

A.No. 58/26

28.01.2026

Fresh appeal received. It be checked and registered.

Present : Sh. Pulkit Arora, Ld counsel for the appellant along with husband of the appellant.

Submissions heard. File perused.

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 **10.03.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 65/26

28.01.2026

Fresh appeal received. It be checked and registered.

Present : Sh. Nayinder Benipal, Sh. Ankit Siwach, Sh. Udit Vaghela, Sh. Jaskaran Singh, Sh. Sarthak Sethi and Sh. Arjun Baliyan, Ld counsels for the appellant.

Submissions heard. File perused.

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 **10.04.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant in pursuance of the sealing order dated 12.12.2025.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 67/26

28.01.2026

Fresh appeal received. It be checked and registered.

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

Submissions heard. File perused.

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 with connected appeal on **16.04.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 663/25

28.01.2026

Present : Sh. Sachin Bandooni and Sh. Krishna Kant Tiwari, Ld counsels for the appellant through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent along with Sh. Hemant Singh Negi AE(B).

Status report is filed by the MCD, copy supplied to one proxy counsel, who is present in the court.

The record has been produced. It be deposited with Registry.

Ld. counsel for the appellant seeks time to go through the status report as well as record.

On request made by the ld. counsel for the appellant, put up for arguments on **14.05.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 8/26 (M) & 9/26 (M)

28.01.2026

Present : Sh. Lalit Gupta, Ld counsel for the appellant along with husband of the appellant Sh. Sandeep Kotawala.

Case files are taken up today on applications seeking restoration of the appeals, which were dismissed in default on 17.12.2025.

Let notice of these applications be issued to the respondent for **10.02.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 284/15, 336/15 & 465/16

28.01.2026

Present : Sh. M.S. Khan, Advocate with F.A. Khan, Ld. Proxy counsel for the appellant.

Sh. H.R. Aggarwal, Ld counsel for the respondent in A. Nos. 284/15 & & 465/16.

Sh. V.K. Aggarwal, Ld. Proxy counsel for Sh. Dharamvir Gupta, counsel for the respondent in A. No. 336/15.

Part Arguments heard.

At request of Ld. counsel for appellant, put up for further arguments on **16.04.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 717/16 & 943/16

28.01.2026

Present : Sh. Vireshwar Tyagi, Ld counsel for the appellant along with son of the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent in appeal no. 717/16.
Ms. Neetu, Id. proxy counsel for Sh. Dharamvir Gupta, counsel for the respondent in appeal no. 943/16.

An adjournment is sought by the Id. counsel for the appellant on the ground that he is not ready with the arguments.

The appeals pertain to the year 2016. However, 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 **08.04.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 201/17

28.01.2026

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

An adjournment is sought on behalf of the appellant as main counsel Sh. Karnel Singh is held up before the Hon'ble High Court.

The appeal pertains to the year 2017. However, in the interest of justice one last and final opportunity is granted to the appellant to address the arguments in the matter.

Let a notice be also issued to the respondent for assurance the presence of the counsel on the next date of hearing.

Put up for arguments on **25.03.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 416/18 & 417/18

28.01.2026

Present : Sh. M.N. Siddiqui, Ld counsel for the appellant.
Sh. Ranjeet Pandey, Ld counsel for the respondent.

Part arguments heard.

Put up for further arguments on **10.03.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 923/18, 924/18, 184/19 & 335/21

28.01.2026

Present : Proxy counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent in
appeals no. 923/18 &, 924/18.
Sh. R.K. Kashyap, Ld. counsel for the respondent in
appeal no. 335 /21 through VC.
Ms. Neetu, Ld. proxy counsel for Sh. Dharamvir Gupta,
counsel for the respondent in appeal no. 184/19.

Status report is filed by the MCD along with the copy of
the regularization letter. The subject properties bearing
no. 2883. 2884 and 2884-A, Teliwara, Sadar Bazar, Delhi
have been regularized. Copy of the same supplied to the
proxy counsel for the appellant.

Since, the properties have been regularized and the
appellants have been duly informed on 13.12.2025, these
appeals challenging the demolition, sealing and rejections
of the regularization application have become infructuous.
However, adjournment sought on behalf of the counsel
for the appellant on the ground that he is not well today.
In view of the same, put up for further proceedings on
20.02.2026.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 106/19

28.01.2026

Present : Sh. Anshul Gupta (AOR) and Sh. Rishabh Darira, Ld
counsels for the appellant.
Sh. K.K. Arora, Ld counsel for the respondent.

