

A.No. 401/25

13.06.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. I.C. Mishra, 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 the interim application seeking ex-parte stay. It is submitted by Ld. counsel for appellant that the property in question i.e. ground floor and first floor are old and protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act. He submits that in reply dated 12.05.2025 filed before the MCD the appellant has taken the same plea but it was not appreciated on merits. He submits that MCD by way of impugned demolition order has provided protection to the ground floor but the order has been passed against the first floor without any sufficient reasons.
4. He submits that before approaching this Tribunal the appellant has filed W.P.(C) 2887/22 before the Hon'ble High Court of Delhi. He submits that by order dated 03.04.2025 in the said case, Hon'ble High

Court quashed the proceedings of MCD and directed to issue a fresh show cause notice. He submits that the Hon'ble High Court also provided protection to the appellant / petition for a period of four weeks after passing of speaking order by MCD. He submits that the said directions are not complied by the MCD and the impugned order directs that the first floor needs to be demolished within 15 days from the date of demolition order.

5. I have heard the arguments and perused the record. The relevant extract of directions passed by the Hon'ble High Court in order dated 03.04.2025 are reproduced below:

“....13 A fresh show cause notice shall be issued by the respondent-MCD to the petitioners. Opportunity of filing reply and personal hearing shall be granted to the petitioners.

14. After grant of personal hearing and considering the reply filed on behalf of the petitioners, a speaking order shall be passed by the MCD.

15. In case the petitioners are aggrieved by any orders passed by the MCD, the petitioners would be at liberty to seek remedies, as per law.

16. It is further directed that no coercive action shall be taken against the petitioners during the pendency of the proceedings before the Department. The protection in favour of the petitioners, shall continue for a period of further four weeks, after passing of the speaking order by the respondent-MCD.

17. In case the petitioners do not challenge the speaking order passed by

the MCD within four weeks of passing of the said order, the respondent MCD shall be at liberty to take action as per law, in case the finding is against the petitioners.

18. Accordingly, since the matter is being remanded back, the earlier proceedings initiated by the MCD against the petitioners, stands quashed.

19. With the aforesaid directions, the present writ petition, is accordingly, disposed of.

6. From the directions issued by the Hon'ble High Court of Delhi it is patently clear that the MCD was directed to provide a period of four weeks protection after passing of the speaking order. To the contrary the impugned order dated 21.05.2025 directs that the structure at first floor needs to be demolished within 15 days.
7. In addition to aforesaid, appellant is relying upon the documents to show that the property is old and covered under ambit of protection. MCD has already provided protection to the ground floor and in respect of the first floor the aforesaid documents needs to be appreciated on merits.
8. In view of the aforesaid facts and circumstances, status quo be maintained in respect of the first floor 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.

11. 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 27.08.2025.

Copy of the order be given dasti and be communicated to the AE(B) concerned for compliance.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
13.06.2025 (J)

A.No. 404/25

13.06.2025

Present : Sh. Ruchika Sethi, Ld. counsel for the appellant.

Part arguments heard.

There are discrepancies in the units of measurement mentioned in the affidavit at (page 121) of the appeal.

Ld counsel for appellant seeks sometime to take instructions to file fresh affidavit.

Put up for consideration after vacation on 08.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
13.06.2025 (V)

A.No. 405/25

13.06.2025

Present : Sh. Ruchika Sethi, Ld. counsel for the appellant.

Part arguments heard.

There are discrepancies in the units of measurement mentioned in the affidavit at (page 178) of the appeal.

Ld counsel for appellant seeks sometime to take instructions to file fresh affidavit.

Put up for consideration after vacation on 08.07.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
13.06.2025 (V)

A.No. 406/25

13.06.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Naginder Benipal & Sh. Ankit Siwach, 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 interim application seeking ex-parte stay. It is submitted that appellant is owner of the upper ground floor and running business in the name and style of Oriano The Luxury Spa. He submits that the impugned sealing order has been passed without providing any hearing. He submits that as per the letter dated 12.02.2007 issued by the Ministry of Urban Development the property in question falls under the convenient shopping centre. He submits that the said fact also clarified by the MCD in RTI reply dated 06.10.2008. He submits that directions be issued for immediate desealing of the property in question. He submits that the directions are important as appellant needs to take out his

articles and other goods which are lying in the sealed premises.

