

A.No. 721/25

30.10.2025

Present :

Fresh appeal filed. Be checked and registered.

Sh. V.K. Mantoo, Ld. counsel for the appellant.

Part arguments heard on the interim application.

The respondent issued advisory for dangerous building on 03.06.2025 and a day thereafter issued show cause notice for unauthorized construction on the ground, first and second floor of the entire property. No unauthorized construction was reported on 03.06.2025. How within a day, appellant started unauthorized construction on each floor is beyond comprehension. Till next date of hearing, no coercive action be taken against the property of appellant in pursuance of the demolition order dated 01.10.2025. However, the appellant shall not carry any further construction in the said property till next date of hearing. Status quo of the property be maintained.

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 **11.03.2026**.

(AMIT KUMAR)

Addl. District & Sessions Judge

P.O.: Appellate Tribunal, MCD

30.10.2025

A.No. 722/25

30.10.2025

Fresh appeal filed. Be checked and registered.

Present : Ms. Parul Agarwal, Ld. counsel for the appellant.

Submissions heard. File perused.

This is a second round of litigation and a detailed speaking order was passed by Quasi Judicial Authority recording that the area of the flat of the appellant is 147.10 sq. mtrs against the sanctioned area of 143 sq. mtrs.

No ground for interim protection is made out at this stage. 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 **21.11.2025**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 76/20

30.10.2025

Present : Sh. Anil Kumar Singh, Ld counsel for the appellant along with SPA holder of the appellant.

Record shows that an application to withdraw this appeal was filed on 23.09.2025 and the same has been listed for 22.01.2026 as there was no Presiding Officer. That application was filed in presence of counsel for respondent and the Nodal Officer of MCD and the copy was duly supplied.

SPA holder Ms Manju Madan submits that she has instructions to withdraw the present appeal.

Separate statement of the SPA holder has been recorded in this regard.

In view of the facts and circumstances, the appeal filed by the appellant is dismissed as withdrawn. Interim order if any stand vacated.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 522/24

30.10.2025

Present : Mohd. Tabrez Alam and Mohd. Qamar, Ld. counsel for
the appellant.

None for the respondent.

File is taken up on the application of the appellant seeking continuation of interim protection vacated on 27.10.2025.

Hon'ble High Court vide its order dated 15.07.2024 has protected the property till the interim application is disposed of. The interim protection was vacated as none appeared for the appellant despite calls.

In view of the protection given by the Hon'ble High Court, the interim protection vacated on 27.10.2025 is restored till next date of hearing.

Put up on the date already fixed i.e. **19.02.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 678/24

30.10.2025

Present : Ms. Meenakshi Tyagi, Ld. counsel for the appellant.
Sh. Sanjeet Kumar, proxy counsel for Sh. Pritish
Sabharwal, Ld. counsel for respondent

Arguments heard on the application seeking condonation
of delay of 4 days in filing the appeal.

With an endeavour to decide the case on merits, the
delay is condoned. The application stands disposed of.

Put up for arguments on appeal **12.02.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 557/25

30.10.2025

Present : Sh. Yash Aggarwal, Ld counsel for the appellant.
None for the respondent.

An adjournment is sought on behalf of the appellant as he has met with an accident and is not in a position to come to the 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 **13.02.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 566/25

30.10.2025

Fresh appeal filed. Be checked and registered.
Present : Sh. Javed Khan and Sh. Anubhav Chandra, Ld. counsels
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 **20.02.2026**.

Till next date of hearing, no coercive action be taken
against the property of appellant in pursuance of the
vacation notice dated 07.07.2025.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 588/25

30.10.2025

Present : Sh. Parmod Kumar Sharma, Ld counsel for the appellant
through VC.

None for the respondent.

An adjournment is sought on behalf of the appellant as
the counsel is suffering some problem in his eyes.

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 **19.12.2025**.

(AMIT KUMAR)

Addl. District & Sessions Judge

P.O.: Appellate Tribunal, MCD

30.10.2025

A.No. 597/25

30.10.2025

Present : Sh. Vinay Kumar Pathak, Ld counsel for the appellant.
None for the respondent.

The file is taken up on an application for early hearing filed by the appellant.

List of documents along with copies of the documents filed on behalf of the appellant.

The next date of hearing in the matter is 06.11.2025. In view of the heavy pendency, no early hearing is possible. The application is dismissed.

Put up on the date already fixed **06.11.2025**. However, in-facts, the interim protection given by the Hon'ble High Court is continued till the next date of hearing i.e. 06.11.2025.

In the meantime, 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 the date fixed.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 667/25

30.10.2025

Present : Sh. Puran Chand, Ld counsel for the appellant.
None for the respondent.

Case file is taken up on an application for early hearing filed by the appellant.

