

A.No. 395/25

11.06.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. R.K. Singh, Ld. counsel for the appellant along with
Sh. Gagan Bhuraria, 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 08.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (V)

A.No. 397/25

11.06.2025

Fresh appeal filed. Be checked and registered.

Present : Ms. Sukanya Hazarika, 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 05.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (V)

A.No. 398/25
11.06.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Hari Kishan, Ld. counsel for the appellant.
Arguments on the point of maintainability of appeal heard
from Ld. counsel for appellant.
Put up for orders at 3.00 P.M.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
10.06.2025 (J)

3.00 P.M.
ORDERS:

1. The present appeal has been filed by the appellant impugning the vacation notice dated 05.06.2025 issued in furtherance of the demolition order. He submits that no unauthorized construction exists in the property and the appeal be heard on merits.
2. Ld. counsel for appellant is requested to address the arguments on the maintainability of the appeal against vacation notice. He submits that the appeal in the present shape is maintainable and be heard on merits.
3. I have heard the arguments and perused the record. In the prayer clause of the appeal appellant is impugning the vacation notice dated 05.06.2025. The vacation notice dated 05.06.2025 is issued in furtherance of the demolition order which is also mentioned in the said notice. Section 343 (2) of the DMC Act provides a provision to file appeal against

the demolition order. The Limitation period to file such appeals needs to be calculated from the date of demolition order. Vacation notice is only issued in furtherance of demolition order in circumstances when the property is not demolished in compliance thereof and persons living in the property have to be evicted before any demolition action is taken by the MCD. There is no provision in Section 343 and Section 347-B of the DMC Act to file an appeal against the vacation notice.

4. In view of the aforesaid facts and circumstances, the present appeal against the vacation notice is not maintainable and dismissed.
5. It is clarified that no observation on merits of the case have been made by this Tribunal.
6. It is also clarified that the appellant is at liberty to ventilate his grievances by filing appropriate appeal against the demolition and sealing order subject to law of limitation as well as extant rules.
7. Copy of the order be sent to AE(B) concerned for his information and record.
8. Copy of the order be sent to AE(B) concerned.
File be consigned to record room.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 106/25

11.06.2025

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

Present : Sh. Rahul Madan, Ld counsel for the appellant.

On last date of hearing an adjournment sought by the appellant to address arguments and date is already fixed for 04.09.2025. The Tribunal has a heavy roster and it will not be possible to accommodate an early hearing application especially when no specific grounds are cited. Accordingly the application is dismissed.

Put up for purpose fixed on date already fixed i.e. 04.09.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (V)

A.No. 355/25

11.06.2025

Present : Sh. Umang Tyagi, Sh. D.K. Aggarwal, Ld counsel for the appellant.

Sh. V.K. Aggarwal, Ld counsel for the respondent alongwith Sh. D.K. Meena, AE(B).

1. Status report is filed by the MCD, copy supplied.
2. Ld. counsel for appellant presses the interim application seeking stay.
3. Ld. counsel for MCD submits that the appeal is already fixed for arguments on 14.07.2025. He opposes the request for grant of interim stay at this juncture and submits that the interim application as well as appeal be heard on merits. However, in order to cut short the controversy, it is informed that MCD will not take demolition action against the property in question till next date of hearing. Accordingly, application seeking early hearing stands disposed off. Put up for arguments on interim application seeing stay as well as appeal on **14.07.2025**.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 343/25

11.06.2025

Present :

Sh. Sanjeev , Ld counsel for the appellant.

The present appeal has been filed impugning the vacation notice under Section 349 of DMC Act, 1957 dated 29.04.2025. Arguments on the point of maintainability heard. Section 343 and 347B of DMC Act do not make any provision to file any appeal against the vacation notice. The appeal against demolition order is filed under Section 343 (2) of DMC Act. The limitation period starts running from the date of demolition order. The vacation notice is only issued in furtherance of demolition order, when owner / occupier fails to comply the demolition order and the MCD before carrying out any demolition action needs to evict the persons who are residing in the property. Vacation notice do not give rise to any cause of action for filing an appeal. Accordingly, the present appeal is not maintainable and dismissed.

It is clarified that no observation on merits of the case have been made by this Tribunal.

It is also clarified that the appellant is at liberty to ventilate his grievances by filing appropriate appeal against the demolition and sealing order subject to law of limitation as well as extant rules.

Record be consigned to record room.

