

A.No. 879/25

05.01.2026

Fresh appeal filed. Be checked and registered.

Present : Sh. Hariom, Ld. Proxy counsel for the appellant through
VC.

Submissions heard. File perused.

Vide this appeal, the appellant has challenged the
vacation notice dated 16.07.2025.

Ld. proxy counsel requests for adjournment as main
counsel is not available today.

At request, put up for consideration on **25.03.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 882/25

05.01.2026

Fresh appeal filed. Be checked and registered.

Present : Sh. H.K. Dhariwal, Ld counsel for the appellant along with appellant.

Submissions heard. File perused.

Appellant has not filed any documents to show that the upper ground floor and third floor are protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 or there is a sanction building plan.

Ld. counsel for the appellant submits that the appellant shall soon apply for regularization.

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 **08.04.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 181/24

05.01.2026

Present : Sh. Shubham Srivastava, Ld counsel for the appellant through VC.

File is taken up today on an application of early hearing filed on behalf of the appellant.

The next date of hearing in the matter is 02.03.2026. The appeal is of the year 2024. In view of the heavy pendency, no early hearing is possible. The application is dismissed.

Put up on the date fixed i.e. **02.03.2026** for the purpose fixed.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 640/14 & 756/14

05.01.2026

Present : Sh. Nitin Mittal, Ld counsel for the appellant along with appellant.

Sh. Dharamvir Gupta, Ld counsel for the respondent in appeal no. 640/14.

Ms. Kriti Aggarwal, Ld. Proxy counsel for Sh. V.K. Aggarwal, Ld. counsel the respondent in appeal no. 756/14.

Arguments heard at length.

Put up for orders on **27.01.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 683/16
Shujauddin & Anrs. Vs. MCD

05.01.2026

Present : None for the appellant.

Sh. A.L. Agnihotri, Ld counsel for the respondent through VC and Sh. S.P. Sharma, Id. counsel for the respondent in person.

1. An application under Order XXII Rule 3 CPC to implead the LRs of appellant No.1 is pending. Record shows that appellant No. 2 who is son of appellant No.1 is already a party to this appeal. The application is allowed. All the proposed LRs are impleaded.
2. None has appeared for the appellant since morning despite repeated calls. This appeal pertains to year 2016.
3. I have perused the record.
4. The appellants have challenged the demolition order dated 30.06.2016 passed in respect of third and fourth floor of property number 6472-6474, Peerji Chowk, Bara Hindu Rao Delhi-110006.
5. The show cause notice dated 25.01.2016 stating unauthorized construction on the third and fourth floor was duly replied by the appellant on 26.03.2016. Personal hearing was provided to the appellant and it was found that unauthorized construction on the third

and fourth floor is liable to be demolished and is not protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.

6. The appellant has challenged this order on the ground that property is old and occupied and the impugned order was passed at the behest of one Ms. Huma. There exists no fourth floor in the property and only parapet walls have been raised to provide privacy to the family members. The respondent failed to consider the reply of the appellant No.2 dated 28.03.2016 and the order is liable to be set aside.
7. Record shows while passing orders on the interim application, it was observed in the order dated 12.07.2016 that as per property tax return of the year 2005-06, there is construction of about 44 sq. meter area on the third floor and no construction on the fourth floor except of parapet walls. The appellant was directed to maintain status quo qua this construction and this construction was protected till disposal of this appeal. The respondent thereafter filed status report on 01.05.2024 showing fresh construction being raised on the fourth floor. Photographs of this fresh construction being raised on the fourth floor was also filed. These photographs clearly show that appellant has raised walls to construct rooms on the fourth floor and thus violated

the status quo, order as required to be maintained under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 as well as, as required to be maintained by the order of this court. This Act in itself is sufficient to dismiss this appeal.

8. The record also shows that the extent of construction filed in the affidavit of the appellant shows no construction on the fourth floor. The site plan filed with this affidavit reflects only open terrace on the fourth floor. The appellant even during the pendency of this appeal raised fresh construction. The show cause notice was duly replied and was considered and personal hearing was provided to the appellant.
9. In these facts, there are no merits in this appeal. The impugned order dated 30.06.2016 is upheld. The appeal stands dismissed.
10. 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. on 05.01.2026**

**(AMIT KUMAR)
District Judge-cum-P.O.
Appellate Tribunal : MCD Delhi**

A.No. 236/17 & 262/17

05.01.2026

Present : Sh. D.P.S. Gulyani, Ld counsel for the appellant along with appellant.

Sh. Dharamvir Gupta, Ld counsel for the respondent in appeal no. 236/17.

Sh. Madan Sagar, Ld. counsel for the respondent in appeal no. 262/17.

Arguments heard at length.

Put up for orders on **22.01.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 247/17
Laxman Singh Vs. MCD

05.01.2026

Present : Dr. Anu Solanki, Ld counsel for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent.
Sh. Mohd. Shadan, Ld. counsel for the intervener.

Written submissions filed by the intervener.

Arguments heard. Record perused.

