

A.No. 259/26 & 260/26

01.04.2026

Present : Sh. Puran Chand, Ld counsel for the appellant.

Submissions heard. File perused.

Issue notice of interim application(s) as well as appeal to the respondent/MCD through concerned Chief Law officer and also to the private respondent(s), if any.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Put up for arguments on interim application(s) and appeal on **29.05.2026**.

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
01.04.2026

A.No. 263/26

01.04.2026

Present : Sh. K.N. Singh, Ld counsel for the appellant.

Submissions heard. File perused.

Issue notice of interim application(s) as well as appeal to the respondent/MCD through concerned Chief Law officer and also to the private respondent(s), if any.

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 **27.07.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant. 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  
01.04.2026

A.No. 265/26

01.04.2026

Present : Sh. Ganpat Ram, Ld counsel for the appellant along with appellant.

Submissions heard. File perused.

Issue notice of interim application(s) as well as appeal to the respondent/MCD through concerned Chief Law officer and also to the private respondent(s), if any.

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 **22.05.2026**.

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
01.04.2026

A.No. 266/26

01.04.2026

Present : Sh. Abhishek Grover, Ld counsel for the appellant.

Submissions heard. File perused.

Issue notice of interim application(s) as well as appeal to the respondent/MCD through concerned Chief Law officer and also to the private respondent(s), if any.

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 **23.07.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant in pursuance of the demolition order dated 12.03.2026. 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  
01.04.2026

A.No. 268/26

**Nand Kishore Sharma Vs. MCD**

01.04.2026

Present : Ms. Narayani Sepaha, Ld counsel for the appellant along with appellant.

Submissions heard. File perused.

The impugned demolition order dated 03.04.2025 passed in respect of construction carried out at the fourth of the property no. 164, Sarai Julena, New Delhi recording that booking vide show cause notice dated 28.01.2025 of the fifth floor was a mistake and during inspection it was found that there is no fifth floor in the property and actually construction was carried out at the fourth floor.

The appellant who gave reply to the show cause notice booking the fifth floor had contended that no construction is being carried out at fifth floor and only repair and renovation is being carried of the rooms at the fourth floor.

The appellant was never given an opportunity to respond to the construction at fourth floor as the show cause notice was only in inspect of unauthorized construction at the fifth floor.

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In these facts, the demolition order dated 03.04.2025 is set aside. The demolition order dated 03.04.2025 is considered as show cause notice with directions to the respondent to pass a speaking order after considering the reply and documents to be filed by the appellant and after giving personal hearing to the appellant. The appellant shall appear before the Quasi Judicial Authority on **16.04.2026 at 2.00 pm** and the speaking order be passed within 6 weeks of conclusion of the hearing.

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  
01.04.2026

A.No. 269/26

01.04.2026

Present : Sh. Arun Vohra, Ld counsel for the appellant along with appellant.

Submissions heard. File perused.

Issue notice of interim application(s) as well as appeal to the respondent/MCD through concerned Chief Law officer and also to the private respondent(s), if any.

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 **25.05.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant in pursuance of the demolition order dated 18.03.2026. 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  
01.04.2026

A.No. 270/26

01.04.2026

Present : Sh. Grish Gupta, Ld counsel for the appellant.

Submissions heard. File perused.

Issue notice of interim application(s) as well as appeal to the respondent/MCD through concerned Chief Law officer and also to the private respondent(s), if any.

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 **18.05.2026**.

Ld counsel for the appellant has prayed for temporary desealing of the property to take out the goods of the appellant lying in the property since 26.02.2026 when the property was sealed. The appellant along with the appeal has also filed a copy of letter dated 27.02.2026 given to Dy. Commissioner concerned seeking permanent desealing of the property.

Since, the appellant is seeking only temporary desealing, to remove his goods, let the property be desealed temporarily for 48 hours starting from 11.00 AM on 06.04.2026 and the property be resealed at 11.00 AM on

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08.04.2026 to enable the appellant to remove his goods.  
The appellant however during this period shall not create any third party interest in the property nor will hand over the possession of the property to any other person.  
Copy of the order be given dasti

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
01.04.2026

A.No. 617/25

01.04.2026

Present : Sh. Murari Tiwari, Ld counsel for the appellant.  
Sh. Pritish Sabharwal, Ld counsel for the respondent  
through VC.

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

Ld counsel for the respondent seeks copy of this  
application which also seeks interim protection vacated  
on last date of hearing which was granted on 28.10.2025.  
Let the copy of the application be supplied today itself.  
The next date of hearing is preponed to **11.05.2026**.

Till next date of hearing, no coercive action be taken  
against the property of appellant. 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  
01.04.2026

**A.No. 714/25**  
**Chandan Lal Vs MCD**  
**A.No. 715/25**  
**Daya Chand Yadav Vs MCD**

01.04.2026

Present : Sh. Praveen Suri , Ld counsel for the appellant through VC.  
Sh. Atul Tanwar, Ld counsel for the respondent through VC in appeal no. 714/25.  
Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal no. 715/26.

1. Additional list of documents along with documents filed on behalf of the appellants. Let the copy be supplied to the other side before the same are taken on record.
2. This is an application filed u/s 151 CPC seeking adjournment of the matter after 30.04.2026 awaiting outcome of the W.P.(C) 3586/2026 filed by the appellants before Hon'ble High Court. The application is opposed by the respondent as filing of the writ petition is no ground to adjourn the matter where the prayer of the appellants is to the effect that DDA should issue separate conveyance deed or supplementary conveyance deed by dividing property bearing No.WZ-92-B, Village Todapur, New Delhi. The other prayer in this writ is to issue writ of

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Mandamus holding that Building Bye-laws applied vide policy dated 17.01.2011 is not applicable to this property.

