

A.No. 533/25

04.08.2025

Fresh appeal filed. Be checked and registered.

Present : Ms. Laavanya Kaushik, Sh. Ajay Sabharwal & Ms. Khyaathi Bansal, 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 **29.08.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (V)

A.No. 535/25

04.08.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Yu VV Wadhwa, Ld. counsel for the appellant.

An adjournment is sought on behalf of the appellant as main counsel Sh. Deepak Vohra is un-available today due to medical exigencies in his family.

Put up for consideration on **01.09.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)

A.No. 536/25

04.08.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. G.D. Mishra, 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 **10.09.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (V)

A.No. 537/25

04.08.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. S.M. Pandey & Ms. Ekta Kalra, 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 **10.09.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (V)

A.No. 538/25

04.08.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Sunil Kumar Khatri, 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 **19.08.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)

A.No. 539/25 & 540/25

04.08.2025

Fresh appeal filed. Be checked and registered.

Present : Sh. Praveen Suri, 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 **12.08.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (B)

A.No. 102/24 (M)

04.08.2025

Present : Sh. Yoginder Tripathi, Ld counsel for the appellant joined through VC.  
Sh. Syed Adil Hussain, Ld counsel for the respondent.

Ld counsel for both the parties submits that the matter is listed before Hon'ble High Court, Delhi in November, 2025.

At joint request of parties put up for consideration on 08.12.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (V)

A.No. 1075/24

04.08.2025

File is taken up today on an application seeking withdrawal of appeal.

Present : Sh. Vimal Dhingra, Ld counsel for the appellant alongwith appellant in person. Fresh Vakalatnama filed, same is taken on record

Appellant submits that he may be permitted to withdraw the present appeal.

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

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

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

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

Copy of the order be given dasti.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)



A.No. 365/25 & 231/25

04.08.2025

Present : Appellant in person.  
Sh. Sanjay Sethi, Ld counsel for the respondent in appeal  
no. 231/25.  
Sh. Paras Aggarwal, Ld counsel for the respondent in  
appeal no. 365/25

Ld. counsel for the MCD seeks some time to file status  
report in both appeals. Opportunity granted.

Put up for purpose already fixed on 22.09.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (B)

A.No. 445/25

04.08.2025

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

Present : Ms. Sonia Mendiratta and Mr. G.D. Mishra, Ld counsel for the appellant.

Ld. counsel for appellant submits that they are not pressing the application seeking early hearing in the matter and seek permission to withdraw the same.

Accordingly, the application is dismissed as withdrawn.

Put up for date and order already fixed i.e. 21.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)

A.No. 477/25

04.08.2025

File is taken up today on an application seeking withdrawal of the present appeal.

Present : Sh. Hardik Aggarwal, Ld counsel for the appellant  
alongwith appellants in person.

Sh. Dharamvir Gupta, Ld counsel for the respondent.

Appellants submits that they may be permitted to withdraw their present appeal.

Separate statements of the both the appellants have been recorded in this regard.

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

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

File be consigned to record room.

Copy of the order be given dasti.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)

A.No. 640/14 & 756/14

04.08.2025

Present : Sh. Nitin Mittal, Ld counsel for the appellant joined through VC.  
Sh. Dharamvir Gupta, Ld counsel for the respondent.

Ld counsel for appellant submits that he is not in a position to appear today before this Tribunal.

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

Put up for purpose fixed on 05.01.2026.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (V)

A.No. 299/17 & 194/17

04.08.2025

Present : Ms. Anusha Raghunathan, Proxy counsel for the  
appellant joined through VC.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as  
main counsel Sh. S.K. Nanda is un-available today due to  
bad health.

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 07.01.2026.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (B)

A.No. 247/17

04.08.2025

Present : Dr. Anu Solanki & L.S. Solanki, Ld counsel for the appellant along with appellant in person.  
Sh. Dharamvir Gupta, Ld counsel for the respondent.  
Mohd. Shadam, Ld counsel for intervener Sh. Shahroz Alam.