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

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 R

A.No. 377/25

11.06.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Sanjeev, 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 05.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 R

A.No. 386/25

11.06.2025

Present : Sh. Gurpreet Singh Sethi, Ld. counsel for the appellant.

1. Affidavit giving measurements along with site plan is filed by appellant. Ld. counsel for appellant submits that inadvertently the affidavit filed along with appeal at page 37A, correct measurement could not be mentioned and therefore, they have filed fresh affidavit today.
2. 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.
3. Ld. counsel for appellant presses the interim application seeking stay, he submits that appellant purchased the second floor in property in question vide sale deed dated 03.09.2010. The said sale deed shows the area under transfer as 137.68 sq. mtrs. He submits that tax assessment dated 16.02.2001 done by MCD also shows the covered area as 1486 sq. feets or 138.10 sq. mtrs approximately. He submits that pursuant to the said tax assessment the predecessor in interest of appellant also paid the property tax and payment receipts are on

record. He submits that the property tax of the year 2005-06 also records the covered area of second floor as 138.10 sq. mtrs. He submits that appellant in their reply dated 29.09.2024 submitted before the MCD also mentioned the aforesaid covered area of property. He submits that MCD in their impugned order did not considered the same and gave findings that the existing area is 121.39 sq. mtrs. He submits that as per MCD tax assessment and the property tax returns prior cut off date, the covered area of 138.10 sq. mtrs existed on second floor which is ignored by MCD and order is arbitrary.

4. Arguments heard and record perused. Appellant has placed on record MCD tax return of the year 2001 as well as the property tax return prior cut off date which shows the covered area as 138.10 sq. mtrs. The aforesaid documents goes to the root of matter and needs to be examined on merits. Appellant has also filed affidavit confirming that the covered area is 137.68 sq. mtrs. In view of the aforesaid, status quo be maintained in the matter till next date of hearing.
5. 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.
6. Appellant shall however not raise any unauthorized construction in the said property and shall not create any

third party rights without necessary permission as prescribed by law.

Put up for arguments on interim application(s) and appeal on 28.08.2025.

Copy of order be given dasti to both the parties.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 R

A.No. 301/25

11.06.2025

Present : Ms. Simran Singh, Ld counsel for the appellant.

An affidavit is filed by the appellant clarifying their title and locus-standi in respect of the property.

Put up for further arguments on the point of consideration of appeal on 05.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (V)

A.No. 323/25

11.06.2025

Present : Sh. Ashutosh Mishra, Ld counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent along
with Sh. Arun Rawat, AE(B).

Status report is filed by the MCD. Copy supplied.

Record is already filed.

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 the appellant to address the arguments in the matter.

Put up for purpose fixed on 29.08.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (V)

A.No. 324/24

11.06.2025

Present : Ms. Anam Sehar, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by the MCD, copy supplied.

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

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 04.09.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 325/25

11.06.2025

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

Status report is filed by the MCD, copy supplied.

An adjournment is sought on behalf of the appellant as main counsel Sh. Sandeep Kumar is un-available today due to some personal exigencies.

Nodal Officer of MCD submits that the Hon'ble High Court of Delhi is also seized of the matter and they need to take instructions from the department before making any further submission 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 24.**09.2025**.

Copy of order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 360/25

11.06.2025

Present : Sh. Hamit Kumar, Ld counsel for the appellant.
Sh. Pritesh Sabbharwal, Ld. Counsel for the respondent
joined through VC.

Arguments on the point of interim application and appeal
heard.

Put up for orders at 4:00 PM.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025

At 4:00 PM.

Present : Sh. Hamit Kumar, Ld counsel for the appellant joined
through VC.
Sh. Lalit Kumar, AE(B) joined through VC.

Some clarifications are required in respect of order dated
14.12.2022 passed by Civil Court in CS 1530/2022. Ld.
counsel for appellant seeks some time to place that order
before the Tribunal.

At request of parties, put up for arguments on
clarifications on 12.06.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 R

A.No. 333/25

11.06.2025

Present : Sh. Ankit Hooda , Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent alongwith
Mr. Pravin Dhaullare, AE(B). Fresh Vakalatnama filed,
same is taken on record.

Status report is filed by the MCD, copy supplied.

Record has already filed.

Ld. counsel for appellant seeks some time to inspect the
record before addressing the arguments 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 **27.08.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 223/25

11.06.2025

Present : Sh. Puneet Kumar and Nishu Tyagi, Proxy counsel for the appellant.

