

A.No. 150/26, 151/26, 152/26, 153/26 & 154/26

24.02.2026

Fresh appeals filed. It be checked and registered.

Present : Ms. Minati Murari, Ld counsel for the appellants.

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 **08.05.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 159/26

24.02.2026

Fresh appeal filed. It be checked and registered.

Present : Sh. Lankush Batham, Ld counsel for the appellant.

Submissions heard. File perused.

Ld. counsel for the appellant seeks some time to file the documents.

At request, put up for consideration on **11.03.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 161/26

24.02.2026

Fresh appeal filed. It be checked and registered.

Present : Sh. S.H. Ansari, 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 on **19.05.2026**.

Till next date of hearing, no coercive action be taken against the ground, first and second floor of property in question of the demolition order dated 04.02.2026. However, it is made clear that no encroachment on the public land is protected. The appellant is directed not to raise any further construction in the property in question.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 162/26

24.02.2026

Fresh appeal filed. It be checked and registered.

Present : Sh. Dalip Rastogi, 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 on **17.03.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 163/26

24.02.2026

Fresh appeal filed. It be checked and registered.

Present : Sh. Deepak Gupta, Ld counsel for the appellant through VC.

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 **04.05.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant in pursuance of the impugned order. However, it is made clear that no encroachment on the public land is protected.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 521/19 & 8/20

24.02.2026

Present : Sh. Vishesh Issar, Ld counsel for the appellant through VC.

Files are taken up today on the applications of early hearing filed on behalf of the appellant.

The next date of hearing in the matters is 07.05.2026. In view of the heavy pendency, no early hearing is possible.

The applications are dismissed.

Put up on **07.05.2026**, the date fixed for the purpose fixed.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 574/25 & 575/25

24.02.2026

Present : Sh. G.R. Verma and Sh. H.K. Shamra, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by the MCD, copy supplied.

The record has already been produced.

It is stated for the appellant that he has already applied for certified copy, but it was informed that same has not yet been received. As per the office noting, it was received on 20.02.2026.

It is stated by the ld. counsel for the respondent that the appellant after filing this appeal, has continued with unauthorized construction. It is stated that at the time of booking, the property was booked from stilt to third floor of part A and ground floor on part B and as on date, Part B has been constructed up to first floor.

Ld. counsel for the appellant has stated that the appellant has no concern with the part B of this property.

In these facts, the respondent is at liberty to take action against the part B of the property. However, the appellant shall not raise any construction in part A and if any fresh construction is raised in part A, interim protection shall stand vacated automatically.

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

At request, put up for arguments on **27.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 584/25

24.02.2026

Present : Sh. B.S. Chaudhary, Ld. counsel for the appellant through VC.
Ms. Sarita Gaur, ALO along with Sh. Satish Gautam, AE(B) Civil Line Zone.

Status report is filed by the MCD, copy placed on record.

Let the same be collected.

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

Ld. counsel for the appellant seeks some time to go through the status report and record.

At request, put up for arguments on **18.05.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 591/25 & 734/25

24.02.2026

Present : Ms. Nishi Jain and Ms. Azka Ahmed, Ld counsels for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal no. 591/25.
Sh. Sagar Kumar, Ld. counsel for the respondent in appeal no. 734/25.
Sh. Yogender, AE(B) City SP Zone in person.

Status report is filed by the MCD, copy supplied.

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

Ld. counsel for the respondent has drawn my attention to the site plan annexed with this appeal at running page 50 and to the site plan filed by the predecessors of the appellant in Eviction Petition at running page 36. A bare perusal of the construction at the second floor, which is the subject property, as shown in these two site plans prima facie show that fresh construction was raised after the eviction order was passed on 08.05.2008.

Ld. counsel for the appellant seeks some time to go through the record.

At request, 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
24.02.2026

A.No. 222/17, 866/17 & 615/18

24.02.2026

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent in
appeals no. 222/17 and 866/17.
Sh. Dharamvir Gupta, Ld. counsel for the respondent in
appeal no. 615/18.
Sh. Yogender, AE(B) City SP Zone in person.

