

A.No. 351/25

29.05.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Vijender Pal Singh, Ld. counsel for the appellant.

1. Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer.
2. The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.
3. Ld. counsel for appellant presses his ex-parte interim application and submits that in case protection is not granted at this juncture the appeal will become infructuous. He submits that the impugned demolition order is passed without providing any hearing and neither the show cause notice nor the demolition order was served upon the appellant. He submits that the demolition order was supplied to the appellant only during the course of proceedings in W.P.(C) 6320/20 and the said fact is recorded in order dated 21.05.2025 passed by the Hon'ble High Court of Delhi.
4. It is submitted that the survey report of the revenue authority shows the existence of property in the year 2007. He submits that the regularization application

moved by the appellant is also pending with MCD and yet to be decided.

5. It is further argued that the demolition order does not mention any house number. He submits that only Khasra Number is written in the demolition order whereas various other properties are also situated in said khasra number. He submits that in the absence of any clear position about the identity of the property the execution of demolition order will be arbitrary and prejudice to the interest of the appellant. He also points out that the name of the owner is also not mentioned in demolition order.
6. It is submitted by Ld. counsel for the appellant that vide order dated 21.05.2025 in W.P.(C) 6320/20, the Hon'ble High Court has granted a protection for one week and has permitted the appellant to seek redressal of his grievance before this Tribunal. He submits that in case the protection is not granted the appellant will suffer irreparable loss and will be left remediless.
7. Arguments heard. Record perused. Vide order dated 21.05.2025 the Hon'ble High Court has granted protection for a period of one week. The issues regarding the pendency of regularization application, existence of old structure and not providing any hearing goes to the root of matter and needs to be adjudicated on merits.

8. In view of the above facts and circumstances, status quo be maintained in respect of the property in question till next date of hearing.
9. It is clarified that the observations made while passing of this order by this Court shall not tantamount to the expression on the merits of this case.
10. 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 **30.07.2025**.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 352/25

29.05.2025

Fresh appeal filed. Be checked and registered.

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

1. 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.

2. Ld. counsel for appellant presses the interim application for grant of ex parte interim stay. It is submitted by Ld. counsel for appellant that the impugned order is passed without providing any hearing. It is submitted that structure in question is old and comes within the ambit of protection granted by National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.
3. Perusal of record shows that as per sale deed dated 27.05.2023, appellant has purchased entire third floor with terrace. As per the sale deed in the year 2013 only structure till third floor was in existence. The cut of date is applicable in respect of property in question is 07.02.2007. It is prime facie clear that structure in question is erected thereafter. No sanctioned building

Contd....

plan in respect of fourth floor and fifth floor is placed on record. No regularization plan or application in respect of said structure is filed along with appeal. It is prime facie clear that documents filed by appellant himself shows that the structure had been erected after the cut of date without sanctioned building plan. Under these circumstances, the request for grant of ex-parte interim stay is declined.

4. 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.

Put up for arguments on interim application(s) and appeal on 06.06.2025.

Copy of order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 R

A.No. 353/25

29.05.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Rakesh Tikku, Ld. Senior Counsel alongwith Sh. Lokesh Bhardwaj and Ms. Ashna Narang, Ld. counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent New Delhi Municipal Council through concerned Secretary, NDMC.

The Executive Engineer is directed to ensure the presence of the concerned AE, 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 04.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 354/25

29.05.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Rakesh Tiku, Ld. Senior Counsel alongwith Sh. Lokesh Bhardwaj and Ms. Ashna Narang, Ld. counsel for the appellant.

List of documents is filed by the appellant.

Issue notice of interim application(s) as well as appeal to the respondent New Delhi Municipal Council through concerned Secretary, NDMC.

The Executive Engineer is directed to ensure the presence of the concerned AE, 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 04.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 355/25

29.05.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. M.P.S. Kasana, Ld. counsel for the appellant along with Sh. D.C. Aggarwal, Advocate.

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

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

Put up for arguments on interim application(s) and appeal on 14.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (V)

A.No. 404/20 & 405/20

29.05.2025

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

Present : Sh. G.R. Verma, Ld counsel for the appellant along with H.K. Sharma and Deepak Grover, Advocates.
Ms. Renu Soni, Nodal Officer on behalf of the respondent / MCD.

An application under Section 151 is moved on behalf of appellant.

Nodal Officer submits that on last date of hearing adjournment was granted as Mr. H.R. Aggawal, Ld counsel for the MCD was unwell. She submits that they are in process to engage counsel in this case and assures that MCD will not seek adjournment in the matter.