Sh. Yash Aggarwal, Ld counsel for the respondent.

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

Ld counsel for MCD clarifies that there is no embargo on the proceedings of this Tribunal from any other higher Courts.

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

An adjournment is sought on behalf of the appellant as main counsel Sh. Parveen Tyagi is unavailable today due to personal exigencies.

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 03.09.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (V)

A.No. 348/25

11.06.2025

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

Status report is filed by the MCD, copy supplied.

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

Ld. counsel for appellant has placed on record a letter dated 09.06.2025 issued by the MCD and submits that they have already applied for the regularization of the alleged deviations.

Mr. Dhirender Kumar, AE(B) confirms the receipt of the regularization application. He assures that as the regularization application is under consideration they will not take any demolition action against the property in question till next date of hearing and the interim application and appeal be heard on merits.

In view of the aforesaid, the application seeking early hearing stands disposed off.

Put up on date already fixed i.e. 10.07.2025.

Copy of order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 161/25

11.06.2025

Present : Sh. G.R. Verma, Ld counsel for the appellant along with
Sh. Deepak Grover, Advocate.
Sh. V.K. Aggarwal, Ld counsel for the respondent in
appeal no. 161/25.

Ld counsel for the MCD seeks sometime to file status
report as well as record in the present matter. Advance
copy be supplied to the appellant.

Put up for purpose fixed on 22.09.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (V)

A.No. 103/25

11.06.2025

Present : Sh. G.R. Verma, Ld counsel for the appellant along with
Sh. Deepak Grover, Advocate.
Sh. Ashutosh Gupta, Ld counsel for the respondent in
appeal no. 103/25.

Arguments could not be heard today as MCD is seeking
an adjournment to file their status report as well as record
in appeal no. 161/25.

Arguments in the present case need to be heard together
with appeal no.161/25 as the matter pertains to same
property.

Put up for purpose fixed on 22.09.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (V)

A.No. 1066/24 & 1067/24

11.06.2025

Present : Sh. Vimal Dhingra and Sh. Vinod Khanna, Ld counsel for the appellant.

Sh. Pritish Sabharwal, Ld counsel for the respondent joined through VC with Sh. Sanjeet Kumar, Advocate present in the Tribunal.

1. Ld. counsel for appellant has placed on record copy of order dated 28.05.2025 passed by the Hon'ble High Court of Delhi. He submits that liberty was granted to the appellant to seek recourse to appropriate remedy available under law for redressal of grievances. The relevant extract of the said order is re-produced below:-

“1. Ms. Laavanya Kaushik, learned counsel for the applicant, states that she may be permitted to withdraw this application with the liberty to take appropriate recourse to any other remedy which may be available to the applicant for redressal of his grievances.

2. The application is thus dismissed as withdrawn with the liberty as prayed for.”

2. Ld. counsel for the appellant submits that in view of the said order passed by the Hon'ble High Court there is no embargo on jurisdiction of this Tribunal to hear the present matter. He submits that Ld. counsel for

MCD misguided this Tribunal by making wrong submissions on 03.06.2025.

3. He submits that in respect of application highlighted by the MCD counsel on 03.06.2025, the same was filed in the Registry of the Hon'ble High Court of Delhi but was never listed. He submits that as the Hon'ble High Court has already given clarification and liberty to the appellant to seek remedy as per law, therefore appellant did not pursue the aforesaid application and neither intends to pursue the same.
4. He submits that on 03.06.2025 the arguing counsel was not available and the associate counsel, not being aware about the complete state of affairs was not able to inform about the complete facts to this Tribunal.
5. Ld. counsel for MCD submits that the aforesaid order dated 28.05.2025 is only in respect of the regularization proceedings. He submits that no clarification has been sought by the appellant from the Hon'ble High Court in respect of pursuing appeal in respect of the demolition proceedings.
6. Upon queried by the Tribunal whether any embargo has been imposed by the Hon'ble High Court in respect of hearing in respect of the appeal against the demolition proceedings. Ld. counsel for MCD submits that he has no clear instructions.
7. Appellant has placed on record order dated 28.05.2025 passed by the Division Bench of the Hon'ble High Court of Delhi wherein liberty has been

granted to seek recourse to appropriate remedy available under the law.