Ld. counsel for the respondent has filed a circular dated
27.04.2011 to show that stilt is mandatory for residential
plots measuring 100 sq. mtrs and above upto 1000 sq.
mtrs., as well as an order of the Hon'ble High Court dated
29.05.2014 passed in W.P.(C) no. 4598/2010.

Further arguments heard.

At request, put up for further arguments on **02.04.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 88/20 & 89/20

24.02.2026

Present : Sh. Naveen K. Sharma, Ld counsel for the appellant along with appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Pradeep Kumar Mishra, Ld. counsel for the intervener through VC.
Sh. Ashish Upadhyay, Ld. counsel for the intervener.

Part arguments heard.

As per the appellant, they purchased the subject property through sale deed dated 24.05.2016 of entire third floor with roof right. The sale deed at page no. 4 records that a map of the property purchased by the appellant was annexed with this sale deed. The same shall be relevant for this appeal.

Let the original sale deed with site plan be produced by the appellant on the next date of hearing.

At request, put up for arguments on **21.04.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 441/21

24.02.2026

Present : Sh. R.B. Singh and Sh. Gurpreet Singh, Ld counsels for the appellant along with appellant.
Sh. Umesh Kumar Burnwal, Ld. counsel for the respondent along with Sh. Faiz Ahmad, AE(B).

An adjournment is sought by the Id. counsel for the appellant as he is not prepared today.

At request of Id. counsel for the appellant, put up for arguments on **13.05.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 66/22

24.02.2026

Present : Sh. V.K. Bajaj and Sh. P.S.. Bhalla, Ld counsel for the appellant along with appellant.
Sh. Umesh Kumar Burnwal, Ld. counsel for the respondent along with Sh. Faiz Ahmad, AE(B).
Sh. Hasbul Arora, Id. counsel for the intervener/applicant Poonam Gupta in appeal no. 66/22.

Part arguments on the application seeking condonation of delay in filing the appeal heard.

As per the appellant, the property of the appellant on the third floor was wrongly sealed after temporary desealing of the property for the purposes of inspection. MCD was directed vide earlier orders to inspect the property and to clarify this aspect.

The AE(B) of the respondent, who is present, submits that he may be permitted to deseal the property for carrying out the inspection.

Infacts, the property be desealed temporary for inspection and AE(B) concerned is directed to carry out the inspection on 10.03.2026 at 11.00 am and inform this court whether the portion of the appellant was wrongly sealed instead of the subject property at third floor. The appellant is at liberty to join the inspection. After inspection, the property be resealed.

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Let the report of the inspection be filed on or before the date fixed.

Put up for further arguments on **13.05.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 285/22

24.02.2026

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

Part arguments heard.

At request of Id. counsel for the respondent, 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
24.02.2026

A.No. 570/23

24.02.2026

Present : Ms. Vaishali Raj, 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 not available today due to illness.

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 **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
24.02.2026

A.No. 1087/24

24.02.2026

Present : None for the appellant.
Sh. Ashutosh Gupta, 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 **05.08.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 48/25

24.02.2026

Present : Sh. Amandeep Singh , Ld counsel for the appellant along with appellant in person.
Ms. Vasu Singh, Ld counsel for the respondent through VC.
Sh. Rakesh Mittal, Ld. counsel for the intervener.

An application has been filed under Order XXII rule 2 and 4 CPC to implead the LRs of the intervener. The said intervener was never impleaded as respondent in this case and his application under Order I rule 10 CPC is still pending. In these facts, the application to implead his legal heirs under Order XXII rule 2 and 4 CPC is not maintainable.

Ld. counsel seeks permission to withdraw and to file the appropriate application. The application stands dismissed as withdrawn.

At request, put up for arguments on **21.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 109/25, 110/25 & 111/25

24.02.2026

Present : Sh. Charanpreet Singh, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent in
appeal no. 110/25 & 111/25.
Sh. Sanjeet Kumar, proxy counsel for Sh. Prithish
Sabharwal, Ld. counsel for respondent in appeal no.
109/25.

Amended memo of parties filed. Same is taken on record.

