A.No. 396/25 & 399/25

12.06.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Chirag Khurana, Ld. counsel for the appellant joined through VC along with Sh. Trivesh Sharma, Advocate present in persion.

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 11.08.2025.

A.No. 400/25

12.06.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Rajesh Kumar Sharma, Ld. counsel for the appellant.

Issue notice of interim application(s) as well as appeal to the respondent through concerned Chief Law officer. The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing. Put up for arguments on interim application(s) and appeal

on 08.08.2025.

A.No. 402/25

12.06.2025

Fresh appeal filed. Be checked and registered.

- Present : Sh. Amardeep Maini and Sh. Puru Saroha, Ld. counsel for the appellant.
 - 1. List of documents is filed by the alongwith copy of the sale deed dated 01.05.2011.
 - 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.
 - 4. Ld. counsel for appellant presses the interim application seeking ex-parte stay. He submits that the impugned order is passed by the MCD in cyclostyled manner without consider reply of the appellant. He submits that the sale deed dated 01.05.2012 shows that the first floor was in existence. Thereafter appellant purchased the first floor vide registered sale deed dated 19.10.2020. He submits that appellant has also placed on record the electricity bill showing the energization date as 13.04.2012. He submits that first floor of the property existed well before the cutoff date and MCD has passed the impugned order without considering the same.
 - 5. Arguments heard. Record perused. The appellant has placed on record the title documents as well as

the electricity bill. The title documents of the year 2011 shows the sale of first floor. The electricity bill shows the energization date as 13.04.2012. The aspect of availability of the protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 needs to be ascertained on merits after verification and examination of the aforesaid documents and hearing the respondent.

- In view of the above facts and circumstances, status quo be maintained in respect of the property in question till next date of hearing.
- 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.
- 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.
- The AE(B) and the then JE(B) are directed to remain present in person on the next date of hearing.
 Put up for arguments on interim application(s) and appeal on 29.08.2025.
 Copy of the order be sent to AE(B) concerned.

Copy of order be given dasti.

A.No. 403/25

12.06.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Naveen Kumar Sharma, Ld. counsel for the appellant along with appellant in person.

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.

A.No. 16/25(M)

12.06.2025 File is taken up today on application under Rule 17 of the Tribunal Rules 1986 seeking return of original documents.

Present : Sh. G.R. Verma and Sh. Deepak Grover, Ld counsel for the appellant.

Ld counsel for the appellant / applicant submits that by judgment dated 02.06.2025 this Tribunal has remanded back in the matter to MCD for fresh adjudication.

He submits along with appeal they have filed original lease deed dated 22.04.2009, which is required to be placed before MCD for fresh adjudication in the matter. Certified copy of the said lease deed is file along with application.

The case is already disposed off. The application is allowed and the documents be released to the authorized representative of the appellant / society against due acknowledgement.

File be consigned to record room.

A.No. 322/25 12.06.2025

Present :

Ms. Leena Tuteja and Ishaan Chawla, Ld. counsel for the appellant.

Sh. Ashutosh Gupta, Ld. counsel for MCD with Sh. Snjeev Kumar AE(B).

- In Present case an application under Section 151 CPC seeking early hearing was filed in the Registry on 04.06.2025 and notice was issued to the MCD for 13.06.2025.
- Thereafter another application under Section 151 CPC seeking early hearing was moved in the Registry on 11.06.2025 which is listed for today before the Tribunal.
- 3. Ld. counsel for appellant informs that by order dated 29.05.2025 in W.P.(C) 3741/2025 the Hon'ble High Court of Delhi has disposed off the said writ petition with liberty to the appellant to pursue the remedy of statutory appeal before this Tribunal. The relevant extract is re-produced below:

"4. Against the said order dated 23.04.2025, an appeal has been preferred by the respondent no.5 under Section 347B of the Delhi Municipal Corporation Act, 1971. Since the necessary action has already been taken by the MCD pursuant to our order dated 26.03.2025, and demolition order had been passed, which of course has been subjected to challenge in a statutory appeal, we are of the opinion that nothing needs to be adjudicated any further in this writ petition, which is hereby disposed of.

5. We, however, direct that appeal filed by the respondent no.5 shall be

heard and decided with expedition and in accordance with law."