The next date of hearing in the matter is 19.11.2025. In view of the heavy pendency, no early hearing is possible. The application is dismissed.

Put up on the date already fixed **19.11.2025**. However, till next date of hearing, no coercive action be taken against the property of appellant in pursuance of the demolition order dated 17.09.2025.

In the meantime, 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 the date fixed.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 681/25
Prakash and Ors. Vs. DDA

30.10.2025

Present : Sh. Rambir Chauhan, Ld counsel for the appellant.
Sh. Manish Yadav, Nodal Officer for the DDA.

Submissions heard. File perused.

The appellant has challenged the sealing-cum-demolition order dated 19.05.2025 passed in pursuance to the show cause notice dated 10.03.2025. As per the appellants, they were never served with the notice and even the reply dated 26.03.2025 given by many of the appellants were not considered.

Since, the basic grievance of the appellants is that they were not given opportunity of being heard, which is reflected from the order dated 19.05.2025, the appeal is allowed and the impugned order dated 19.05.2025 is set aside. The respondent is directed to pass speaking order after giving due opportunity to the appellants to file their replies and being heard.

The speaking order shall be passed within 8 weeks after the appellants appear before the Quasi Judicial Authority on 18.11.2025 at 2.00 pm.

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Copy of this order be sent to the concerned authority through Nodal Officer for compliance.

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

(AMIT KUMAR)

Addl. District & Sessions Judge

P.O.: Appellate Tribunal, MCD

30.10.2025

A.No. 340/13, 348/13, 352/13, 360/13, 363/13, 377/13, 378/13, 407/13, 408/13, 409/13, 410/13, 411/13, 412/13, 416/13, 595/13, 1194/13, 1195/13, 1006/17 & 389/13

30.10.2025

Present : Ms. Jyoti Kataria, Ld. counsel for the appellant in appeals no. 408/13, 409/13, 410/13, 411/13, 412/13, 595/13, 1194/13 &, 1195/13.

Sh. Rajesh Pathak, Ld. counsel for the appellants in appeal no. 407/13 and 416/13.

Sh. Sanjeev Mahajan and Sh. Rishabh Varshney, Ld. counsels for the appellants in appeal no. 377/13 and 378/13.

None for the other appellants.

Sh. Sanjay Sharma, ASC along with Sh. Aniket Sharma, Adv, Sh. Varun Kumar, ALO, Sh. Srikant, JE (EBR) and Sh. Ashok Kumar, Senior Asstt., for the respondent.

Status report filed in appeal no. 1006/17 by the NDMC.
Copy supplied.

Powers in respect of the matters of NDMC not yet received.

Put up for arguments on **23.01.2026**, for awaiting powers.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 71/15 & 82/15
Masood Paracha Vs. MCD

30.10.2025

Present : Sh. Abhishek and Ms. Samida Jain, Ld counsels for the
appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.
Sh. Dev Arya, Ld. counsel for the intervener.

Arguments heard on the appeal.

Admittedly, the Hon'ble High Court vide its order dated 15.12.2014 passed in W.P.(C) no. 8860/2014 directed the respondent/MCD to give personal hearing to the appellant, who was the respondent no. 3 in the writ petition and the intervener, who was the petitioner before the Hon'ble High Court. It was specifically mentioned by the Hon'ble High Court that the three representations of the intervener as well as the grievance of the appellant before me should be decided within 4 weeks after giving an opportunity of hearing to both of them.

In pursuance to that, the respondent issued notice dated 05.02.2015 which was after 4 weeks seeking appearance of the parties on 06.02.2015 at 3.00 pm. That itself was not a proper hearing as they were directed to appear before the MCD following day after 05.02.2015 without giving them sufficient time. Thereafter, as per the office record produced by the department on 06.02.2015, a

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notice u/s 435 DMC Act was issued stating that demolition/sealing program has been fixed against the unauthorized construction of the premises of the appellant. There is nothing on record to suggest that any personal hearing was given as directed by the Hon'ble High Court on 15.12.2014. 7th and 8th February 2015 were Saturday and Sunday being holiday of the respondent and thereafter on 09.02.2015 without giving any hearing, the demolition order was passed and on the same day, it is recorded that partial demolition was done on the first floor of the property and complete demolition could not be taken due to stay by this court. The conduct of the respondent is totally in violation of the directions of the Hon'ble High Court and concerned officials are liable for contempt of the order of the Hon'ble High Court.

Be that as it may, the facts remains that the impugned orders before me dated 30.01.2015, 09.02.2015 and 07.01.2015 were passed in complete violation of the directions of the Hon'ble High Court dated 15.12.2014 and reflects malafide on the part of the officials of the respondent.

All the three orders are set aside.