An adjournment is sought by the ld. counsel for the
appellant on the ground of 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 **09.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 132/25

24.02.2026

Present : Sh. Atul Kumar Gupta, Ld counsel for the appellant.
Sh. Raujas Sharma, Ld. proxy counsel for Sh. Ajay Gaur,
counsel for the respondent.
Sh. V.K. Mantoo, Ld. counsel for the intervener.

Ld. counsel for the appellant intends to file the certain documents. Let the same be done through proper application.

At request 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
24.02.2026

A.No. 210/25

24.02.2026

Present : Sh. V.K. Mantoo, Ld counsel for the appellant.
Sh. Naresh Sharma, Ld. counsel for the DDA through VC.
Ms. Vasu Singh, Ld. counsel for the respondent/MCD through VC.
Sh. Atul Kumar Gupta, Ld. counsel for the respondent no. 2 and 5.
Sh. Ajay Kashyap, Ld. counsel for the respondent no. 3 & 4.

Reply to the appeal filed on behalf of the private respondent no. 3 and 4. Copy for MCD placed on record and supplied to others.

DDA is directed to submit its record on or before the next date of hearing.

At request, 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
24.02.2026

A.No. 238/25 & 374/25

24.02.2026

Present : Sh. Firoz Alam and Sh. S.L. Vishal, Ld counsels for the appellant along with appellant.
Sh.Sanjay Sethi, Ld counsel for the respondent in appeal no. 238/25.
Sh. Abhinav Shokeen, Ld. counsel for MCD in appeal No.374/25.
Sh. Mustafa Ali, Ld. counsel for intervener joined through VC.

An application under Order 1 R 10 CPC has been filed in the Registry. Let the copy be supplied.

Put up for disposal of this application and arguments on appeal on **31.07.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant in pursuance of the impugned order. However, it is made clear that no encroachment on the public land is protected.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 582/25

24.02.2026

Present : Sh. Lakshay Kaushik, Ld. Proxy counsel for the appellant along with appellant.
Ms. Vasu Singh, Ld counsel for the respondent through VC.

Record has already been submitted by the respondent. Copy of the status report has been supplied. Let the copy of the court be also filed.

The appellant has challenged the show cause notice dated 13.11.2024 and not the demolition order dated 06.03.2025.

The appeal against the show cause notice is not maintainable nor against the vacation notice as well as against the notice u/s 435 DMC Act.

It is stated that the main counsel for the appellant is not available today.

At request, put up for arguments on the maintainability of the appeal on **13.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 866/25

24.02.2026

Present :

Sh. Abhishek Wadhwa , Ld counsel for the appellant.
Ms. Vasu Singh Ld counsel for the respondent through
VC.

Submissions heard. File perused.

This is an early hearing application. It is stated for the appellant that because of the civil suit where Action Taken Report has been sought from the MCD, the respondent is likely to take action before 01.04.2026 which is the next date fixed in that suit and the marriage of the daughter of the appellant is scheduled from 10.03.2026 to 12.03.2026 and because of that interim protection may be granted to the appellant.

Without going into the merits of the appeal and only for the reason that the marriage of the daughter of the appellant is scheduled as mentioned above, no coercive action be taken against the property of the appellant till next date of hearing i.e 04.05.2026.

Let the record be submitted before the next date of hearing.

Put up on the date fixed i.e. **04.05.2026** for the purpose fixed. It is made clear that the appellant shall not seek any adjournment on the date fixed.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 298/19

24.02.2026

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

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.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
24.02.2026

A.No. 570/19, 571/19 & 643/23

Mohd. Shamim Qureshi Vs. MCD

24.02.2026

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal no. 570/19 & 571/19.
Ms. Nivedita Kushwaha, Ld. proxy counsel for Sh. Syed Adil Hussain, Id. counsel for the respondent/MCD in appeal no. 643/23.
Sh. S. Zeeshan Ali, Ld. counsel for the applicant Shahid Khan along with applicant.