In view of the aforesaid submissions Ld counsel for appellant is not pressing the application. Application is dismissed as withdrawn.

Put up for date and purpose already fixed on 19.09.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (V)

A.No. 194/25

29.05.2025

Present : Sh. Ashok Mehta husband of the appellant in person..
Ms. Renu Soni, Nodal Officer on behalf of MCD with Sh.
S.A. Niyazi, AE(B).

Record is produced. It be deposited with Registry and tagged with the file.

Status report is filed by the MCD, copy supplied to Mr. Ashok Mehta, husband of the appellant.

An adjournment is sought on behalf of the MCD as their counsel Mr. Ashutosh Gupta 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 the MCD to address the arguments in the matter.

Put up for purpose fixed on 02.09.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 777/23

29.05.2025

Present : Sh. Sanjay Gupta & Sh. Anmol Mehta, Ld counsel for the appellant.

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

Ld. counsel for appellant informs that W.P.(C) 11903/24 is listed before the Hon'ble High Court of Delhi on 08.09.2025. He requests to schedule the present matter thereafter.

Accordingly put up for further proceedings on 14.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 121/24 (M)

29.05.2025

Present : Sh. Rakesh Chander Aggarwal, Ld counsel for the appellant.

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

An adjournment is sought on behalf of the MCD as their counsel Mr. Ashutosh Gupta 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 the MCD to address the arguments in the matter.

Put up for purpose already fixed on 13.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 159/25

29.05.2025

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

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

An adjournment is sought on behalf of the MCD as their counsel Mr. Ashutosh Gupta 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 the MCD to address the arguments in the matter.

Put up for purpose fixed on 11.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 1084/24 & 1095/24

29.05.2025

Present : Sh. Gurmit Singh, Ld counsel for the appellant along with appellant in person.

Sh. Ajay Gaur, Ld counsel for the respondent in appeal No.1084/24.

Sh. Pritish Sabharwal, Ld counsel for the respondent in appeal No.1095/24.

Sh. S.A. Niyazi, AE(B) –II/CLZ.

Status report is filed by the MCD in appeal No.1095/24, copy supplied.

An affidavit is filed by the appellant in compliance of previous order in appeal No.1095/24.

Ld. counsel for appellant submits that he is not in a position to argue the matter today due to some personal exigencies.

Mr. Ajay Gaur, Ld. counsel for MCD in appeal No.1084/24 submits that he is also not available in post lunch session.

In view of the aforesaid position the arguments could not be concluded today.

At request of the parties matter be re-listed for purpose already fixed on **21.08.2025**.

Interim orders to continue till the next date of hearing in appeal No.1084/24.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 40/25

29.05.2025

Present : Sh. Harkrishan Das Nijhawan, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of MCD.

Nodal Officer submits that Mr. Ashutosh Gupta Ld. counsel for MCD is unavailable today being busy before the Hon'ble High Court of Delhi.

Nodal Officer informs that the MCD has already supplied advance copy of the written submissions to the appellant and seeks some time to file written submission in the Tribunal during the course of the day.

Appellant confirms that he has received advance copy of written submission from the MCD.

Arguments on locus standi of appellant to file public interest litigation appeal are being heard in this case along with other cases filed by appellant.

MCD shall ensure that the arguments on legal issues involved in this case are addressed on the next date of hearing. A Senior Official from the Law Department shall also join the hearing to assist this Tribunal.

Put up for arguments on the point of locus standi of the appeal on 04.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 80/25, 60/25, 258/25, 259/25, 260/25, 261/25, 262/24, 3209/25 & 321/25.

29.05.2025

Present : Sh. Harkrishan Das Nijhawan, Ld counsel for the appellant.

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

Part arguments heard.

Arguments could not be concluded as MCD in appeal No.40/25 has sought an adjournment due to non-availability of their counsel.

Arguments on locus standi of appellant to file public interest litigation appeal are being heard in this case along with other cases filed by appellant.

Legal issue involve in all the case is common and it will be prudent to conclude the arguments after hearing MCD on the legal issue.

Put up for arguments on the point of locus standi of the appeal on 04.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 03/25

29.05.2025

Present : Sh. Pankaj Pandey, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of MCD.

An adjournment is sought on behalf of MCD as their counsel Mr. Ashutosh Gupta 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 MCD to address arguments in the matter.