4. Arguments heard. Record perused. On one hand appellant is relying upon the letter dated 12.02.2007 and the RTI reply dated 06.10.2008 to show that the property in question falls in convenient shopping centre and on the other hand the sale deed filed by the appellant himself militates against his own case. The sale deed dated 14.08.2012 shows that the appellant has declared the status of building as residential. It has remained un-answered that in case the appellant was aware in the year 2008 that the property falls in convenient shopping centre then why its status was declared as residential building at the time of registration of sale deed in the year 2012. Thereafter, more than decade has lapsed and appellant has not taken any steps to get the said sale deed rectified. It prima-facie creates doubt about the claim of the appellant that the property in question falls under convenient shopping centre especially in circumstances when the certified copy of letter dated 12.02.2007 is not placed on record.
5. In view of the aforesaid facts and circumstances, no prima-facie ground for grant of ad-interim ex-parte injunction for desealing of the property are made out at this juncture and the request is declined.
6. So far as the submissions made by the Ld. counsel for appellant for removal of the necessary articles are



concerned, the Tribunal cannot lose sight of the fact that in view of the upcoming summer vacation the appellant will become remediless to seeks temporary desealing of the property.

7. Accordingly, in view of the peculiar circumstances, it is directed that the portion belonging to appellant be temporarily desealed for a period of 24 hours on 17.06.2025 at 11.00 AM to permit the appellant to take out the necessary articles lying inside the sealed premises. The property be resealed again by MCD upon completion of the 24 hours or removal of articles whichever is earlier. The appellant shall also handover a list of articles which will be removed from the premises. Appellant shall also tender indemnity bond to the MCD and indemnify against the third party claim, if any, may arise in respect of the articles removed by him from the premises. Status report be filed by the MCD on next date in this regard.

Copy of the order be given dasti and be communicated to the AE(B) concerned for compliance.

Put up for arguments on interim application and appeal on 08.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
13.06.2025 (J)

A.No. 17/25 (M) in appeal No.353/18

13.06.2025

File is taken up today on an application under Order IX Rule 9 CPC seeking restoration of appeal.

Present : Sh. Mukesh Kumar, Ld counsel for the applicant /appellant joined through VC with Mr. Amarjeet Singh, Advocate present in the Tribunal.

1. Notice of application seeking early hearing be issued to the MCD.
2. Ld. counsel for applicant /appellant submits that the appeal was dismissed for non prosecution due to non-deposit of cost by previous counsel. He submits that by order dated 28.09.2021 the Ld. predecessor of this Tribunal provided an interim protection in the matter. He submits that MCD is approaching to take action against the property where the appellant is residing with her family. He submits that in case the property is not protected till next date of hearing, the application as well as appeal will become infructuous and the appellant will become remediless especially because of approaching summer vacations in courts. He submits that only till next date of hearing the protection be provided and thereafter the case be heard on merits.
3. Arguments heard. Record perused. Perusal of record shows that by order dated 28.09.2021 my Ld. predecessor provided interim protection and thereafter

the appeal was dismissed for non-prosecution. Appellant is residing in the property with her family and in case any demolition action is carried out at this juncture, the present application as well as appeal will become infructuous. The fact that summer vacations are also ensuing and appellant will not be able to seek judicial remedy during summer vacations cannot be ignored.

4. In view of these peculiar circumstances, it is directed that the status quo be maintained in respect of property in question till next date of hearing.
5. 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 reply and arguments on aforesaid application on 22.07.2025.

Copy of the order be given dasti and be communicated to the AE(B) for compliance.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
13.06.2025 (J)

A.No. 227/25, 240/25, 241/25 & 257/25

13.06.2025

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

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 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 for the purpose fixed on 25.09.2025.

Interim orders to continue till the next date of hearing in appeal no. 227/25.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
13.06.2025 (V)

A.No. 589/19

13.06.2025

Present : Sh.Aman Mudgil, Ld counsel for the appellant with Ms. Sunita Jain, legal heir joined through VC.  
Sh. Mohit Sharma, Ld counsel for the respondent with Sh. Harjit Singh AE(B).