The appeals are allowed.

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The respondent is directed to pass speaking order after giving proper hearing to the appellant as well as the intervener within 8 weeks from the date they are directed to appear before the Quasi Judicial Authority i.e. 18.11.2025 at 2.00 pm.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 88/16

30.10.2025

Present : Sh. R.K. Verma, Ld. Proxy counsel for the appellant.
Sh. Pritish Sabharwal, Ld. counsel for respondent.
Ms. Varsha, Ld. proxy counsel for Intervener Sh. Bhagat Ram along with intervener in person.

An adjournment is sought on behalf of the appellant as main counsel has gone to Bareilly due to marriage of his nephew (bhanja) and is not available today.

Record shows that on the last date of hearing, the appellant filed an application to place on record the additional documents, but the proposed documents were not filed with this application. In the absence of the proposed documents, the application cannot be considered. Let the proposed documents be filed within a week with advance copy to the counsel for the other side, who is directed to file reply within a week thereafter. Put up for arguments on this application as well as appeal as last and final opportunity to the appellant, on **20.11.2025**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 200/21

30.10.2025

Present : Sh. Amit Rathore, Ld counsel for the appellant along with appellant.

Sh. Hitesh Sharma, Ld Proxy counsel for the respondent along with Sh. Subodh Hathwal, AE(B), Shahdara Zone.

An adjournment is sought on behalf of the respondent's main counsel Ms. Yogita because of her marriage on 02.11.2025.

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 **29.01.2026**.

Interim orders, if any, to continue till the next date of hearing.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 177/24

30.10.2025

Present : Sh. G.S. Singh, Ld counsel for the appellant.
None for the respondent.

As none has appeared for the respondent, the matter is adjourned.

Put up for arguments on **16.03.2026**.

Interim orders, if any, to continue till the next date of hearing.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 202/24

30.10.2025

Present : Sh. Sundeep Srivastava and Sh. Pankaj Kumar, Ld
counsels for the appellant along with appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

Arguments heard at length.

Put up for order/judgment on **14.11.2025**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 365/24

30.10.2025

Present : Sh. Bakshi Joginder Singh, Sh. Pradjot Pravash, Sh. Vyom Padambukh and Ms. Rekha Chouhan, Ld counsels for the appellant.

Sh. Pulkit Garg, Ld. Proxy counsel for the respondent No.1 MCD.

Sh. Manish Gandhi, Ld. counsel for respondent No.2.

Ms. Aditi Choudhary, Ld. counsel for respondent No.3.

Reply filed by the MCD to the application of the appellant under Order VII rule 7 CPC. Copy supplied.

Arguments on the said application heard.

Through this application, the appellant has prayed that the subsequent event of the respondent no. 2 illegally encroaching the service lane be taken on record while deciding the controversy between the parties.

It is stated that the respondent no. 2 in connivance with the MCD is carrying out illegal construction beyond its own site plan by encroaching in the gali and this fact be taken on record.

The application has been opposed by the respondents on the ground that Order VII rule 7 CPC is not applicable to bring on record subsequent events and otherwise also, the application is a malafide attempt to expand the scope of the appeal as in the appeal, the challenge is to the sanction letters dated 11.04.2019 and 12.02.2019.

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Order VII CPC relates to particulars to be mentioned in the plaint. Rule 7 talks about that the relief should be specifically stated.

The appellant through this application under consideration wants to bring on record subsequent events and it is rightly argued for the respondents that the application under this provision is misconceived.

Even if, the application is considered on merits, the same is beyond the scope of this appeal. In this appeal, the challenge is to the two sanction letters issued to the respondent no. 2 whereas the alleged subsequent event is of encroachment on the public land. The Same is altogether a different matter viz-a-viz the prayer in the appeal. The application therefore, even on merits, is not maintainable as this alleged subsequent event has no bearing or relation to the subject matter of the appeal. The application is dismissed.

Ld. counsel for the MCD is not available today.

Put up for arguments on the appeal on **16.02.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 320/24, 374/24, 375/24, 376/24, 377/24, 378/24, 379/24, 380/24, 381/24, 382/24, 383/24, 384/24, 385/24, 386/24, 387/24, 403/24, 404/24, 405/24, 406/24, 422/24, 423/24, 430/24, 431/24, 432/24, 476/24, 477/24, 478/24 & 753/23

30.10.2025

Present : Sh. Rohit Sharma, Ld counsel for the appellant in appeals no. 320/24, 374/24, 430/24, 431/24, 432/24.
Sh. Shankar Sehgal, Ld. counsel for the other appellants in other appeals except in appeal no. 753/23 through VC.
None for the appellant in appeal no. 753/23
Sh. V.K. Aggarwal, Ld counsel for the respondent.