Put up for the purpose already fixed on 26.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 R

A.No. 11/25 & 12/25

29.05.2025

Present : Sh. Pankaj Pandey, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of MCD.

An adjournment is sought on behalf of MCD as their counsel Mr. Ashutosh Gupta 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 MCD to address arguments in the matter.

Ld. counsel for appellant submits that as MCD is taking adjournment, they may be protected till next date of hearing.

Ms. Renu, Nodal Officer submits that she has taken instructions from Mr. Rajvir Singh, AE(B) who informed her that MCD is taking adjournment in the matter today, they will not take any coercive action in the property in question till next date of hearing.

At request of both the parties, put up for the purpose already fixed on 26.08.2025.

Copy of order be given dasti to both the parties.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 R

A.No. 113/24 (M)

29.05.2025

Present : None for appellant.
 Ms. Renu Soni, Nodal Officer on behalf of the respondent
 / MCD.

Reply is filed by the MCD. Copy supplied to the appellant.

None has appeared on behalf of appellant in person as well in VC since morning despite various calls.

In the interest of justice, no adverse order is being passed today

Put up for purpose fixed on 14.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025

A.No. 1053/24 & 789/24

29.05.2025

Present : Sh. Jay Singh, Associate counsel for the appellant joined through VC.
Sh. Pritesh Sabharwal, Ld counsel for the respondent joined through VC in appeal no.789/24
Ms. Renu Soni, Nodal Officer on behalf of MCD in appeal no.1053/24.

An application under Section 5 of Limitation Act is moved in both the appeals by appellant.

MCD informs that they have not received the copy of application. Copy be supplied.

Put up for reply and arguments on aforesaid application seeking condonation of delay and pending interim applications as well as appeal on 03.09.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 R

A.No. 528/22

29.05.2025

Present : Sh. Neeraj Kumar Shah, Ld counsel for the appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent. Fresh Vakalatnama is filed by Ld. counsel for respondent. It be taken on record.

Ld. counsel for MCD submits that he is in process of obtaining of record and needs some times to address arguments in the matter.

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

Put for the purpose already fixed on 14.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 V

A.No. 68/22 & 67/22

29.05.2025

Present : Sh. Akshat Rehani, appellant in person.
Sh. Ravi Ranjan, Ld counsel for the respondent joined through VC.
Sh. Sandeep Kumar, for intervener in person.

Nodal Officer submits that they are process of engaging an Advocate in the present matter and the necessary formalities will be done within a week from today.

Nodal Officer assures that no further adjournment shall be sought by the MCD in the matter and they will address the arguments on next date of 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 09.10.2025.

Interim orders to continue till the next date of hearing in appeal no. 68/22.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (V)

A.No. 251/24

29.05.2025

Present : Sh. Javed Khan, Ld counsel for the appellant.
Sh. Prabhakarmani Tripathi, Ld counsel for the respondent.

Ld. counsel for appellant seeks some time to move an application seeking permission to file additional documents at this stage in this appeal. He seeks an adjournment to take necessary steps in this regard.

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 29.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 R

A.No. 272/24

29.05.2025

Present : Sh. Arun Kumar Vidyarthi, Ld counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of the respondent
/ MCD.

Part arguments heard.

Ld counsel for the appellant submits that they intend to apply regularization of property in question.

It is clarified that no embargo has been imposed by this Tribunal in respect of regularization proceedings. In case the appellant applies for the regularization of the property in question, MCD is at liberty to deal and decide the said application as per law without being influenced from the pendency in the present proceedings.

Put up for purpose already fixed on 14.11.2025.

Interim orders to continue till the next date of hearing.

Copy of order be given dasti to both the parties.

Copy be also communicated to AE (B) concerned for information and record.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (V)

A.No. 366/24

29.05.2025

Present : Sh. Jitender Sain, Ld counsel for the appellant.
Sh. Prabhakar Mani, Ld counsel for the respondent.

Ld counsel for the appellant submits that they intend to move an application seeking permission to file additional documents in support of their appeal. Advance copy be supplied to the MCD.

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 14.11.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (V)

A.No. 276/22

29.05.2025

Present : Sh. Neeraj Shah, Ld counsel for the appellant along with Sh. Hamid Ali, Advocate and appellant in person. Fresh Vakalatnaama is filed.
Ms. Vasu Singh, Ld counsel for the respondent joined through VC.

Ld counsel for appellant submits that he is recently engaged in the matter.