- 4. Ld. counsel for MCD has appeared in the matter and submits that they have received the copy of the petition under Article 226 and 227 of the Constitution of India filed by the appellant seeking interim protection. It is informed that the said petition is listed before the Hon'ble High Court for tomorrow i.e. 13.06.2025. He submits that as the Hon'ble High Court is seized of the matter, he needs to take instruction from the department before addressing arguments in the present case.
- Ld. counsel for appellant submits that as their early hearing application for pressing interim protection is listed for tomorrow i.e. 13.06.2025 they will apprise the Hon'ble High Court about factual position and seek appropriate directions.
- Ld. counsel for MCD informs that they have no plans for taking demolition action till tomorrow and case be heard on merits.
- At joint request of both the parties, put up for consideration of the early hearing application on 13.06.2025.

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

A.No. 237/25

12.06.2025

Present : Sh. G.R. Verma and Sh. Deepak Grover, Ld counsel for the appellant.

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

Sh. Shahrukh Inam, Ld counsel for the intervener.

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

Record has been produced. It be deposited with Registry and tagged with the file. Ld counsel for appellant seeks some to inspect the record before addressing arguments in the matter.

An application under Order 1 Rule 10 CPC is moved on behalf of intervener Sh. Shiv Raj Saran Aggarwal. Copy supplied to both the parties.

Ld counsel for MCD seeks sometime to verify the property tax return for year 2005-06 relied upon by the appellant and file status report in that regard.

Ld counsel for MCD submits that in order to verify the findings given by Architect Mr. Hitesh Kumar & Associate they need to re-inspect of the property for the purpose of measurements.

Ld counsel for appellant does not oppose request. Accordingly, joint inspection be scheduled on 18.06.2025 at 02.00 PM. Appellant is directed to ensure that a representative from their Architect Sh. Hitesh Kumar & Associate shall remain present at the time of inspection.

Put up for reply on arguments under Order 1 Rule 10 CPC, interim application and appeal on 10.10.2025. Copy of order be given dasti to both the parties Interim orders to continue till the next date of hearing.

A.No. 290/25

12.06.2025

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, one more opportunity is granted to appellant to address arguments in the matter. Put up for consideration on 08.08.2025.

A.No. 389/25

12.06.2025

Present : Sh. Paras Sachdeva, Ld counsel for the appellant.

Ld counsel for the appellant submits that they will file report of architect in terms of previous orders on next date of hearing. He requests that cut short of delay, notice be issued to MCD so that interim application as well as appeal can be heard on merits.

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 12.08.2025.

A.No. 729/24

12.06.2025

- Present : Ms. Namrata , Ld counsel for the appellant. Sh. Ashutosh Gupta, Ld counsel for the respondent.
 - Appellants no. 1 & 2 have appeared on notice of the application. Appellants no. 1 & 2 submit that they have no objection to the application and same be decided as per law.
 - Ld. counsel for appellant no.3 submits that the structure at second floor and third floor was demolished by MCD. She submits that the damaged structure is causing seepage and water logging and other issues in the building which requires to be repaired on priority as monsoon season is approaching.
 - Ld. counsel for respondent / MCD submits that in the application appellant has not specified the exact nature of repairs which they intend to carry out.
 - 4. Under these circumstances, in order to ascertain the exact factual position at ground level it will be prudent that a joint inspection be conducted by MCD officials in presence of all appellants to ascertain the problem areas and nature of repairs which may be required to be done.
 - 5. At joint request of both the parties, a joint inspection is scheduled on 18.06.2025 at 2:30 PM. Appellants are

directed to assist the MCD officials in carrying out the inspection. MCD is at liberty to deseal the property temporarily for the purpose of inspection an2dhereafter the property be resealed again.

Put up for filing status report of MCD as well as consideration on the application under Section 151 CPC on 03.07.2025.

Copy of order be given dasti to both the parties.

A.No. 86/24, 88/24 & 122/24

12.06.2025

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

> It is informed that arguing counsel for appellant Mr. Dalip Rastogi is unavailable today due to personal exigency. In the interest of justice, one more opportunity is granted to the appellant for addressing arguments in the matter. Put up for the purpose already fixed on 16.10.2025.

A.No. 856/15

12.06.2025

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

> It is informed that arguing counsel for appellant Mr. Dalip Rastogi is unavailable today due to personal exigency. In the interest of justice, one more opportunity is granted to the appellant for addressing arguments in the matter. Put up for the purpose already fixed on 16.10.2025.

A.No. 01/24

12.06.2025

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

> It is informed that arguing counsel for appellant Mr. Dalip Rastogi is unavailable today due to personal exigency. In the interest of justice, one more opportunity is granted to the appellant for addressing arguments in the matter. Put up for the purpose already fixed on 16.10.2025.

A.No. 566/22 12.06.2025 Present : Sh. Himanshu Yadav & Ms. Prakrati Raj, Ld counsel for the appellant. Sh. Ashutosh Gupta, Ld counsel for the respondent.