Written submissions filed by the appellant on 19.03.2025.

Copy supplied.

Ld. counsel for MCD seeks some time to study the same before addressing arguments in the matter.

Put up for further arguments on pending interim applications and appeal on 05.01.2026.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (V)

A.No. 439/17

04.08.2025

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

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

In the interest of justice, one last and final opportunity is granted.

Put up for purpose fixed on 29.10.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (V)

A.No. 323/18

04.08.2025

Present : Sh. Ashok Gupta, Ld counsel for the appellant.  
Sh. Raujas Sharma proxy counsel for the respondent.

An adjournment is sought on behalf of the MCD as main counsel Sh. Ajay Gaur is un-available today due to bad health.

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 **06.11.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)



A.No. 607/19

04.08.2025

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

It is informed that Ld. counsel of both the parties are not available today.

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

Put up for purpose already fixed on 06.01.2026.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (B)

A.No. 14/20

04.08.2025

Present : Sh. Sh. Gavendra Nath, Proxy counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main counsel Sh. Ankur Mahendru is un-available today due to family exigency.

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 06.01.2026.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (B)

A.No. 22/21 & 23/21

04.08.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent.  
Sh. Kamlesh Kumar, Ld. counsel for intervener /applicant.

Vide separate judgment of even date, the present appeal is allowed and the matter is remanded back to MCD 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  
04.08.2025 (J)

A.No. 76/21

04.08.2025

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

An adjournment is sought on behalf of the MCD as main counsel Sh. Ranjit Pandey is un-available today due to some personal exigencies.

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 **07.11.2025.**

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)

A.No. 188/21

04.08.2025

Present : Sh. Kunal Kalra, Ld counsel for the appellant joined through VC.

Sh. Sanjay Sharma, Ld counsel for the, NDMC along with Sh. Ashok Kumar, Senior Asstt., NDMC in person.

Part arguments heard.

Arguments could not be concluded today as there internet connection issues on the remote end of the appellant counsel.

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

Put up for purpose fixed on 05.01.2026.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (B)

A.No. 452/22

04.08.2025

Present : Sh. Hardik Aggarwal, Ld counsel for the appellant.  
Ms. Arti Bansal, Ld counsel for the respondent.

Status report is filed by MCD after joint inspection.

Ld. counsel for appellant seeks some time to take instructions 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 21.11.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (B)

A.No. 523/23

04.08.2025

Present : Sh. Rishab Tyagi, Proxy counsel for the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main counsel Sh. Prabhas Giri is un-available today due to medical exigency in his family.

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 07.01.2026.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (B)

A.No. 838/23

04.08.2025

Present :           None for the appellant.  
                  Sh. Chetan Hasija, Ld counsel for the respondent.

No one is present on behalf of the appellant in Tribunal and in VC despite various calls since morning.

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

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

Put up for purpose fixed on 07.01.2026.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (B)



A.No. 13/24

04.08.2025

Present : Sh. Rohan & Ms. Nancy, Proxy counsel for the appellant.  
Sh. V.K. Aggawal, Ld counsel for the respondent.

Ld. counsel for the appellant submits that his office is under renovation and not able to track the case file. He seeks an adjournment to address argument 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 07.01.2026.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (B)

A.No. 31/24

04.08.2025

Present : Sh. Shubham Shrivastava, Ld counsel for the appellant.  
Sh. Sandeep Kumar, Ld counsel for the respondent.

List of documents is filed by the appellant. Copy supplied to the MCD.

MCD seeks some time to take instructions in respect of the documents filed by the appellant today.

Put up for purpose already fixed on **01.12.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)

A.No. 150/24

04.08.2025

Present : Sh. V.K. Bajaj, Ld counsel for the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent No.1  
alongwith Sh. Deepak Tyagi, AE(B).  
Sh. Sanjeet Sharma, Ld. coun sel for the respondent  
Nos.2 to 5.