1. The appellant has challenged the demolition order dated 06.03.2017 passed in respect of first floor of property no. 45/44, Gali no. 44, Khasra no. 267, near Police Post, Village Khizrabad, New Delhi. As per the appellant, the construction in the property is old and occupied since it was purchased in 1988. The electricity was energized in 2008. The show cause notice was duly replied, but same was not considered. The construction is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 and the property has been booked only on a false complaint lodged by one Fatima. The entire construction exists prior to 01.06.2014 and should be compounded as per the building bye-laws and the appeal should be allowed and the impugned order should be set aside.

....contd.2

2. Ld. counsel for the respondent and intervener on the contrary argued that the Hon'ble High Court has directed the MCD to take demolition action against the unauthorized construction carried by the appellant. The photographs taken by the intervener clearly show that the process of laying roof-slabs on the first floor was in process on 08.02.2017 and therefore, no protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 is available.
3. I have perused the record.
4. The show cause notice dated 09.02.2017 clearly shows that the property was booked when the fresh construction was raised in the property on the first floor. The respondent found two masons and five labours working at site. This show cause notice was duly replied by the appellant and after considering the reply, the demolition order dated 06.03.2017 was passed. The photographs available on record show fresh construction being raised on the first floor of the property in 2017. None of the documents filed by the appellant except GPA dated 25.05.1988 show extent of construction in the property. Though, the GPA talks about ground and first floor, but not only the same is unregistered document but also it does not permit the appellant to raise fresh construction

.....contd.3

: 3 :

on the first floor of the property as visible in the photographs. The electricity bill filed by the appellant is only for the ground floor of the property showing energization date as 22.08.2008. Admittedly, there is no sanctioned building plan and the appellant violated the status quo after 01.06.2014 to get benefit of National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. Fresh construction was raised on the first floor in 2017 which was booked. In view of the same, the appeal is without any merit and is dismissed. The demolition order dated 06.03.2017 is upheld.

5. 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
05.01.2026

A.No. 504/19

05.01.2026

Present : None for the appellant.
Sh. Dharamvir Gupta, Ld. Proxy counsel for Sh. H.R.
Aggarwal, Adv, for respondent.

None has appeared for the appellant despite repeated calls since morning.

No adverse order is being passed today.

Put up for arguments on 17.03.2026.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 188/21

05.01.2026

Present : Sh. Kunal Kalra, Ld. counsel for the appellant through VC and Sh. Varun Upadhyay, Ld counsel for the appellant in person.

Sh. Sanjay Sharma, Ld. counsel for the respondent/NCMC through VC.

Sh. Ashok Kumar, ASO, for the respondent in person.

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

Put up for arguments on **27.04.2026** for awaiting powers.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 321/22
Subhash Chand vs. MCD

05.01.2026

Present : Sh. Kiran K. Sharma, Ld. LAC for the appellant along with appellant.

Sh. Ashutosh Gupta and Sh. Jai Gupta, Ld. counsels for the respondent along with Sh. P.K. Jindal, AE(B), CNZ.

Status report along with two photographs filed by the respondent. Copy supplied.

As per this status report, the property of the appellant has not been booked nor any action has been initiated under Section 343/344 of the DMC Act against the appellant's property.

Ld. LAC for the appellant claims that today's report is correct and the respondent is trying to shield the property of some other person in which the unauthorized construction is going on.

In view of the same, the appeal stands disposed of being infructuous.

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
05.01.2026

A.No. 634/22

05.01.2026

Present : Sh. Sanam Malhotra, Ld counsel for the appellant through VC.
Sh. Nivedita, Ld counsel for the respondent.

Adjournment sought for arguments on behalf of both the parties.

Put up for arguments on **12.03.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 785/22

05.01.2026

Present : None for the appellant.
Sh. Kirti Aggarwal, Ld. Proxy counsel for Sh. V.K. Aggarwal, Ld. counsel for the respondent.

None has appeared for the appellant despite repeated calls since morning.

No adverse order is being passed today.

Put up for arguments on **21.05.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 842/23

05.01.2026

Present : Sh. V.K. Montu, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Arguments heard.

Put up for orders on **23.01.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 453/24
Radhey Shyam Gupta Vs. MCD
A.No. 839/24
Smt. Jaswant Kaur Vs. MCD

05.01.2026

Present : Ms. Prabhjot Kaur, Ld counsel for the appellant in appeal no. 453/24.

None for the appellant in appeal no. 839/24.

Sh. Chetan Hasija, Ld counsel for the respondent in appeal no. 453/24.

Sh. Atul Tanwar, Ld. counsel for the respondent in appeal no. 839/24 through VC and Ms. Anshika, Ld. Proxy counsel for respondent in person.

1. Memo of appearance filed on behalf of the appellant in appeal no. 453/24 and adjournment sought on the ground that counsel has been engaged recently. Same is strongly opposed by the respondents on the ground that the appellants are seeking adjournment on one or the other ground and there are no merits in the appeals.
2. Record shows that fresh vakalatnama was filed by the appellant in appeal No.453/24 on the last date of hearing and fresh memo of appearance has been filed today in appeal no. 839/24 and there is a request for adjournment. The appellant is only seeking time by filing fresh vakalatnama or memo of appearance. In

the other appeal none has appeared for the appellant since morning despite calls.