- 1. An application under Section 151 CPC is moved by appellant seeking expeditious disposal of appeal.
- 2. Ld. counsel for appellant submits that the present case is pending since 2022 and could not be heard due to pendency of LPA No.591/23 before the Hon'ble High Court of Delhi. He submits that appellant moved an application before the Hon'ble High Court of Delhi seeking clarifications in this regard and vide order dated 30.05.2025 it has been directed that appellant can approach this Tribunal and request for expeditious disposal of the matter in accordance with law. The relevant extract is reproduced below:
 - "4. It is made clear that though the application for expeditious disposal was not pressed by learned counsel for the applicants, it is always open for the Applicants to go before the Appellate Tribunal, Municipal Corporation of Delhi and request them for expeditious disposal of the matter which the Ld. Tribunal shall decide in accordance with law."
 - Ld. counsel for respondent / MCD submits that they need to take instructions from the department before addressing arguments in this case.
 - 4. In view of directions of Hon'ble High Court of Delhi for expeditious disposal of the matter and at joint request of both the parties it will be listed for arguments on the point of appeal on 21.07.2025 at 02:30 PM.

A.No. 15/25 (M)

12.06.2025

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

> Application under Section 151 CPC seeking condonation of delay in filing of application under Order IX Rule CPC is moved on behalf of appellant. Copy supplied to MCD. Ld. counsel for respondent / MCD seeks some time to file reply.

> Put up for reply and arguments on application seeking condonation of delay as well as on application seeking restoration on 09.07.2025.

A.No. 376/25

12.06.2025

Present : Sh. Hamant Choudhary, Ld counsel for the appellant along with Ms. Pooja Marwah, Advocate. Sh. Ashutosh Gupta, Ld counsel for the respondent.

> Ld counsel for MCD informs that they have already filed demolition proceedings record in appeal no. 221/24. Ld counsel for MCD seeks sometime to file status report in the matter.

Put up for purpose fixed on 22.08.2025.

A.No. 221/24

12.06.2025

Present : Sh. Hamant Choudhary, Ld counsel for the appellant along with Ms. Pooja Marwah, Advocate. Sh. Ashutosh Gupta, Ld counsel for the respondent.

> Ld counsel for MCD submits that he is not received copy of application under Order 6 Rule 17 CPC. Copy be supplied.

> Put up for reply on arguments under Order 6 Rule 17 CPC and pending interim applications as well as appeal on 22.08.2025.

A.No. 1066/24 & 1067/24

12.06.2025

Present : Sh. Vimal Dhingra, Ld counsel for the appellant. Sh. Pritish Sabharwaal, Ld counsel for the respondent with Ms. Swetika Sachan, Dy. Commissioner, both joined through VC.

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

2. Ld. counsel for the appellant submits that in order to cut short the controversy they are willing to move another application before the Hon'ble High Court of Delhi seeking clarifications to pursue their remedy in respect of demotion proceedings in present appeal before this Tribunal. He submits that they will take immediate steps for filing the said application before the Hon'ble High Court of Delhi.

3. He submits that because of the objection as to jurisdiction taken by MCD they are not able to press interim application before this Tribunal and vacations are continuing in High Court. He submits that in case any demolition action is carried by MCD the appeal will become infructuous. He submits that appellant cannot be left remediless and some time be granted to move application before Hon'ble High Court of Delhi and till next date MCD shall restrain from taking demolition action against property in question. 4. Ld. counsel for MCD on instructions submits that they have no objection in case the appellant intends to move an application before the Hon'ble High Court in terms of order dated 03.06.2025. He assures that without prejudice to their rights and contentions and to enable the appellant to seek instruction from the Hon'ble High Court of Delhi, they will not take any further demolition action in respect of the property in question till next date of hearing only. He submits that upon failure of appellant to take appropriate steps, MCD will take necessary action as per law.

5. At joint request of both the parties, matter be listed for consideration of early hearing application on **10.07.2025**.

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

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

A.No. 360/25

12.06.2025

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

Copy of order passed by Ld. Civil Court is placed on record by the appellant as well as MCD.

An adjournment is sought on behalf of the appellant as arguing counsel Sh. Hamit Kumar is unavailable today being out of station.

In the interest of justice, one more opportunity is granted to the appellant to address the arguments in the matter. Put up for arguments and clarifications on **26.08.2025**.

A.No. 758/22

12.06.2025

Present : Ms. Sana Ansari, Ld counsel for the appellant. Sh. Madan Sagar, Ld counsel for the respondent.

