

A.No. 286/26

08.04.2026

Fresh appeal received. It be checked and registered.

Present : Ms. Chitrakshi, Ld counsel for the appellant through VC.  
Ms. Sarita, 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 **15.05.2026**.

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. 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  
08.04.2026

A.No. 287/26 & 288/26

08.04.2026

Fresh appeal received. It be checked and registered.

Present : Mohd. Elahi and Ms. Dimple, Ld counsels for the appellant along with the appellant in person.

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 **07.08.2026**.

Till next date of hearing, no coercive action be taken against the second floor of the property of appellant in pursuance of the impugned demolition and sealing orders. 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  
08.04.2026

A.No. 289/26

08.04.2026

Fresh appeal received. It be checked and registered.

Present : Sh. Mohit Kukreja and Sh. Inderbir Singh, Ld counsels 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 **28.04.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant in pursuance of the impugned demolition order. 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  
08.04.2026

A.No. 558/25

08.04.2026

Present : Sh. Sanjeev, Ld counsel for the appellant.  
Sh. Advait Arora, Ld counsel for the respondent.

Status report is filed by the MCD, copy supplied.

Record has already been submitted.

Arguments heard. Record perused.

The impugned demolition order dated 22.07.2025 passed in respect of the property no. WZ-10, Manohar Park, East Punjabi Bagh, New Delhi has protected the construction in this property from ground to second floor under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 being in existence prior to the cut-off date, but this protection has not been extended to the projections on the municipal land.

A perusal of the impugned order shows that the JE on inspection found the covered area at ground floor as 123.21 sq. mtrs., at first floor 123.21 sq.mtrs. and at second floor as 79.20 sq. mtrs.

As per the property tax return of 2004-05 mentioned in this order itself, the coverage at ground floor shown in the property tax return is 125.45 sq.mtrs, on ground and first floor and 80.33 sq. mtrs., at second floor.

.....contd.2

: 2 :

Same compared to the site plan filed by the appellant and it shows that the covered area at the ground and first floor is only 120.40 sq. mtrs., each and 74.83 sq. mtrs on the second floor excluding the projections.

Let the respondent to carry out fresh inspection in the property and file the inspection report with dimensions of the covered area at the first and second floor which should specifically mentioned the area of the projections as well.

Put up for filing fresh status report and further arguments on **07.08.2026**.

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 609/25

08.04.2026

Present : Sh. Sanjeev, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Id. counsel for the respondent.

Status report is filed by the MCD, copy supplied.

Record has already been submitted.

Part arguments heard.

On request of Id counsel for the appellant, put up for further arguments on **07.08.2026**.

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 567/25

08.04.2026

Present : Ms. Megha Barshalu, Ld. Proxy counsel for the appellant.  
Sh. Sahil Arero, Ld.counsel for the respondent through  
VC and Ms. Manshi, Id. proxy counsel for the respondent  
in person. Fresh Vakalatnama filed, same is taken on  
record.

Status report is filed by the MCD, copy supplied.

Record has already been submitted.

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

Put up for arguments on **03.08.2026**.

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

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 610/25

08.04.2026

Present : Sh. Sanjeev, Ld counsel for the appellant along with appellant.  
Sh. Umang Mittal, Ld counsel for the respondent along with Sh. N.K.Jha AE(B). Fresh Vakalatnama filed, same is taken on record.

Status report is filed by the MCD, copy supplied.

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

Ld. counsel for the respondent submits that legible copies of the photographs were not provided and the site plan was not provided. Site plan has been provided today in the court. Let the colour print out of the photographs be also provided.

Arguments heard.

Put up for orders on **11.05.2026**.

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 674/25 & 656/25

08.04.2026

Present : Ms. Parul Agarwal, Ld counsel for the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent in appeal no. 674/25. Fresh Vakalatnama filed, same is taken on record.  
Sh. Avishek Kumar, Ld. counsel for the respondent in appeal no. 656/25. Fresh Vakalatnama filed, same is taken on record

Status report is filed by the MCD in both the aforesaid appeals, copy supplied.

As per the status report, the original record has already been filed in appeal no. 169/2025 of the same property stated to be listed on 21.07.2026.

Ld. counsel for the appellant seeks time to inspect the record.

List these appeals also for arguments on the said date i.e. **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  
08.04.2026

A.No. 17/26

08.04.2026

Present : Sh. Ishan Anand Singh, Ld. Proxy counsel for the appellant.  
Sh. Atul Tanwar, Ld counsel for the respondent through VC and Sh. Akash Tanwar, Id. proxy counsel for respondent in person. Fresh Vakalatnama filed, same is taken on record.

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 main counsel is not available today due to ill-health.

At request, put up for arguments on **10.08.2026**.

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

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 140/26

08.04.2026

Present : Sh. S.K. Kalra, Ld counsel for the appellant.

File is taken up today on an application of early hearing filed and interim stay for third floor on behalf of the appellant.