8. Ld. counsel for MCD is taking an objection as to the jurisdiction of this Tribunal to hear the appeal against demolition proceedings but is not able to clarify any specific directions passed by the Hon'ble High Court of Delhi putting an embargo in that regard.
9. In these circumstances, the Chief Law Officer, MCD, Dy. Commissioner concerned as well as the AE(B) concerned are directed to appear in person on next date of hearing and clarify the position.

Put up for purpose fixed on **12.06.2025**.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 314/25

11.06.2025

Present : Sh. G.R.Verma, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh Sabbharwal, Ld. Counsel for the respondent along with Sh. Dhirender Kumar, AE(B)/ South Zone.

1. Status report is filed by respondent / MCD. Copy supplied.
2. Record has been produced. It be deposited with Registry and tagged with the file.
3. Ld. Counsel for respondent / MCD seeks some time to file reply to the application seeking condonation of delay. Advance copy be supplied to appellant.
4. Ld. counsel for appellant presses the interim application seeking stay. He submits that in the year 2003 the MCD had booked unauthorized construction in respect of flat in question and copy of relevant record is available at page 45 & 46 of the appeal. He submits that the said proceedings were later on closed and vide letter dated 15.01.2010 (at page 65) MCD clarified that the property had been deleted from the list of unauthorized constructed properties displayed on the website of MCD.
5. Ld. counsel appellant submits that the impugned demolition order dated 26.02.2016 does not refer any

previous proceedings. He submits that the impugned order does not clarify whether the alleged unauthorized structure is constructed over and above the structure that existed in the year 2003. He submits that impugned order is ambiguous and vague and do not consider the complete facts and circumstances.

6. He further submits that the appellant applied for regularization of flat in question. The said application was rejected vide order dated 04.01.2022. The said order is already challenged before this Tribunal in appeal no.743/2022. He submits that regularization application of appellant was rejected by MCD on the ground that as per office order dated 13.08.2003 applicable to DDA flats NOC of flat owners in vertical stack is required. He submits that in the said appeal, MCD has filed a letter dated 19.03.2025 wherein they have written to DDA to deliberate on the issue of exempting the requirement of NOC of other flat owners. He submits that MCD in the said case is seeking time to deliberate on the said issue with DDA due to which said appeal could not be decided. Ld. counsel for appellant submits that on one hand MCD is seeking adjournment to clarify the position in respect of regularization policy in appeal no.743/2022 and on the other hand they are planning to carry demolition drive in respect of property in question. He submits that in case protection is not granted to the property / flat of appellant

at this juncture, the present appeal and appeal in respect of regularization will become infructuous.

7. Ld. Counsel for respondent / MCD concede the position that they have written to DDA regarding exemption of NOC requirements and deliberations are still going on. Ld. Counsel for respondent / MCD also do not dispute MCD booking of the year 2003 and seeks some time to clarify the position in that regard.
8. I have heard the arguments and perused the record. Appellant has placed on record documents of MCD booking of the year 2003 which was prior to the cut of date. As per letter dated 15.01.2010, the booking was undone and details were deleted from MCD website. The impugned order is passed in the year 2016. The impugned order does not whisper anything about the previous booking of the year 2003. It also does not clarified whether the structure in question has surfaced over and above the structure which existed in the year 2003. The aforesaid aspect goes to the root of the matter and needs to be examined on merits.
9. In addition, aforesaid appeal no. 743/2022 is also pending before this Tribunal. In the said appeal, the appellant has challenged the order by which her regularization application was rejected. MCD is seeking adjournment in the said matter as office of the worthy

Commissioner, MCD is deliberating on policy issue with DDA.

10. It is patently clear at this juncture that in case demolition action is carried out on property in question at this juncture the regularization appeal will become infructuous. The MCD cannot blow hot and cold at the same time. On one hand MCD seeking adjournment in the appeal against rejection of regularization and on the other hand they are pressing for demolition action. Both exercises simultaneously will jeopardise the interests of appellant. Even otherwise the appellant has raised issues in the appeal which goes to the root of matter and needs to be examined on merits.
11. In view of the aforesaid facts and circumstances, it is directed that status quo be maintained in respect of property in question and demolition action be not taken till further orders.
12. 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.
13. Appellant shall however not raise any unauthorized construction in the said property and shall not create any third party rights without necessary permission as prescribed by law.