Part arguments heard.

Put up for further arguments on **11.03.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 371/19

28.01.2026

Present : Sh. Rishi Raj, Ld. Proxy counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

Previous cost dated 23.09.2024 not yet deposited.

One more adjournment sought on the ground that the main counsel Sh. Bharat Bhushan Bhatia is not well today.

Let the cost be deposited positively within 2 weeks.

Subject to deposit of cost, one last and final opportunity is granted to the appellant to address arguments on the next date of hearing.

At request, put up for arguments on **24.04.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 41/20

28.01.2026

Present : Appellant in person.
Sh. S. Adil Hussain, Ld counsel for the respondent.

It is stated by the appellant that the Legal Aid counsel did not present the facts properly and she later engaged a private counsel who was charging handsome amount and she wants to argue her case herself.

In these facts, appellant is permitted to argue the matter.

Arguments heard.

Put up for orders **12.03.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 197/20

28.01.2026

Present : Sh. Ayush Agarwala, Ld counsel for the appellant joined through VC.

Sh. Sanjay Sethi, Ld counsel for the respondent.

At request of Ld. counsel for the appellant, put up for arguments on appeal on **22.05.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 16/22

28.01.2026

Present : Sh. Dushyant Tyagi, Ld counsel for the appellant.
Sh. Anupam, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant, as main counsel Sh. Jagdeep Sharma is un-available today as father of the main counsel has passed away on **23.01.2026**. In the interest of justice one more opportunity is granted to the appellant to address the arguments in the matter.

Put up for arguments on **15.07.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 444/22

28.01.2026

Present : Sh. Ashok Thagal, Ld counsel for the appellant joined through VC.

Sh. Mohit Sharma, Ld counsel for the respondent.

An adjournment is sought by the Ld. counsel for appellant as he has 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 arguments **17.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 535/22

28.01.2026

Present : Advocate/Appellant in person.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

Arguments heard on the applications seeking condonation of delay of about 163 days in filing the aforesaid appeals.

As per the appellant, he received the copy of the sanction order dated 22.07.2021 only on 19.07.2022 when the SHO concerned filed status report before the Hon'ble High Court in the W.P.(C) no. 5525/22 and this appeal was filed on 31.08.2022. The condonation of delay is sought on medical ground. Without going into the merits of the submissions and with an endeavour to decide the appeal on merits, the delay is condoned subject to deposit a cost of Rs. 1,000/- in appeal with the Registry. The applications stand disposed of.

At request, put up for arguments on appeal on **31.07.26**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 575/23 : Nirmala Bansal Vs. MCD

A. No. 576/23 : Chander Shekhar Bansal Vs. MCD

28.01.2026

Present : None for the appellant.

Sh. V.K. Aggarwal, Ld counsel for the respondent.

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/28.01.26

At 2.40 pm

Present : None for the appellant.

Sh. V.K. Aggarwal, Ld counsel for the respondent.

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 the last two consecutive dates as well.

It is already 2.40 PM. It appears that the appellants are not interested in pursuing these appeals. The aforesaid appeals are dismissed in default.

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

(AMIT KUMAR)

Addl. District & Sessions Judge

P.O.: Appellate Tribunal, MCD

28.01.2026

A.No. 668/23

28.01.2026

Present : None for the appellant.
 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 **30.07.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 284/24

Kirti Dhasan Vs MCD

28.01.2026

Present :

Ms. Aditi Aggarwal, Ld counsel for the appellant.
Sh. Ashutosh Gupta , Ld counsel for the respondent with
Sh. Nishant Rohilla, Advocate.
Sh. Dhruv Malik, Ld. counsel for intervener, joined
through VC.

Arguments on maintainability of the application under order 1 Rule 10 CPC heard. Even if it is presumed that all the averments made in the application is correct, then also in this proceeding between the appellant and the MCD the applicant has no right to participate and he cannot become a party as there is a clear-cut judgment of Delhi High Court in case ***Hardayal Singh Mehta Vs MCD, AIR 1990 Delhi 170*** in which it is held that in the matter between the appellant and the MCD, no third person can join and become a party to such proceedings and in such proceedings the application under order 1 Rule 10 CPC is not maintainable. Any dispute between the applicant and the appellant has to be dealt with and to be decided by the Civil Court separately. Accordingly, application moved by applicant under order 1 Rule 10 CPC is hereby dismissed. However, the applicant is permitted to file the documents, if any and to orally argue the matter at the final arguments stage.