AE(B) Mr Deepak Tyagi, submits that he has recently  
joined the Zone and needs some time to file report in  
terms of previous order. Opportunity granted.

Put up for purpose already fixed i.e. **13.10.2025**.

AE(B) concerned is directed to remain present in person  
on next date of hearing.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)

A.No. 494/24

04.08.2025

Present : Sh. Sandeep Khatri, Ld counsel for the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent.

Ld. counsel for the appellant seeks some time to file affidavit in terms of order dated 05.09.2024.

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

Put up for purpose fixed on 07.01.2026.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (V)

A.No. 817/24

04.08.2025

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

No one is present on behalf of the appellant in Tribunal  
and in VC despite various calls since morning.

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

Put up for 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  
04.08.2025 (V)

A.No. 899/24

04.08.2025

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

Arguments heard at length from Ld. counsel for both the parties.

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

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

Announced in the  
Open Court today  
i.e. 04.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025

A.No. 918/24

04.08.2025

Present : Sh. Sunil Lalwani, Ld counsel for the appellant along with  
appellant's son Sh. Azeem in person.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

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

An application under Order 1 Rule 10 CPC is filed by Sh.  
Alimuddin Dehlvi, intervener. Copy supplied to the MCD  
as well as appellant.

Put up for reply and arguments on aforesaid application  
on 07.11.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (B)

A.No. 991/24 & 992/24

04.08.2025

Present : Sh. R.K. Verma and Ms. Sonal Verma, Ld counsel for the appellant.  
Sh. Atun Tanwar , Ld counsel for the respondent with Ms. Rijita Gupta, AE(B).

Ms. Rijita Gupta, AE(B) submits that she has recently joined in the zone and needs some time to inspect the record and take instruction from Senior Officer to tender clarification as sought in the previous order.

Put up for arguments on pending interim application and appeal on **15.09.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)



A.No. 1056/24 & 114/25

04.08.2025

Present : Ms. Salma proxy counsel for the appellant.  
Sh. Nandan Goel, Ld counsel for the respondent in  
appeal No.114/25 joined through VC.  
Sh.Raujas Sharma, Proxy counsel for Mr. Ajay Gaur, Ld.  
counsel for respondent in appeal No.1056/24.

An adjournment is sought on behalf of the appellant as  
main counsel Sh. Rajesh Mittal is un-available today  
being busy before the Hon'ble High Court.

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 **07.01.2026**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)

A.No. 40/25

04.08.2025

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

Sh. Ashutosh Gupta, Ld counsel for the respondent MCD.

Written submissions are filed by the MCD in the Registry on 11.06.2025. Copy be supplied to the appellant;  
Part arguments heard.

At joint request of the parties, matter be rescheduled for further arguments on the point of locus-standi of the appellant to file public interest litigation appeal on **18.08.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)

A.No. 60/25, 80/25, 258/25, 259/25, 260/25, 261/25, 262/25,  
320/25 & 321/25

04.08.2025

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

MCD in appeal no. 40/2025 have filed their written  
submissions and part arguments on question of law as to locus-standi of the appellant to file public  
interest litigation appeal in this Tribunal heard. In these  
appeals also same question of law is being deliberated.  
Accordingly, At request, matter be rescheduled for further  
arguments on the point of locus-standi of the appellant to  
file public interest litigation appeal on **18.08.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)

A.No. 267/25

04.08.2025

Present : Sh. Abul Hassan, proxy counsel for the appellant.  
Ms. Renu Soni, Nodal Officer on behalf of MCD.

Status report is filed by the MCD in terms of the previous order. Photographs of the demolished structure are also filed alongwith status report.

It is stated in the status report that the property is not used for residential purpose and completely inhabitable.