Put up for further arguments on application seeking
condonation of delay and appeal on **16.10.2025**.
Copy of order be given dasti to both the parties.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 R

A.No. 743/22

11.06.2025

Present : Sh. G.R.Verma, Ld counsel for the appellant.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh
Sabbharwal, Ld. Counsel for the respondent along with
Sh. Dhirender Kumar, AE(B)/ South Zone.

Part arguments heard.

Ld. counsel for appellant seeks some time to apprise
about the instructions which have been received from the
DDA.

Put for the purpose already fixed on 16.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 R

A.No. 159/25

11.06.2025

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

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments on the point of appeal heard.

Ld. counsel for MCD points out that in the prayer clause of the appeal, the appellant has mentioned the wrong date of impugned order which is being challenged before this Tribunal and it has direct bearing on the aspect of limitation period in the matter.

Ld. counsel for appellant seeks some time to take instructions for moving an application seeking amendment in this regard.

Put up for further arguments on the point of appeal on **07.07.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 180/23 & 181/23

11.06.2025

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

Arguments on the application seeking condonation of delay as well as appeal are heard at length from Ld. counsel for both the parties.

Ld. counsel for MCD submits that he needs to take instruction from the department in respect of order dated 7.10.2020 and order dated 06.05.2004 which is referred in the said order and filed along with appeal No.181/25 (page-74 of the appeal). He seeks some time to verify this document and file status report in that regard.

Put up for further arguments on the point of interim application and appeal on 09.07.2025.

Interim orders to continue till the next date of hearing in appeal No.180/23.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 109/25, 110/25 & 111/25

11.06.2025

Present : Sh. Charanpreet Singh , Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent in
appeal nos. 110/25 & 111/25.
Sh. Sanjeet Kumar, Ld. proxy counsel for Sh. Pritiesh
Sabbharwal, Ld. Counsel for the respondent in appeal
no.109/25.

An application under order 1 Rule 10 CPC is moved on
behalf of appellant. Advance copy is already supplied to
MCD.

Ld. counsel for respondent / MCD seeks some time to file
reply.

Ld. counsel for MCD requests for a short hearing as
undertaking is continue this case.

At joint request of parties, put up for the purpose already
fixed on 30.07.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 R

A.No. 108/17 & 179/17

11.06.2025

Present : Ms. Sharda Sharma, Proxy counsel for the appellant.
Sh.V.K.Aggarwal, Ld counsel for the respondent in
appeal no.179/17.
Sh. Sanjay Sethi & Sh. Mohit Sharma, Ld. counsel for the
respondent in appeal no.108/17.

Status report is filed by respondent / MCD in terms of
previous order. Copy supplied.

It is informed that arguing counsel for appellant Mr. Amit
Rana is unavailable today due to personal exigency.

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

Put up for further arguments on pending interim
applications and appeal on 16.10.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 R

A.No. 998/24

11.06.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant. Fresh Vakalatnama filed, same is taken on record.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant submits that he is recently engaged in the matter and seeks some time to inspect the record before addressing the arguments 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 02.12.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 460/24

11.06.2025

Present : Sh. Aman Mudgil, Ld counsel for the appellant joined through VC.

Ms. Jasleen Kaur, Ld counsel for the respondent. Fresh Vakalatnama filed, same is taken on record along with Sh. Lalit Goel, AE(B).

Part arguments heard. MCD is yet to file their record in the present matter.

AE(B) submits that the record is not traceable and they will make their best endeavor to file the same before next date of hearing.

Due to non availability of the MCD record the arguments could not be concluded today. MCD shall file their record on or before the next date of hearing.

Put up for purpose already fixed on **09.10.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 730/24

11.06.2025

Present : Sh. Satish Chandra Sharma, Husband of the appellant.
Sh. V.K.Aggarwal, Ld counsel for the respondent.
Sh. Piyush Jain, Ld. counsel for the intervener.

Reply to the application seeking condonation of delay is filed by MCD. Copy supplied.

It is informed that arguing counsel for appellant Mr. M.S.Saini 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 for the purpose already fixed on 01.12.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 R

A.No. 342/24

11.06.2025

Present : None for the appellant.

Sh. S. Adil Hussain, Ld counsel for the respondent joined through VC.

Despite various calls none is appearing on behalf of the appellant in the Tribunal or through VC.

Put up at 2.00 PM.

(ABHILASH MALHOTRA)

Addl. District & Sessions Judge

P.O.: Appellate Tribunal, MCD

11.06.2025

2.40 PM

Present: None for the appellant.