Arguments on application under Order XXII Rule 3 CPC is heard.

Ld. counsel for the appellant submits that initially the appeal was filed by Mr. Rais Ahmed. Upon his death, his legal heirs were substituted vide order dated 25.04.2023. One of the legal heirs was Ms. Munawar Jehan wife of Sh. Rais Ahmed. It is informed that Ms. Munawar Jehan has passed away on 15.01.2025. Copy of her death certificate is also filed.

Ld. counsel further submits that right to sue has survived in favour of appellant nos. B, C, D and E (as mentioned in the amended memo of parties) who are children of late Sh. Rais Ahmed and late Ms. Munawar Jehan.

Ld. counsel for the MCD submits that application be considered as per law.

Arguments heard and record perused. Copy of death certificate shows that Ms. Munawar Jehan had passed away. The right to sue is surviving in favour of her children who are already party in this case.

Accordingly, the application is allowed and disposed off. Put up for purpose fixed on **04.12.2025.**

A.No. 437/15

12.06.2025

Present : Clerk for the appellant. Sh. Madan Sagar, Ld counsel on behalf of Sh. H.R. Aggarwal for the respondent.

> An adjournment is sought on behalf of the Ld. counsel for appellant as main counsel Mr. Dalip Rastogi is unavailable today due to some person exigencies.

> Adjournment is also sought on behalf of the MCD as main counsel Sh. H.R. Aggarwal un-available today due to bad health.

> In the interest of justice one more opportunity is granted to both the parties 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.

A.No. 102/25

12.06.2025

Present : Sh. Faras Khan, Ld. Proxy counsel for the appellant joined through VC.
Sh. Sanjeet Kumar, proxy counsel in person along with Sh. Pritish Sabharwal, Ld. counsel for respondent joined through VC.

Status report is filed. Copy be supplied to the appellant. An adjournment is sought on behalf of the appellant as arguing counsel Sh. Junaid Alam is not available today being busy in some other Court.

In the interest of justice, one more opportunity is granted to the appellant to address arguments in the matter. Put up for purpose fixed on **01.12.2025.**

A.No. 153/24

12.06.2025

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

Ld. counsel for appellant submits that he has instructions to withdraw the present appeal.

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

In view of the facts and circumstances, the appeal filed by the appellant is dismissed as withdrawn.

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

Appeal file be consigned to record room.

A.No. 1052/24

12.06.2025

Present : Sh. Sanjay Mandawat, Ld counsel for the appellant. Sh. Avishek Kumar, Ld counsel for the respondent.

Ld. counsel for appellant submits that he has instructions to withdraw the present appeal.

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

In view of the facts and circumstances, the appeal filed by the appellant is dismissed as withdrawn.

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

Appeal file be consigned to record room.

A.No. 111/21

12.06.2025

Present : Sh. Satish Sangwan, Ld counsel for the appellant. Ms. Jaya Goel, Ld counsel for the respondent along with Sh. Yogesh Tyagi, Deputy Director, DDA and Sh. S.K. Tiwari, AE.

Part arguments heard. Ld. counsel for both the parties seeks some time to file written submissions in respect of the legal issues which are involved in the present matter. Put up for further arguments on the point of appeal on **06.11.2025**.

A.No. 39/24

12.06.2025

Present : Sh. Umesh Chand Mishra, Ld counsel for the appellant along with appellant nos. 1 & 2. Sh. Sagar Dhama, Ld counsel for the respondent.

Appellants submit that they may be permitted to withdraw the present appeal.

Separate statements of appellant nos. 1 & 2 have been recorded in this regard.

In view of the facts and circumstances, the appeal filed by the appellants is dismissed as withdrawn.

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

Appeal file be consigned to record room.

A.No. 589/19

12.06.2025

Present : Sh. Aman Mudgal, Ld counsel for the appellant along with Ms. Ritu, Advocate. Sh. Mohit Sharma, Ld counsel for the respondent.

Ld counsel for the appellant submits that dispute in the present case was in respect of unauthorized construction in the shape of room on the terrace of Flat No. 60, Pocket-D, Mayur Vihar, Phase-II, Delhi-110091.

He submits that appellant has complied demolition order and has already removed from the structure. He submits that the same is already confirmed in the status report dated 29.04.2025 filed by the MCD in the Tribunal.

Ld counsel for the MCD seeks sometime to take instructions from AE(B) concerned and request list the matter for tomorrow i.e. 13.06.2025.

AE(B) concerned is directed to remain present in the matter.

At request of both the parties matter be listed for consideration of the status report on 13.06.2025.