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

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

Put up for purpose fixed on 14.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (V)

A.No. 851/24

29.05.2025

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

Ld counsel for appellant submits that they have requested to MCD for regularizing the property vide letter dated 29.04.2025. MCD has guided them to file an application through municipal empanelled Architect. He submits that they are in process of filing application through municipal empanelled Architect.

Accordingly, put up for purpose fixed on 17.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 V

A.No. 151/23

29.05.2025

Present : Ms. Parul Agarwal, Ld counsel for the appellant along with appellant in person.
Ms. Renu Soni, Nodal Officer on behalf of the respondent / MCD.
Sh. Varun Gullia, Ld counsel for the intervener.

An adjournment is sought on behalf of the MCD as their counsel Sh. Ashutosh Gupta 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 the MCD to address the arguments in the matter.

Put up for purpose fixed on 19.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (V)

A.No. 821/17

29.05.2025

Present : Sh. Priyanka Garg, Associate counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of MCD.

Arguments could not be concluded today as Ld. counsel for appellant as well as MCD are not available today being busy before the Hon'ble High Court of Delhi.

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

Put up for the purpose already fixed on 21.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025

A.No. 448/16 & 449/16

29.05.2025

Present : Sh. Priyanka Garg, Associate counsel for the appellant.
Ms. Renu Soni, Nodal Officer on behalf of MCD.

Written submissions are filed by the appellant in appeal no.448/16 and 449/16. Written submissions are kept in appeal no.448/16.

Ld. counsel for appellant submits that they will supply the copy to MCD during the course of the day.

An adjournment is sought on behalf of MCD as their counsel Mr. Ashutosh Gupta 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 MCD to address arguments in the matter.

Put up for the purpose already fixed on 21.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 R

A.No. 1136/13

29.05.2025

Present : None for the appellant.
 Ms. Renu Soni, Nodal Officer on behalf of the respondent
 / MCD.

None has appeared on behalf of appellant in person as well in VC since morning despite various calls.

In the interest of justice, no adverse order is being passed today.

Notice be issued to appellant with the directions to appear in person or through its representative on next date of hearing.

Put up for purpose fixed on 17.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (V)

A.No. 593/23

29.05.2025

Present : Sh. G.R. Verma and Sh. H.K. Sharma, Ld counsel for the appellant.
Sh. Prithish Sharma, Ld counsel for the respondent joined through VC.

Part arguments heard.

Some clarifications are required from the AE(B) concerned in respect of demolition proceedings / order in respect of the property in question. He is directed to remain present in person in the Tribunal on the next date of hearing.

Put up for further arguments on the point of appeal on 17.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 27/19

29.05.2025

Present : None for the appellant.
 Ms. Renu Soni, Nodal Officer on behalf of MCD.

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 18.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 105/19

29.05.2025

Present : Ms. Suman Jain , Ld counsel for the appellant joined through VC.

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

Ld. counsel for p submits that the authorized representative of the appellant Trust has retired and they are in process of deputing a new authorized representative in the matter.

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 18.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 112/20

29.05.2025

Present : Ms. Mansi Singh and Sh. Vivek Bachan, Ld counsel for the appellant.
Sh. V.K. Aggarwal , Ld counsel for the respondent.
Sh. Surinder Jain, Ld. counsel for intervener alongwith intervener in person.

Ld. counsel for intervener submits that vide status report dated 04.02.2025 MCD has placed on record copy of survey inspection report but the entire house tax record in terms of the order dated 18.04.2024 is not filed.

Ld. counsel for MCD seeks some time to take instructions in that regard.

Put up for purpose already fixed on 18.11.2025.

Interim protection granted vide order dated 05.03.2020 to continue till next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 123/20

29.05.2025

Present : Sh. G.R. Verma and Sh. H.K. Sharma, Ld counsel for the appellant.

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

1. Arguments on the point of application under Section 5 of the Limitation Act heard from Ld. counsels for both the parties.
2. Ld. for the appellant submits that they are disputing the service of show cause notice as well as the impugned order. He submits that delay has been occasioned due to non service of the show cause notice as well as impugned order. He submits that upon receipt of information about the impugned order they took immediate steps to file this appeal. He submits that appellant has raised substantial grounds in the appeal and in case the opportunity of hearing is not provided the appellant will become remedy less in respect of the impugned order.
3. Ld. counsel for MCD opposes the application. He submits that the impugned order was duly served. He submits that MCD has also carried out demolition action against the property in question and appellant cannot plead ignorance about the same.
4. Arguments heard. Record perused. Appellant has disputed the service of show cause notice and

impugned order. The aforesaid aspect needs to be appreciated on merits in the present case. Appellant has raised grounds in the appeal which needs to be appreciated on merits. However, it is clear that the action was taken against the property and despite that the appellant did not take any active step to challenge the order passed by the MCD.

