the respondent

/ MCD.

Amended memo is filed by the appellant. Copy be

supplied to the MCD.

It is informed that Ld counsel for the MCD Sh. Ashutosh

Gupta, Advocate is not available today he has to rush to

Hon'ble High Court of Delhi for attending an urgent

hearing.

In the interest of justice, one more opportunity is granted

to appellant to address arguments in the matter.

Put up for purpose fixed on 17.11.2025.

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

28.05.2025 (V)

A.No. 796/24

28.05.2025

Present:

None for the appellant.

Sh. Shashi Pratap Singh, Ld counsel for the respondent/NDMC along with Sh. Yash Pal, AE(M), Sh. Bhawani Meena, JE(M) and and Sh. Ashok Kumar, Sr. Asstt., NDMC.

None has appeared on behalf of appellant in the Tribunal or through VC despite various calls since morning.

Reply to the application seeking condonation is filed by the NDMC, copy kept on record. The same be released to appellant against due acknowledgement.

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

Put up for purpose fixed on 17.11.2025.

A.No. 586/19

28.05.2025

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

Ms. Noor E Amna, Proxy counsel for the respondent.

Ld. counsel for appellant submits that they are in process of filing appeal challenging rejection of regularization order. He submits that he has instructions to argue both the cases together as the issue involved in both cases are common.

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

Put up for the purpose already fixed on 25.11.2025.

A.No. 77/16

28.05.2025

Present: Sh. Prag Chawla and Jaspreet Kaur, Ld counsel for the

appellant joined through VC.

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

Status report is filed by the MCD giving clarifications in terms of previous orders. Copy supplied to the appellant. Matter be relisted for arguments on the point of appeal on 16.09.2025.

A.No. 297/21

28.05.2025

Present:

Sh. Prag Chawla and Ms. Jaspreet Kaur, Ld counsel for

the appellant joined through VC.

Sh. Raujas Sharma, Proxy counsel for the respondent.

Status report is filed by the MCD informing that appeal no. 353/23 pertaining to the property in question is listed before this Tribunal on 26.08.2025. It is prudent to hear the present matter along with aforesaid appeal pertaining to the same property in question.

Put for the purpose already fixed on 26.08.2025.

A.No. 747/14

28.05.2025

Present: Sh. Sanjay Aggarwal, Ld counsel for the appellant.

Sh. Nilesh Sawhney, Ld counsel for the respondent.

- Arguments on application under Section 151 CPC moved by appellant seeking correction of typographical error are heard at length from Ld. counsels of both the parties.
- It is submitted by Ld. counsel for appellant that in prayer clause the date of impugned order is mentioned incorrectly due to typographical error. He further submits that the name of first appellant be read as Hindu Mahasabha through Mr. Munna Kumar.
- 3. Ld. counsel for respondent / DNMC strongly opposes the application. He submits that through application the appellant is trying to filling the lacunas by misrepresentation. He submits that in the appeal, the appellant is claiming himself to be the owner of property in question and through this application appellant is seeking impleadment of Hindu Mahasabha represented through him. He submits that no authority letter is issued by Hindu Mahasabha in his favour is placed on record. He submits that no board resolution of Hindu Mahasabha authorizing Mr. Munna Kumar is filed on

record. He submits that no amended appeal is filed along with the application.

4. Arguments heard and record perused. I found merits in the submissions made by Ld. counsel for NDMC. Hindu Mahasabha is a separate legal entity. No authority letter and board resolution is placed on record by the appellant. The letter dated 31.08.2021 filed along with application is not concerned with the present litigation. It is clear that the applicant / appellant failed to bring on record any authorization on behalf of Hindu Mahasabh to move present application. The application is allowed in respect of correction of typographical error and dismissed in respect of impleadment of Hindu Mahasabha as the applicant is not authorized to move application in this regard.

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

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

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

A.No. 799/23 & 760/23

28.05.2025

Present: Sh. Sandeep Khatri, Ld counsel for the appellant.

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

Part arguments heard.

Ld counsel for the MCD seeks an adjournment to clarify about the nature of the area / locality where property is situated from the point of view of cut of date as prescribed under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.

Status report be filed in this regard on next date of hearing.

Put up for further arguments on the point of appeal on 18.11.2025.

Interim orders to continue till the next date of hearing.

A.No. 719/24

28.05.2025

Present: Sh. Shaad Anwar, Ld counsel for the appellant.

Sh. Anubhav Gupta, Ld counsel for the respondent

joined through VC.

Ld. counsel for appellant seeks some time to inspect the

record.

In the interest of justice, one more opportunity is granted

to appellant to address arguments in the matter.

Put up for the purpose already fixed on 18.11.2025.

A.No. 135/23

28.05.2025

Present: Sh. Lakhan Gupta, Proxy counsel for the appellant.

Ms. Renu Soni, Nodal Officer on behalf of MCD for 1 & 2.

Sh. Abhay Dixit, Ld counsel for the respondent no.3

joined through VC.

It is informed that Ld. counsel for MCD Ms. Bhavya

Chauhan is unavailable today due to bad health.

In the interest of justice, one more opportunity is granted

to MCD to address further arguments in the matter.

Put up for the purpose already fixed on 26.11.2025.

A.No. 142/23 & 143/23

28.05.2025

Present: Sh. M.N.Siddhqui, Ld counsel for the appellant.

Ms. Renu Soni, Nodal Officer on behalf of MCD

It is informed that Ld. counsel for MCD Ms. Bhavya

Chauhan is unavailable today due to bad health.

In the interest of justice, one more opportunity is granted

to MCD to address further arguments in the matter. Put up for the purpose already fixed on 18.11.2025.

A.No. 454/24 & 455/24

28.05.2025

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

Ms. Renu Soni, Nodal Officer on behalf of MCD.

It is informed that counsel for MCD Mr. Ashutosh Gupta is unavailable today as he has to rush to Hon'ble High Court

of Delhi for attending an urgent hearing.

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

Put up for the purpose already fixed on 20.11.2025.

A.No. 18/23

28.05.2025

Present: Sh. Harish Chander, Ld. counsel for appellant. File memo

of appearance.

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

Ld. counsel for appellant submits that he has recently engaged and wants time to inspect the record before addressing arguments in the matter.

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

Put up for the purpose already fixed on 18.11.2025.

A.No. 205/18, 277/18 & 278/18

28.05.2025

Present: None for the appellant.

Sh. Ranjeet Pandey, Ld counsel for the respondent

joined through VC.

No one is appeared on behalf of appellant in Tribunal and

in VC despite various calls since morning.

In the interest of justice, no adverse order is being

passed today.

Put up for the purpose already fixed on 18.11.2025.

A.No. 105/23

28.05.2025

Present: Sh. Ganesh C.Pandey, Ld counsel for the appellant.

Sh. Atul Tanwar, Ld counsel for the respondent.

Arguments on the point of appeal heard from both the

parties at length.

Vide separate judgment of even date, the present appeal

is allowed and impugned order is set aside.

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

room.