1. Arguments heard.
2. These are three appeals challenging the demolition order dated 30.04.2019 in appeal No.643/23 booking unauthorized construction of ground and first floor with projection on municipal land at property No.7798-99 Chemelian Road, Bara Hindu Rao, Delhi-110006, challenging the demolition order dated 03.06.2019 in appeal No.571/19 in respect of unauthorized construction on the second and third floor with projection on municipal land at property No. No.7798-99, Chemelian Road, Bara Hindu Rao, Delhi-110006 and sealing order dated 07.09.2019 in appeal No. 570/2019 in respect of unauthorized construction from ground to third floor with projection on municipal land.

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3. Ld. counsel for the appellant has argued that in appeal No.571/19 the show cause notice dated 21.05.2019 was never served upon the appellant nor the demolition order dated 03.06.2019 and therefore this order should be set aside on this ground alone. In appeal No.570/2019 it was argued that the show cause notice dated 17.06.2019 has initials of some person but in the office note it is not mentioned as to upon whom it was served. Even the sealing order dated 07.09.2019 was not served as there is no service proof and this appeal should also be allowed.
4. In appeal No.643/23 it was argued that the show cause notice dated 11.04.2019 was served upon the appellant only on 23.04.2019 and the same was duly replied on 29.04.2019 but the respondent in the impugned order dated 30.04.2019 mentioned that no reply has been received nor any opportunity of personal hearing was provided and therefore this order should also be set aside.
5. Ld. counsel for the respondent on the other hand argued that in appeal No.643/2023 the show cause notice gave three days time to file the reply but same was filed only on 29.04.2019 and was not received by

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the concerned AE(B) till demolition order dated 30.04.2019 was passed and therefore the claim of the appellant i.e. reply was not considered is meritless.

6. For appeal No.570/19, it was argued for the respondent that the show cause notice was duly received by someone on behalf of the appellant but no reply was given and therefore the sealing order was passed.
7. For the third appeal No.571/19 it was stated that show cause notice was duly received by the appellant but he chose not to file any reply and therefore the demolition order was passed. It was also argued that the property was booked when the unauthorized construction was under progress. The appellant despite booking of unauthorized construction at ground and first floor, continued with unauthorized construction at second floor and third floor which is also visible from the photographs available in office record and therefore the appeal should be dismissed.
8. I have perused the record. In appeal No.643/23 the show cause notice dated 11.04.2019 was served upon the appellant only on 23.04.2019. The case of the respondent that it should have been replied within three days from 11.04.2019 is meritless. When the show cause notice was served only on 23.04.2019

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which was much after three days provided in the show cause notice, the respondent should have waited for the reply of the appellant at least for three days after 23.04.2019. As per the calendar of April 2019, 23rd April was a Tuesday and 27th and 28th April were Saturday and Sunday. The appellant gave his reply on 29.04.2019. The demolition order was passed on 30.04.2019 recording that no reply has been received. Once the reply was submitted on a day prior to the date of the order the same should have been considered and opportunity of personal hearing should have been provided. It is not in the domain of the appellant to ensure that the reply submitted on 29.04.2019 reaches the concerned AE(B) on that day itself. In these facts the demolition order dated 30.04.2019 in appeal No.643/23 is liable to be set aside.

9. Coming to appeal No.5709/19 challenging the sealing order dated 07.09.2019. The show cause notice was served upon someone but neither his particulars are mentioned in the office note nor are clear from the initials on the show cause notice at page-2/C of the record. As far as the sealing order is concerned,

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there is no proof of service by any mode of the sealing order. This appeal therefore is to be allowed as well.

10. Coming to appeal No.571/19. The show cause notice dated 21.05.2019 apparently was received by someone but his particulars are not mentioned. There is no proof of service of demolition order. This appeal is also to be allowed as well.

11. In these facts, all the three appeals are allowed as principles of natural justice were violated and opportunity of being heard was not provided to the appellant.

12. In these facts, all the three impugned orders are set aside with directions to the respondents to pass a speaking orders after considering the reply dated 29.04.2019 already submitted by the appellant and after giving personal hearing to him and opportunity to file fresh reply and documents. The appellant shall appear before the Quasi Judicial Authority on **11.03.2026 at 2.00 pm** and the speaking order be passed within 6 weeks of conclusion of the hearing.

13. 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/24.02.2026