1. Ld. counsel for appellant submits that the demolition order dated 17.09.2019 passed vide file No.625/B/UC/SS/19 was passed in respect of unauthorized structure at the roof of flat No.60, Pocket-D, Mayur Vihar, Phase-II, Delhi. He submits that the legal heirs of the appellants have voluntarily complied the demolition order and have demolished the structure on roof of the property. He submits that the said fact is also confirmed by the MCD in their status report dated 30.04.2025 filed before this Tribunal.
2. Mr. Harjit Singh, AE(B) confirmed the fact that the unauthorized construction booked by the MCD vide aforesaid demolition order is demolished and the demolition order stands complied with.
3. AE(B) concerned assures that they will close the demolition order in respect of the property in question in their record.
4. In view of the aforesaid submissions, Ld. counsel for appellant seeks permission to withdraw the present appeal.

5. Separate statement of Ld. counsel for appellant has been recorded separately in this regard.
6. In view of the statement made by the Ld. counsel for appellant the present appeal is dismissed as withdraw.
7. AE(B) concerned is directed to take necessary steps for closing the case in their record within two weeks from today and the same be communicated to the legal heirs of appellant
8. Copy of the order be communicated to the AE(B) for necessary compliance.

Copy of order be given dasti to both the parties.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
13.06.2025 (J)

A.No. 322/25

13.06.2025

Present : Ms. Leena Tuteja , Ld counsel for the appellant.  
Sh.Ashutosh Gupta , Ld counsel for the respondent.

1. Ld. counsel for appellant submits that WP(C) no. 8433/25 was listed before the vacation bench of the Hon'ble High Court of Delhi and the same has been withdrawn. She submits that in the light of order passed by Hon'ble High Court of Delhi in WP(C) 3741/25 dated 29.05.2025 the Tribunal can proceed further to decide and adjudicate this case on merits.
2. Ld. Counsel for respondent / MCD confirms the fact that appellant has withdrawn WP(C) no.8433/25. He submits that in the light of directions issued vide order dated 29.05.2025, there is no embargo on jurisdiction of this Tribunal to decide and adjudicate the case.
3. Arguments on the point of interim applications as well as appeal are heard at length from Ld. counsels of both the parties.
4. Status quo be maintained in respect of the property in question till the next date of hearing.  
Appellant shall not carry out any repairs, shall not raise any unauthorized construction in the said property and

shall not create any third party rights without necessary permission as prescribed by law till next date of hearing.  
Put up for orders on date already fixed i.e. 08.07.2025.  
Copy of order be given dasti to both the parties.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
13.06.2025 R



A.No. 116/18 & 221/17

13.06.2025

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

1. Affidavit of Mr. Abhinav Aggarwal is filed in support of application under Order XXII Rule 3 CPC.
2. Ld. counsel for appellant submits that the present appeal was filed by Mr. Ajeet Prasad Aggarwal who passed away on 21.03.2024. He submits that right to sue survive in favour of legal heirs of the appellant who are seeking their impleadment by this application. Ld. counsel for MCD submits that the application may be considered as per law.
3. Arguments heard. Record perused. Alongwith application copy of death certificate of Mr. Ajeet Prasad Aggarwal is filed which shows that he passed away on 21.03.2024. Right to sue survive in favour of the family members / legal heirs of the appellant and accordingly the application under Order XXII Rule 3 CPC is allowed. Amended memo of parties is taken on record.  
Put up for arguments on pending interim application as well as appeal on **07.11.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
13.06.2025 (J)

A.No. 148/25

13.06.2025

Present : Sh. Arnav Sethi, Ld counsel for the appellant.  
Sh. Shashi Pratap Singh, Ld counsel for the respondent /  
NDMC joined through VC along with Sh. Shrikant, JE(M),  
Sh. Banwari Meena, JE(M) and Sh. Ashok Kumar, Nodal  
Officer, NDMC present in person.

Part arguments heard.

Ld counsel for the NDMC seeks sometime to take  
instructions regarding jurisdiction of this Tribunal to  
adjudicate this matter in view cut of date 15.12.2017  
prescribed by the Hon'ble Supreme Court of India in case  
titled M.C. Mehta Vs. UOI & Others in WP(C) No. 4677 of  
1985 vide order dated 11.04.2022.

Put up for further arguments on the point of Jurisdiction  
as well as consideration of status report filed by NDMC  
on 18.09.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
13.06.2025 (V)

A.No. 348/24

13.06.2025

Present : Ms. Sonali, Proxy for the appellant joined through VC.  
Sh. V.K. Aggarwal, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main counsel Sh. Prashant Dewan 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 purpose 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  
13.06.2025 (V)