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Arguments heard on the appeal. The impugned rejection order of the regularization application dated 09.04.2024 records that the case of the appellant does not meet the terms of the floorwise regularization policy due to the reason that the entire existing construction of the property is unauthorized and without sanction of building plan. Undisputedly as per latest policy of the respondent dated 17.09.2025 floorwise regularization is permissible irrespective of unauthorized construction by the occupants of the other floors subject to permissible FAR. In view of the same let the regularization application of the appellant be re-opened on her application and be decided a fresh as per policy of 17.09.2025 within reasonable time from the date of filing of reopening regularization application.

Ld. counsel for the intervener has argued that the impact of this regularization on the structure of the building which is leaning towards a side be also considered by the respondent while deciding the regularization application. Submissions recorded. MCD to proceed with regularization as per rules and regulations. Appeal is disposed of.

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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
28.01.2026

A.No. 321/24
Gopi Vs. MCD

28.01.2026

Present : None for the appellant.
 None for the respondent.
 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/28.01.26

At 3.10 pm

Present : None for the appellant.
 None for the respondent.

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 even on
two previous dates as well.

It is 3.10 PM. It appears that the appellant is not
interested in pursuing this appeal. The present appeal is
dismissed in default.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 372/24
Bharat Bhushan Kaushik

28.01.2026

Present : None for the appellant.
Sh. Om Prakash Singh, Ld counsel for the respondent.
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/28.01.26

At 2.55 pm

Present : None for the appellant.
Sh. Om Prakash Singh, Ld counsel for the respondent.
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 the previous two consecutive dates as well.
It is already 2.55 PM. It appears that the appellant is not interested in pursuing this appeal. The present appeal is dismissed in default.
Record of the respondent if any be returned alongwith copy of this order and appeal file be consigned to record room.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 449/24, 564/24 & 501/25

28.01.2026

Present : Proxy counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. V.K. Mantoo, Ld. counsel for the intervener.

An adjournment is sought on behalf of the appellant as main counsel Sh. Dalip Rastogi is not available today due to ill-health.

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

Put up for arguments on **07.04.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 163/25

28.01.2026

Present : Sh. Ravinder Sharma, Ld. Proxy counsel for the appellant.

Sh. Madan Sagar, Ld. counsel for the respondent. Fresh Vakalatnama filed, same is taken on record

An adjournment is sought on behalf of the appellant as main counsel is un-available today 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 arguments on **29.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 168/25 & 234/25

28.01.2026

Present : Sh. Harsh Kashyap, Ld. proxy counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent
along with Sh. Nishant Rohilla, Advocate.

An adjournment is sought on behalf of the appellant as main counsel Sh. Mukesh Kumar has been suffering from cold.

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

Put up for arguments on **23.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 289/25

28.01.2026

Present : Sh. Pankaj Gupta and Sh. Jitender Sharma, Ld counsel
for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments heard.

Put up for further arguments on **13.03.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 317/25

28.01.2026

Present : Sh. Gurjas Narula, Ld counsel for the appellant through VC.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

At request of the Id. counsel for the appellant , put up for arguments on **29.07.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 351/25

28.01.2026

Present : Sh. Subodh Kumar, Ld Proxy counsel for the appellant.
Sh. Vinod Aggarwal, Ld. Proxy counsel for the respondent.

An adjournment is sought on behalf of the parties as main counsels are not available today due to some personal difficulty.

At request, put up for arguments on **30.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 364/25

28.01.2026

Present : Sh. Sidharth Swaroop, Ld counsel for the appellant joined through VC.

Sh. Ashutosh Gupta , Ld counsel for the respondent.

On request of Ld. counsel for appellant, put up for a argument on **28.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 493/25

28.01.2026

Present : Sh. Sidharth Malik, Ld proxy counsel for the appellant.
Sh. Ashutosh Gupta , Ld counsel for the respondent.

Record has been submitted by the MCD.

Ld. counsel for appellant seeks time to go through the record and argue the matter.

Put up for arguments on **22.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 547/25

28.01.2026

Present : Sh. Ayush Kumar Singh, Ld. Proxy counsel for the appellant.
Sh. Hartia Mehta, Ld counsel for the respondent through VC
Ms. Akansha, Ld. Proxy counsel for the respondent

Status report is filed by the MCD, copy supplied.