An adjournment is sought on behalf of the appellant as main counsel Sh. Vaihav Sethi is un-available today due to some 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 **17.10.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)

A.No. 274/25 & 298/25

04.08.2025

Present : Sh. Arush Kapoor, Nitish Dubey and Sh. Sidharth Parashar, Ld counsel for the appellant.  
Sh. V.K. Aggarwal , Ld counsel for the respondent in appeal No.274/25.  
Sh. Ashutosh Gupta Ld. counsel for the respondent in appeal No.298/25.  
Ms. Rijita, AE(B).

Ms. Rijita AE(B) submits that she has recently joined in the Zone and needs some time to file status report and record in appeal Nos.274/25 & 275/25.

Arguments in the present appeals as well as appeal No.297/25 & 298/25 have to be heard together.

Put up for arguments on pending interim applications and on the point of appeal on **03.11.2025**.

Interim orders to continue till the next date of hearing in appeal No.298/25.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)

A.No. 275/25 & 297/25

04.08.2025

Present : Sh. Arush Kapoor, Nitish Dubey and Sh. Sidharth Parashar, Ld counsel for the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent in appeal No.275/25.  
Sh. Ashutosh Gupta Ld. counsel for the respondent in appeal No.297/25.  
Ms. Rijita, AE(B).

Ms. Rijita AE(B) submits that she has recently joined in the Zone and needs some time to file status report and record in appeal Nos.274/25 & 275/25.

Arguments in the present appeals as well as appeal No.297/25 & 298/25 have to be heard together.

Put up for arguments on pending interim applications and on the point of appeal on **03.11.2025**.

Interim orders to continue till the next date of hearing in appeal No.297/25.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)

A.No. 444/25 & 449/25

04.08.2025

Present : Sh. Manav Jain, Proxy counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main counsel Sh. Ilesh Shukla is un-available today due to suffering from high fever.

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

Put up for further arguments on pending interim applications and appeal on 10.11.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (V)

A.No. 478/25, 479/25, 480/25, 481/25, 482/25, 483/25, 484/25 & 485/25

04.08.2025

Present : Sh. Rohit Jain and Sh. Gaurav Jain, Ld counsel for the appellant.

Sh. Ashutosh Gupta , Ld counsel for the respondent in appeal Nos. 479/25, 480/25, 483/25, 484/25 & 485/25.

Sh. Atul Tanwar, Ld. counsel for the respondent in appeal Nos. 478/25, 482/25 & 485/25.

Ld. counsel for MCD seeks some time to take instructions to file status report in terms of previous order and also clarify on the aspect of jurisdiction of this Tribunal.

At joint request of the parties, put up for purpose already fixed on **28.08.2025**.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (J)



A.No. 502/25

04.08.2025

Present :

Sh. Dalip Rastogi, Ld counsel for the appellant.

Sh. Atul Tanwar, Ld counsel for the respondent along with Sh. Anil Kumar Sharma, Consultant, Law Department, MCD, Sh. Santosh Kumar Rai, Dy. Commissioner concerned & Sh. Sushil Kumar AE(B) concerned.

1. Ld counsel for the MCD submits that sealing action in the present case is carried out pursuant to order dated 01.11.2018 passed by the Hon'ble Supreme Court of India in WP(C) No. 4677/1985 pursuant to report no. 133 of the Hon'ble Monitoring Committee. It is clarified that only notice under Section 345-A of the DMC Act dated 17.06.2025 has been issued by the MCD and no show cause notice or sealing order is passed by the MCD.
2. Sh. Anil Kumar Sharma, Consultant, MCD submits that sealing action has been taken by MCD pursuant to the directions of the Hon'ble Monitoring Committee therefore this Tribunal does not have any jurisdiction to adjudicate the matter. MCD submits that they have complied with all the directions and followed due process of law.
3. Ld. counsel for the appellant submits that the MCD has violated the Principle of Natural Justice. He submits that no show cause notice was issued and no hearing has been provided. He submits it is admitted position that except the notice of MCD, no

sealing order has been passed by the MCD. He submits that the order is in violation of mandate given by Hon'ble High Court in case of Parveen Ahuja Vs MCD & Ors, WP(C) 2816/2011 wherein it was directed that principle of natural justice also apply to sealing proceeding under Section 345A of DMC Act, 1957.