Arguments heard on the appeals.

1. It is admitted fact between the parties that extension of the existing balcony by 6 feet by the appellants was done after the same was sanctioned by the respondent after depositing the due charges. Later on, during the process of extension of the balcony from the existing 6 feet to additional 6 feet i.e. total 12 feet, pillars were erected by the occupants of the flats as it is not possible to have a balcony of 12 feet without vertical support.
2. It has informed to me that this construction can be regularized, if the society apply as a whole and cannot be regularized if the appellant as individual apply for regularization. On 06.03.2025, it was mentioned for the appellants that they have already engaged services of an architect and are in the process of

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filing of regularization applications. This application was not filed or probably was not entertained by the respondent as the society as a whole is required to apply for regularization.

3. I have been informed today that now the entire society barring one individual who is owner of flat no. 97 has agreed to apply for regularization. Let the proposed regularization applications be filed within 6 weeks from today and the respondent shall decide the same as per the building byelaws within 8 weeks thereafter.
4. Till then, no coercive action be taken against the properties of appellants in pursuance to the demolition orders. It is however, specified that if the regularization application is not filed within 6 weeks from today, the respondent shall be at liberty to proceed as per law. In case, the regularization application is filed and decided against the appellants, they shall be at liberty to approach the court challenging the rejection, failing which the respondent shall be at liberty to proceed against the violation as per law.
5. All the appeals stands disposed of.
6. Record of the respondent, if any, be returned along with copy of this order and appeal file be consigned to record room.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 484/24

30.10.2025

Present : Sh. Ashnani Jha, Ms. K. Kumari and Sh Gaurav Adhikari,
Ld counsel for the appellant.
Sh. Pulkit Garg, Ld proxy counsel for the respondent.

1. Status report filed by the MCD. Joint inspection was carried on 09.09.2025. As per this joint inspection, the property has been booked vide address in Khasra No.564 and the appellant claims that the property is in khasra No.562. The property however, is same irrespective of the dispute about the khasra numbers. The sealing order is without any date and same is show cause notice.
2. The documents filed by the appellant which are the sanctioned building plan as annexure A-7 to the appeal show that there is a sanctioned building plan of this property and address mentioned is out of khasra No.495, 562 and 563, Village Khanpur. These documents reflect that a sanctioned building plan of the property sealed at the first floor exist.
3. In facts, the impugned undated sealing order is set aside with direction to the respondent to pass speaking order after giving reasonable opportunity of reply and personal hearing to the appellant. This

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order be passed within six weeks from the date of filing reply and of personal hearing to the appellant. The appellant shall furnish his reply with documents with the respondent on 24.11.2025 at 2.00 p.m. and speaking order be passed within six weeks thereafter. Appeal is allowed.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 276/24

30.10.2025

Present : Sh. Prashant Diwan, Ld counsel for the appellant through VC.
Sh. Brijesh Dwivedi, Id. counsel for the appellant.
None for the respondent.

It is stated for the appellant that copy of the status report filed on the last date has not been supplied till today.

Copy supplied from the record today itself.

None is present for the respondent, hence the matter is adjourned.

Put up for arguments on **19.03.2026**.

Interim orders, if any, to continue till the next date of hearing.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 1066/24, 1067/24, 457/25 & 458/25

30.10.2025

Present : Sh. S.B. Pandey and Sh. Ankuar Bhardwaj, Ld counsel
for the appellant.

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

Sh. Akash Jain, Ld. Proxy counsel for the MCD.

Ld. counsel for the MCD has raised objections against the order dated 01.08.2025 on the ground that same was passed recording the submissions made on behalf of the respondent, which were not at all made and further there is no question of joint inspection as MCD Act is applicable to the facts and the judgment of Hon'ble Supreme Court of India in 'Redirections' as mentioned in para 9 of this order are not applicable.

If the respondent has any grievance against the order dated 01.08.2025, he has to seek legal remedy as available, but after 3 months from the date of order, cannot orally agitate that the order is not correct as per the facts and law.

Put up for the arguments on the appeal on **10.02.2026**.

Interim orders, if any, to continue till the next date of hearing.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 520/25

30.10.2025

Present : Ms. Jaya Sharma, Ld counsel for the appellant through VC.

An adjournment is sought on behalf of the appellant to file copy of the order passed by Hon'ble High Court as directed on 30.07.2025.

Let the same be filed on or before the next date of hearing.

Put up for consideration on **29.01.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025

A.No. 819/24 & 905/24

30.10.2025

Present : Sh. Ramit Malhotra, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.
Sh. Sukhinder Bir Singh, Ld counsel for the intervener.

Vide separate judgment of even date, the present appeals are dismissed.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
30.10.2025