The record has been produced. It be deposited with Registry.

An adjournment is sought on behalf of the appellant as there is a marriage in the family of the main counsel.

Similar request for adjournment is made on behalf of the respondent.

At request, put up for arguments on **28.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
28.01.2026

A.No. 585/12
Madan Mohan Juneja & Anr. Vs. MCD

28.01.2026

Present : Sh. Shashank Khurana, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.
Sh. Abhishek Rawat, Ld. counsel for the intervener along with intervener.
Sh. A. K. Tripathi, Ld. counsel for the respondents no. 4 & 5.

1. Arguments heard at length.
2. This is an appeal seeking cancellation of the regularization plan in respect of property No.J-88, Rajouri Garden.
3. The brief facts necessary for disposal of this appeal are that the respondent No. 4 & 5 purchased a part of this property measuring 197.73 sq.yds. from the appellants and the remaining portion of this property measuring 80.93 sq.yds. remained with the appellants. As per this appeal, respondents 4 and 5 got the property measuring 197.73 sq.yds. mutated in their names with the respondent and in December 2009 demolished the old construction and raised fresh construction. On 23.09.2011, the portion of the appellant was sealed without any show cause notice and thereafter they filed W.P.(C) 2345/2011 before

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the Hon'ble High Court and in that writ petition they came to know that respondents 4 and 5 have forged their signatures on certain documents and obtained sanctioned building plan for the property. In this present appeal the cancellation of this regularization plan dated 05.04.2010 in reference to application dated 23.03.2010 and certificate dated 25.03.2010 has been sought.

4. It was argued for the appellants that since the signatures of the appellants on the papers used for obtaining regularization plan were fabricated by respondents 4 and 5, the regularization plan should be revoked on this ground.
5. Ld. counsel for the respondents 4 and 5 on the other hand argued that a criminal case filed by the appellants alleging forgery of the signatures is pending and it is yet to be verified whether the signatures have been forged or fabricated and therefore this appeal should not be decided till disposal of criminal case. It was also argued that a suit for declaration challenging the regularization plan is also pending filed by the appellant and therefore this appeal is not maintainable. On merits, it was argued that signatures were never forged nor fabricated and appeal should be dismissed.

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6. Ld. counsel for MCD on the other hand argued that authenticity of the documents and alleged forged signature is yet to be established and MCD has no mechanism to check these kinds of illegality, if any and therefore, the allegations of the appellants are allegations only and appeal should be dismissed.
7. I have perused the record. The same show that the documents on the basis of which the regularization plan was obtained are not proper and this regularization plan is liable to be revoked irrespective of the genuineness of the signatures. The indemnity bond submitted at the time of obtaining regularization plan bears signatures of respondents 4 and 5 and alleged forged signatures of both the appellants but the indemnity bond is only in the name of respondents 4 and 5. When the appellants name is not mentioned in the body of this indemnity bond, how they can execute and how it was accepted by respondent MCD is beyond explanation. Similar is the affidavit-cum-undertaking, it bears the name of respondents 4 and 5 in the body but has signatures of respondent 4 and 5 and alleged signatures of appellant No.1 and 2. The respondent MCD even accepted this document without the body of documents bearing the particulars of appellant 1 and 2. The regularization plan was

obtained on the basis of these documents which do not contain the names and particulars of appellants 1 and 2. The documents were not properly executed on behalf of appellants 1 and 2 even, if it is believed that they bears the genuine signatures of appellants 1 and 2. The regularization plan therefore was granted by the respondent on the basis of the documents which were not properly executed and the same is liable to be revoked irrespective of the facts whether these documents bears forged or genuine signatures of appellants. Further, the court has powers under Section 72 of Bhartiya Sakshya Adhiniyam 2023 to compare the admitted signatures with disputed one. I have compared the admitted signature of appellant in this appeal with disputed signatures on documents submitted with application seeking regularization plan. The admitted signatures are totally different from disputed signatures and it appears that those were not made by same person(s). The plan was obtained on fabricated signatures of appellant no. 1 and 2.

8. In these facts the appeal is allowed and the regularization plan dated 05.04.2010 is revoked.

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9. 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
28.01.2026

A.No. 1061/24

Sudhir Haryal Vs. MCD

28.01.2026

Present : Sh. Kunal Kalra, Ld counsel for the appellant through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Anupam Sharma, Ld. counsel for the DDA.
Sh. Anil Kumar Thakur, Ld. counsel for the respondent no. 2.