3. The matter was listed for orders on the interim application on 16.03.2026. The appellant filed an application for deferment which was taken up on 16.03.2026 and that application was dismissed on that day and was adjourned for orders on interim application for today. Thereafter, the present application has been filed seeking deferment of the orders. There are no reasons to defer the orders on interim application because of filing of above mentioned writ petition. The application is dismissed.
4. Coming to the interim application on which the matter is fixed for orders since 16.03.2026. The appellant has filed the present appeal against rejection of regularization application vide which the respondent rejected the regularization application filed online through Licensed Architect on the following reasons.
  1. Existing construction is in gross violation of norms as per UBBL 2016/MPD-2021. Further there exists projection on municipal land at all floors of the property which can be seen in the photographs attached.
  2. On inspection of the ownership documents it is clear that the property is part of a larger plot.

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3. Certified layout plan showing the property has not been provided. Hence, due to the above reasons the proposal for regularization is rejected.
  
5. It was argued for the appellant that he has already filed writ petition seeking separate conveyance deed for the property and therefore, ground No.2 of rejection that the property is a part of larger plot is not available to the respondent which otherwise is also not available as the respondent is required to regularize the building structure on the basis of proportionate FAR available to the building for the entire plot. It was argued that in catena of judgments, the Hon'ble High Court and Hon'ble Supreme Court of India have permitted sub-division of plots and has directed the respondent to issue sanctioned building plan for proportionate FAR and therefore, the aspect of property being part of larger plot or that the sub-division took place after 08.02.2007 and shall not be recognized in view of notification dated 17.01.2011 is not sustainable. Reliance was placed on judgment of Hon'ble Supreme Court of India in Sharda Nath Vs. Delhi Adm. & Ors. 149(2008) DLT 1, MCD Vs. Sanjeev Malhotra passed in LPA No. 591/23 dated 08.01.2026 by Hon'ble High Court of Delhi and Madan Lal Gupta Vs. MCD 2005 Supreme (DEL) 771. It was

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also argued that no opportunity of being heard was given to the appellants nor they were informed about the gross violation as per UBBL-2016/MPD-2021 mentioned in ground No.1 of the impugned order and therefore the appellants should be given interim protection till disposal of this appeal or the matter should be remanded back with the directions to provide personal hearing to the appellants.

6. Ld. counsels for the respondent on the other hand argued that the appellants applied online through Licensed Architect for regularization of existing structure. The appellants through their Architect are supposed to know that the projections on municipal land cannot be compounded for any reason and that itself is a sufficient ground to reject the regularization application. It was further argued that no case for personal hearing is made out while deciding for regularization application filed online and the appellants are required to know the building bye-laws before applying for regularization through online portal. It was further argued that even if it is believed that the appellants are entitled to proportionate FAR for the entire plot of around 600 sq.yds., they have constructed more than permissible dwelling units in their own portion and even on that ground the

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property cannot be regularized. It was further argued that the appeals against the demolition orders have already been dismissed by this Court on 28.10.2025 and the appellants cannot be permitted to stay the demolition order in this appeal indirectly which was not granted directly to them.

7. I have perused the record. Admittedly, the two appeals challenging the demolition order bearing appeal No.451/25 and 476/25 have been dismissed by this Tribunal on 28.10.2025. The appellants in this appeal are challenging the order of rejection of their regularization application and through interim application are seeking restrains from demolishing the property. Once this relief in the appeals challenging the demolition order was declined, the appellants cannot be permitted to seek that relief indirectly in this appeal.
8. Coming to the merits of this application, the appellants are required to show a prima-facie case in their favour. The impugned order shows that there exists non-compoundable projections on the municipal land at all the floors of the property. The appellants are required to know while applying for regularization through Licensed Architect that projections on municipal land are non-compoundable and building

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cannot be regularized if these projections exists. The appellants did not try to demolish these existing projections and instead filed this appeal to get the structure regularized which is in violation of UBBL-2016/MPD-2021. Though there exists several other grounds for rejection of regularization application but this ground of projections on municipal land in itself is sufficient to record that no prima facie case is made out in favour of the appellants. The question whether the appellants are entitled to proportionate FAR of the larger plot, the site plan placed on record show that there exists four dwelling units each in the two buildings in both the appeals measuring 76.5 sq.yds. each. It means that there are total eight dwelling units in two buildings. The same is not permissible if the appellants seek proportionate FAR for the entire plot measuring 191.8 sq.mtr./229.39 sq. yds.

9. In these facts, no prima-facie and balance of convenience case is made out in favour of the appellants and the interim application seeking stay from demolition is dismissed.

Put up for arguments on the appeal on **07.08.2026**.

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
01.04.2026

A.No. 16/26 (M)

01.04.2026

Present : Sh. Manoj Kumar, Ld counsel for the appellant.

File taken today on an application under Order XLVII Rule 1 read with Order IX Rule 9 of CPC and another application under Order XXII Rule 3 of CPC.

Issue notice of these two applications to the respondent for **08.04.2026**.

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
01.04.2026

A.No. 316/24 & 317/24

01.04.2026

Present : Sh. B.S. Bartwal, Ld counsel for the appellant.  
Sh. Pritish Sabharwal, Ld. counsel for respondent in  
appeal no. 316/24.  
Sh. Sagar Dhama, Ld counsel for the respondent in  
appeal no. 317/24

Vide separate judgment of even date, the present  
appeals are disposed-off.

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  
01.04.2026