3. I have perused the record. The appellants have challenged the demolition order dated 28.05.2024 for unauthorized construction from ground to fourth floor in property No.WZ-5A/34, Vishnu Garden in appeal No.453/24 and the vacation notice dated 09.09.2024 of the same property in another appeal.
4. This appeal No.839/24 is also considered as a challenge to the demolition order dated 28.05.2024. In appeal No.839/24 the appellant has claimed that in the year 2008 the husband of the appellant entered in a collaboration with Joginder Singh for reconstruction of ground, first and second floor. The second floor without roof rights was given to the builder who sold out the second floor to Radhey Shyam Gupta who is the appellant in appeal No.453/24. Radhey Shyam Gupta claims in his appeal that he constructed second floor in 2012 and has not raised any construction. Even as per the case of the appellant fresh construction was raised in the property from ground zero after the collaboration agreement dated 07.11.2008. The property tax documents prior to this collaboration agreement are of no help to the appellants as new construction was raised on the entire plot. The construction was raised without any sanctioned building plan and is not entitled for any

protection. The appellant also replied the show cause notice through reply dated 03.06.2024. As per the office file the appellant Jaswant Kaur constructed even the third and fourth floor after this collaboration agreement dated 07.11.2008.

5. In these facts there are no merits in these appeals. The entire construction from ground to fourth floor is unauthorized and is not entitled to any protection even under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act. The appeals are dismissed. The demolition order dated 28.05.2024 is upheld.
6. 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. on 05.01.2026**

**(AMIT KUMAR)
District Judge-cum-P.O.
Appellate Tribunal : MCD Delhi**

A.No. 785/24 & 786/24

05.01.2026

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

Ld counsel for the appellant seeks one more opportunity to file the affidavit in compliance of order dated 26.09.2024.

One last and final opportunity is given to the ld. counsel for the appellant to file this affidavit as well as to advance arguments.

At request, put up for arguments on **16.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 917/24

05.01.2026

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

Ld. counsel for respondent seeks adjournment on the ground that he has to attend some personal matter.

At request, put up for arguments on appeal on **12.03.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 962/24

05.01.2026

Present : Sh. Jatin and Sh. Akash Sehrawat, Ld. Proxy counsels for Sh. Vishal Maan, counsel for the appellant through VC.
Sh. Pritish Sabharwal, Ld. counsel for the respondent through VC..
Sh. Samman Vardhan Gautam, Ld counsel for the intervener through VC along with Ms. Khushi Sharma, Sh. Priyam Tiwari and Ms. Anshika Priyadarshini, Advocates.

An adjournment is sought on behalf of the appellant as main counsel Sh. Vishal Mann is not available today being out of town.

Same is opposed on behalf of the respondent as well as intervener.

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

Put up for arguments on **22.01.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 68/25
Smt. Kamlesh Rani Vs. MCD

05.01.2026

Present : None for the appellant.

Sh. Approv Sisodia, Ld counsel for the respondent through VC.

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

Put up at 2.00 PM.

(AMIT KUMAR)

Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD/05.01.26

At 2.50 pm

Present : None for the appellant.

Sh. Approv Sisodia, Ld counsel for the respondent through VC.

None has appeared on behalf of appellant since morning in the Tribunal or through VC despite various calls.

None had appeared on behalf of the appellant on previous date of hearing i.e. 29.07.2025 as well.

It is 2.50 PM. It appears that appellant is not interested in prosecuting this appeal. The present appeal is dismissed in default.

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
05.01.2026

A.No. 103/25 & 161/25

05.01.2026

Present : Sh. G.R. Verma and Sh. H.K. Sharma, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent in 103/25.
Ms. Kirti Aggarwal, Ld. proxy counsel for the respondent in appeal no. 161/25.

Record of appeal no. 161/25 was received on 24.12.2025.

Status report is filed by the MCD, copy kept on record to be collected by the appellant.

Ld. counsel for the appellant seeks time to inspect the same and to obtain the copy thereof.

At request, put up for arguments on **12.05.2026**.

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

(AMIT KUMAR)

Addl. District & Sessions Judge

P.O.: Appellate Tribunal, MCD

05.01.2026

A.No. 146/25

05.01.2026

Present : Sh. S.P. Sharma, Ld counsel for the appellant through VC.

Sh. Nitin Kumar, Ld. Proxy counsel for the appellant in person.

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

An adjournment is sought on behalf of the appellant due to some personal difficulty

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 **18.03.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 243/25

05.01.2026

Present : Sh. Ahmad Ali, Ld. 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 is held up before Hon'ble High Court.

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

Put up for arguments on **06.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
05.01.2026

A.No. 538/22 & 540/22

05.01.2026

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

Vide separate judgment of even date, the appeal no. 538/22 is dismissed and the appeal no. 540/22 is allowed and the matter is remanded back.

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
05.01.2026