5. In view of the overall facts and circumstances, application under Section 5 of the Limitation Act is allowed subject to cost of Rs.5,000/- to be deposited with the Registry of this Tribunal.
6. It is clarified that the observation made while passing of this order by this court shall not tantamount to the expression on the merits of this case'

Put up for arguments on interim application and appeal on 17.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 642/19

29.05.2025

Present : Sh. G.R. Verma and Sh. H.K. Sharma, Ld counsel for the appellant.

Sh. Varun Sharma, Ld counsel for the respondent.

1. Arguments on the point of application under Section 5 of the Limitation Act heard from Ld. counsels for both the parties.
2. Ld. for the appellant submits that they are disputing the service of show cause notice as well as the impugned order. He submits that delay has been occasioned due to non service of the show cause notice as well as impugned order. He submits that upon receipt of information about the impugned order they took immediate steps to file this appeal. He submits that appellant has raised substantial grounds in the appeal and in case the opportunity of hearing is not provided the appellant will become remedy less in respect of the impugned order.
3. Ld. counsel for MCD opposes the application. He submits that the impugned order was duly served. He submits that MCD has also carried out demolition action against the property in question and appellant cannot plead ignorance about the same.
4. Arguments heard. Record perused. Appellant has disputed the service of show cause notice and

impugned order. The aforesaid aspect needs to be appreciated on merits in the present case. Appellant has raised grounds in the appeal which needs to be appreciated on merits. However, it is clear that the action was taken against the property and despite that the appellant did not take any active step to challenge the order passed by the MCD.

5. In view of the overall facts and circumstances, application under Section 5 of the Limitation Act is allowed subject to cost of Rs.5,000/- to be deposited with the Registry of this Tribunal.
6. It is clarified that the observation made while passing of this order by this court shall not tantamount to the expression on the merits of this case'

Put up for arguments on interim application and appeal on 17.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 121/25

29.05.2025

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

Sh. Pritish Sabharwal, Ld counsel for the respondent joined through VC.

In present case arguments were heard from both the parties on 15.05.2025 and the matter was listed today for orders.

Thereafter on 26.05.2025 the MCD has moved an application under Section 151 CPC. In view of application moved by MCD order could not be pronounced today.

Before proceeding further to decide the present appeal it is necessary to hear arguments on the MCD's application from both the parties.

Accordingly, put up for arguments on aforesaid application under Section 151 CPC moved by MCD on 06.06.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (J)

A.No. 627/2022

29.05.2025

Present : Sh. Syed Hasan Isfahani , Ld counsel for the appellant.
Sh. S. Adhil Hussain, Ld counsel for the respondent.

1. The present appeal has been filed by the appellant impugning the demolition order dated 20.09.2022 in respect of property bearing no. A-20, Naraina Vihar, New Delhi. The demolition order has been passed to demolish excess coverage / deviations against the regularization plan ID no. 387/Reg./SAS/KBZ/2019 at basement, stilt, ground floor, first floor, second floor and third floor and unauthorized construction in the shape of staircase from stilt to ground floor and installation of hydraulic lift at front set back.
2. Perusal of the paragraph 7.3 of the appeal shows that appellant has admitted that when the structure was constructed it was having deviations from the sanctioned building plan. However, such deviations are not clarified by the appellant in his appeal.
3. In order to discern and clearly appreciate the factual position in the present matter, it is necessary that a joint inspection of the property in question be ordered to ascertain the following aspects:
 - a. Existing covered area of the property of all the floors;

- b. Covered area of the property on all floors as approved vide regularization plan of 2019.
 - c. A comparative table showing difference between existing covered area and the sanctioned regularization covered area on all floors.
 - d. Status of staircase from stilt to ground floor.
 - e. Status of hydraulic lift in the front set back.
 - f. Photographs be also filed.
4. The joint inspection of the property be carried out on 04.06.2025 at 12:30 p.m. The appellant shall tender necessary cooperation to the MCD officials.
5. The SHO concerned is directed to provide necessary police assistance to the MCD officials for discharging of their duties.

Put up for filing of status report by the MCD and further arguments on the point of appeal on **09.07.2025.**

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

Copy of order be communicated to SHO concerned.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.05.2025 (s)