1. Arguments heard.
2. This is an appeal seeking revocation of permission dated 15.02.2023 accorded to respondent no. 3 for installation of mobile tower inside the park of Panchsheel Park near police booth, Shahpur Jat, South Zone, New Delhi.
3. The Ld counsel for the appellant has primarily challenged this permission on two grounds. The first is installation of the tower at a site which is approximately two kilometers away from the site for which it was accorded and secondly the installation of tower in a park. It was argued that the appellant approached Hon'ble High Court in W.P.(C) no. 2565/24 wherein liberty was given to approach this Tribunal on 28.11.2024. The respondent/MCD granted permission on 15.02.2023 to install tower at Panchsheel Park near police booth but instead of that

Cond...2/-

Site, the tower has been installed in a park opposite to the house of the appellant which is contrary to the permission. The respondent/MCD failed to appreciate that the tower has been illegally installed in a park frequently visited by the residents of the area including children, senior citizen etc. and the same will expose them to the radiation of the tower and their right of way in the park shall be obstructed. The respondent/MCD being a public authority should work in a reasonable manner and installation of tower in a park is contrary to the permission and also obstruct the rights of the appellant.

4. Ld counsel for the respondent/MCD on the other hand argued that mobile tower is also a public utility and the respondent is required to maintain public utility like park, mobile tower etc. for the residents. It is now settled through scientific researches that the mobile tower do not emit any hazardous radiation as claimed by the appellant. The house of the appellant even as per the case of the appellant is at a distance of 10 meters from the mobile tower and does not in any manner effect the right of way or park to the appellant. The said mobile tower has occupied only a small area of 15 sq meter in a corner of the park and in no manner obstruct the right of way or right of enjoyment

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of park to the appellant or any other residents of the area. The site of the mobile tower was shifted from near police booth to this park because of feasibility and this appeal is without merits.

5. Ld counsel for the respondent no 3 on the other hand argued that the Hon'ble High Court in several judgments has held that the mobile towers do not release any radiation to the detriment to the health of the human and therefore this appeal has no merit and should be dismissed. In this regard, he has placed reliance on the following judgments: -

1. Rajendra Motwani & Ors. Vs. MCD & Ors.
MANU/DE/3181/2017.

2. Mr. Sushil Kr. Jain & Mr. Manish Kumar,
Advocates Vs. Union of India & Ors. 2016
SCC Online Del 2558.

3. Vikas Iuthra Vs. MCD & Ors.
MANU/DE/1120/2016.

6. I have perused the record and the judgments relied upon. It has now been settled though scientific researches which have been accepted by the courts that the mobile towers do not remit any hazardous radiations, harmful to human beings. As per the appeal, the residence of the appellant is 10 meter away from the mobile tower and cannot be said to the

...contd.4

in close proximity to the house of the appellant. Only a small portion of the park has been occupied by the mobile tower and its generator and it cannot be said that the same infringes the enjoyment of park by the appellant.

7. As far as the shifting of the site is concerned, the permission was accorded to install mobile tower near police booth but same was installed in this park. Ld counsel for the respondent/MCD has stated that installation of tower near police booth was not feasible and therefore same was shifted to the present site. The appellant has failed to establish that how any right of enjoyment of the park of the appellant is affected from the installation of the tower. The tower otherwise is at reasonable distance from the house of the appellant and there are no merits in this appeal
8. It is also relevant to mention that impugned permission is dated 15.02.2023. The appellant approached the Hon'ble High Court sometime in November, 2024. The Hon'ble High Court in para 6 of the order dated 28.11.2024 directed the appellant to apply for condonation of delay in filing this appeal, but no such application was filed. The counsel for the

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appellant failed to explain the delay in approaching the Hon'ble High Court and now this court. The Hon'ble High Court granted 10 days time to appellant to file this appeal after order dated 28.11.2024. But that by itself did not condone the delay. In the absence of any prayer seeking condonation of delay this appeal barred by limitation as well.

9. The appeal is dismissed.
10. 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
28.01.2026

A.No. 133/24, 176/24 & 253/24

28.01.2026

Present : None for the appellant.

Sh. Sanjeet Kumar, Proxy counsel for Sh. Pritish Sabharwal, Ld. counsel for respondent in appeal no. 133/24.

Sh. Ashutosh Gupta Ld. counsel for respondent in appeal no. 176/24 & 253/24.

Vide separate judgment of even date, the aforesaid 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
28.01.2026