Sh. S. Adil Hussain, Ld counsel for the respondent joined through VC.

None 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 18.02.2025 as well.

It is 2.40 PM. The present appeal is dismissed in default.

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

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

(ABHILASH MALHOTRA)

Addl. District & Sessions Judge

P.O.: Appellate Tribunal, MCD

11.06.2025 (J)

A.No. 724/24

11.06.2025

Present : Sh. Manish Kumar, Ms. Anshika Agarwal and Mr. Parth Mehra, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Reply of application under Rule 14 DMC Appellate Tribunal (Procedure) Rules, 1986 is filed by MCD, copy supplied.

Ld. counsel for appellant submits that he has instructions to withdraw the application under Order VII Rule 14 CPC dated 15.02.2025 filed on last date of hearing. Accordingly the said application is dismissed as withdrawn.

A fresh application under Order VII Rule 14 CPC is moved by the appellant, copy supplied to MCD.

Put up for reply and arguments on the aforesaid application as well as purpose fixed on **13.11.2025**.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 848/24

11.06.2025

Present :

Ms. Parul Agarwal, Ld counsel for the appellant.

Sh. Avishek Kumar, Ld counsel for the respondent.

Ld. counsel for appellant submits that item Nos. 35 to 46 pertains to the different apartment which are situated in Srinivas Puri Mitra Mandal Co-operative Group Housing Society , Pitampura. She submits that the Tribunal has already granted protection in appeal Nos.757/24, 758/24, 759/24, 770/24, 901/24 and 959/24 which are similarly situated properties but no protection has been granted in respect of present case. She submits that on the ground of parity interim protection be granted in respect of present appeal as all the cases are to be heard together.

Ld. counsel for MCD submits that the Tribunal may consider the request as per law.

Perusal of record shows that in appeal Nos. 757/24, 758/24, 759/24, 770/24, 901/24 and 959/24 interim protection has been granted to some of the flat owners. The present property also situated in the same society and similarly placed. As arguments are to be heard in all the cases together therefore keeping in view the overall facts and circumstances, status quo be maintain in respect of the property in question also till next date of hearing.

Put up for further arguments on the point of interim application and appeal on **13.11.2025**.

(ABHILASH MALHOTRA)

Addl. District & Sessions Judge

P.O.: Appellate Tribunal, MCD

11.06.2025 (J)

A.No. 849/24

11.06.2025

Present :

Ms. Parul Agarwal, Ld counsel for the appellant.

Sh. Avishek Kumar, Ld counsel for the respondent.

Ld. counsel for appellant submits that item Nos. 35 to 46 pertains to the different apartment which are situated in Srinivas Puri Mitra Mandal Co-operative Group Housing Society , Pitampura. She submits that the Tribunal has already granted protection in appeal Nos.757/24, 758/24, 759/24, 770/24, 901/24 and 959/24 which are similarly situated properties but no protection has been granted in respect of present case. She submits that on the ground of parity interim protection be granted in respect of present appeal as all the cases are to be heard together.

Ld. counsel for MCD submits that the Tribunal may consider the request as per law.

Perusal of record shows that in appeal Nos. 757/24, 758/24, 759/24, 770/24, 901/24 and 959/24 interim protection has been granted to some of the flat owners. The present property also situated in the same society and similarly placed. As arguments are to be heard in all the cases together therefore keeping in view the overall facts and circumstances, status quo be maintain in respect of the property in question also till next date of hearing.

Put up for further arguments on the point of interim application and appeal on **13.11.2025**.

(ABHILASH MALHOTRA)

Addl. District & Sessions Judge

P.O.: Appellate Tribunal, MCD

11.06.2025 (J)

A.No. 1009/24

11.06.2025

Present :

Ms. Parul Agarwal, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant submits that item Nos. 35 to 46 pertains to the different apartment which are situated in Srinivas Puri Mitra Mandal Co-operative Group Housing Society , Pitampura. She submits that the Tribunal has already granted protection in appeal Nos.757/24, 758/24, 759/24, 770/24, 901/24 and 959/24 which are similarly situated properties but no protection has been granted in respect of present case. She submits that on the ground of parity interim protection be granted in respect of present appeal as all the cases are to be heard together.

Ld. counsel for MCD submits that the Tribunal may consider the request as per law.