3. He also submit in order dated 01.11.2018 the Hon'ble Supreme Court of India has mandated that affected party should be given an opportunity to produce the documentary evidence. He submits that in present case MCD neither served the notice nor provided any opportunity to produce the documentary evidence and held the appellant guilty without providing any hearing.
4. He submits that course of action adopted by the MCD is the violation of Principle of Natural Justice and also in violation & contempt of the directions issued by the Hon'ble Supreme Court of India.
5. From the order dated 01.11.2018 it is clear that the Hon'ble Supreme Court of India has mandated the MCD to provide an opportunity for producing the necessary permissions or license. The notice dated 17.06.2025 does not mention anything about the same. MCD record is also silent in that regard. MCD has disputed the jurisdiction of this Tribunal in respect of present proceedings and submitted that

the Hon'ble Judicial Committee is the appropriate forum to hear the matter. Therefore the question regarding the compliance of Principles of Natural Justice and violation / contempt of the directions of the Hon'ble Supreme Court of India needs to be pleaded and deliberated before the appropriate forum and this Tribunal cannot venture into that exercise.

6. Ld. counsel for appellant submits that in view of the aforesaid objections as to jurisdiction of Tribunal, appellant wants to withdraw the present appeal with the liberty to file appropriate case before the Hon'ble Judicial Committee. Separate statement of the appellant has been recorded in this regard.
7. In view of the aforesaid facts and circumstances the present appeal filed by the appellant is dismissed as withdrawn. Appellant is at liberty to ventilate his grievances before appropriate forum.

Copy of orders be given dasti to both the parties.

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

Record of the respondent, if any, 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  
04.08.2025 (B)

A.No. 159/20 &184/20

04.08.2025

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Ranjit Pandey, Ld counsel for the respondent.  
Sh. Saurabh Kumar, Ld. counsel for the Intervener joined  
through VC.

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  
04.08.2025

A.No. 461/24

04.08.2025

Present : Sh. Simran Pal Singh & Sh. Jaisal Baath, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

The matter is listed for orders today. The appellant has relied upon the order of year 1995 issued by Deputy Commissioner of Police (West) wherein there is mention of boundary wall. The appellant has also given measurements of the boundary wall in the affidavit dated 02.07.2024 at (Page-209) of the appeal.

Some clarifications are required in respect of measurements of the boundary wall especially in view of the order of year 1995 issued by the Deputy Commissioner of Police (West).

Put up for further arguments on the point of clarifications as well as appeal on 21.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (V)

A.No. 1081/24

04.08.2025

Present : Sh. Simran Pal Singh & Sh. Jaisal Baath, Ld counsel for the appellant.

Ms Bhavya Chauhan, Ld counsel for the respondent.

The matter is listed for orders today. The appellant has relied upon the order of year 1995 issued by Deputy Commissioner of Police (West) wherein there is mention of boundary wall. The appellant has also given measurements of the boundary wall in the affidavit dated 17.12.2024 at (Page-271) of the appeal.

Some clarifications are required in respect of measurements of the boundary wall especially in view of the order of year 1995 issued by the Deputy Commissioner of Police (West).

Put up for further arguments on the point of clarifications as well as appeal on 21.08.2025.

(ABHILASH MALHOTRA)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
04.08.2025 (V)

A.No. 233/25

04.08.2025

Present : Sh. S. K. Nanda, Ld counsel for the appellant along with  
Sh. Shivam Pandey, Advocate  
Sh. Ashutosh Gupta, Ld counsel for the respondent.  
Sh. Amit Sethi, Ld. counsel for the applicant / intervener.

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  
04.08.2025