Perusal of record shows that in appeal Nos. 757/24, 758/24, 759/24, 770/24, 901/24 and 959/24 interim protection has been granted to some of the flat owners. The present property also situated in the same society and similarly placed. As arguments are to be heard in all the cases together therefore keeping in view the overall facts and circumstances, status quo be maintain in respect of the property in question also till next date of hearing.

Put up for further arguments on the point of interim application and appeal on **13.11.2025**.

(ABHILASH MALHOTRA)

Addl. District & Sessions Judge

P.O.: Appellate Tribunal, MCD

11.06.2025 (J)

A.No. 982/24

11.06.2025

Present :

Ms. Parul Agarwal, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant submits that item Nos. 35 to 46 pertains to the different apartment which are situated in Srinivas Puri Mitra Mandal Co-operative Group Housing Society , Pitampura. She submits that the Tribunal has already granted protection in appeal Nos.757/24, 758/24, 759/24, 770/24, 901/24 and 959/24 which are similarly situated properties but no protection has been granted in respect of present case. She submits that on the ground of parity interim protection be granted in respect of present appeal as all the cases are to be heard together.

Ld. counsel for MCD submits that the Tribunal may consider the request as per law.

Perusal of record shows that in appeal Nos. 757/24, 758/24, 759/24, 770/24, 901/24 and 959/24 interim protection has been granted to some of the flat owners. The present property also situated in the same society and similarly placed. As arguments are to be heard in all the cases together therefore keeping in view the overall facts and circumstances, status quo be maintain in respect of the property in question also till next date of hearing.

Put up for further arguments on the point of interim application and appeal on **13.11.2025**.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 979/24

11.06.2025

Present :

Ms. Parul Agarwal, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant submits that item Nos. 35 to 46 pertains to the different apartment which are situated in Srinivas Puri Mitra Mandal Co-operative Group Housing Society , Pitampura. She submits that the Tribunal has already granted protection in appeal Nos.757/24, 758/24, 759/24, 770/24, 901/24 and 959/24 which are similarly situated properties but no protection has been granted in respect of present case. She submits that on the ground of parity interim protection be granted in respect of present appeal as all the cases are to be heard together.

Ld. counsel for MCD submits that the Tribunal may consider the request as per law.

Perusal of record shows that in appeal Nos. 757/24, 758/24, 759/24, 770/24, 901/24 and 959/24 interim protection has been granted to some of the flat owners. The present property also situated in the same society and similarly placed. As arguments are to be heard in all the cases together therefore keeping in view the overall facts and circumstances, status quo be maintain in respect of the property in question also till next date of hearing.

Put up for further arguments on the point of interim application and appeal on **13.11.2025**.

(ABHILASH MALHOTRA)

Addl. District & Sessions Judge

P.O.: Appellate Tribunal, MCD

11.06.2025 (J)

A.No. 757/24, 758/24, 759/24, 770/24 & 959/24

11.06.2025

Present : Ms. Parul Agarwal , Ld counsel for the appellant.
Sh. Mahender Shukla, Ld counsel for the respondent in
appeal Nos. 757/24, 758/24 & 759/24.
Ms. Vasu Singh, Ld. counsel for respondent in appeal
No.770/24.
Sh. Avishek Kumar, Ld. counsel for respondent in appeal
No.959/24.

Part arguments heard.

Put up for further arguments on pending interim
application as well as on the point of appeal on
13.11.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 901/24

11.06.2025

Present : Ms. Parul Agarwal , Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent. Fresh
Vakalatnama filed, same is taken on record.

Reply of the application under Section 5 of the Limitation
Act is filed by the MCD, copy supplied.

Part arguments heard.

Put up for further arguments on 13.11.2025.

Interim orders to continue till the next date of hearing.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 (J)

A.No. 256/24, 257/24, 275/22 & 231/22

11.06.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Avishek Kumar, Ld. counsel for the respondent.

Part arguments heard.

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 for the purpose already fixed on 06.11.2025.

(ABHILASH MALHOTRA)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
11.06.2025 R

A.No. 330/25

11.06.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Pritish Sabharwal, Ld. counsel for respondent

Vide separate judgment of even date, the present appeal is 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
11.06.2025

A.No. 331/25

11.06.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Pritish Sabharwal, Ld. counsel for respondent

Vide separate judgment of even date, the present appeal is 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
11.06.2025

A.No. 371/25

11.06.2025

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

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.

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
11.06.2025

A.No. 373/25

11.06.2025

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

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.

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
11.06.2025