The next date of hearing in the matter is 23.07.2026. The appeal is of the year 2026. In view of the heavy pendency, no early hearing is possible. The application is dismissed.

Further, at this stage, no ground for interim stay is made out and the application seeking interim stay is also dismissed.

Put up on the date fixed i.e. **23.07.2026** for the purpose fixed.

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 234/26

08.04.2026

Present : Sh. Akashdeep, Ld. Proxy counsel for the appellant.  
Ms. Vasu Singh, Ld counsel for the respondent through  
VC along with Sh. Gaurav, clerk in person.

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  
main counsel is not available today due to bereavement  
in the family.

At request, put up arguments on **21.05.2026**.

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 16/26 (M)

08.04.2026

Present : Sh. Manoj Kumar, Ld counsel for the appellant through VC.  
Sh. Apoorv Sisodia, Ld counsel for the respondent through VC.

Arguments heard on the application seeking restoration of the appeal and review of the order dated 02.12.2025 as well as impleadment of legal heirs of the deceased appellant.

As per the death certificate annexed with this appeal, the appellant late Sh. Murari Lal passed away on 01.08.2025. The appeal was dismissed for non-appearance on 02.12.2025. It is stated for the appellant that the legal heirs could not contact the counsel after the death of the appellant and the counsel himself stopped appearing in the matter and now a new counsel has been engaged, who inspected the record and hence, this application.

The present application has been filed on 30.03.2026 when the appeal has already been abated after the death of the appellant after 90 days. On merits, there are no grounds to set aside the abatement, however, with an endeavour to decide the matter on merits and considering that the legal heirs could not inform the counsel about the demise of the appellant in time, the application is allowed

...contd.2

: 2 :

and the legal heirs are impleaded and the appeal is restored to its original number subject to cost of Rs. 2,500/- to be deposited with the Registry of this Tribunal.

The aforesaid applications stand disposed of.

Put up for arguments on appeal on **22.07.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant in pursuance of the demolition order dated 11.04.2025. 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  
08.04.2026

A.No. 254/13

08.04.2026

Present : Sh. Aman Ahluwalia, Sh. Devang Kumar and Sh. Abhyuday Mishra, Ld counsel for the appellant through VC.

Sh. Nilesh Sahani , Ld counsel for the respondent along with Sh. Ashok Kumar, ASO, NDMC.

Part arguments heard.

At request, put up for further 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  
08.04.2026

A.No. 725/13

**United Hotels Ltd. Vs. NDMC**

08.04.2026

Present : Sh. Aman Ahluwalia, Ld counsel for the appellant through VC.  
Sh. Nilesh Sahani , Ld counsel for the respondent along with Sh. Ashok Kumar, ASO, NDMC.

1. Arguments heard on this appeal.
2. The subject property which is a garage in the property No.J-2/73, Sujan Singh Park, New Delhi was sealed on 23.11.2011 as per the directions of Monitoring Committee appointed by the Hon'ble Supreme Court of India for misuse of the property for commercial purposes. This appeal was preferred in pursuance to the orders dated 30.04.2013 passed by the Hon'ble Supreme Court of India in the case of M.C. Mehta Vs UOI W.P.(C) No.4677/1985.
3. Pursuant thereto notices were issued to Respondent/NDMC and Monitoring Committee and they were directed to submit the record. No record was submitted by either of them and the Monitoring Committee specifically stated that no record of this case is lying with Monitoring Committee. None was filed by Respondent/NDMC.

Contd...2/-

: 2 :

4. The property was sealed only on the instructions of Monitoring Committee but there is no material to show as to what misuse was done in the property. The property was also desealed in between on the directions of this Court for inspection and even in that inspection no material was found to show that the property has been misused for a particular purpose.
5. Ld. counsel for Respondent/NDMC argued that a garage is meant only for parking but in the present case it was used for commercial purposes and therefore was rightly sealed for misuse.
6. I have perused the record There is no iota of evidence or any document to show that there was any misuse of the garage. The burden is on the respondent to show that the property was misused which the respondent has failed to discharge. As per appellant the garage was lying locked when it was sealed and there could not be a presumption that it was misused
7. In the present case, in the absence of any material on record, the property was wrongfully sealed only on assumption and presumption that the same is being misused. Even during subsequent inspection no material showing misuse was found in the garage. The act of sealing was arbitrary and without any basis.

Contd...3/-

: 3 :

8. In these facts the appeal is allowed and the impugned sealing done on the directions of Monitoring Committee is set aside. Let the property be desealed within two weeks from today.
9. File be consigned to record room.

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 717/16 & 943/16

08.04.2026

Present : Sh. Chirag Anand, Ld. proxy counsel for the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent in  
appeal no. 717/16.  
Sh. Dharamvir Gupta, Ld. counsel for the respondent in  
appeal no. 943/16.

An adjournment is sought on behalf of the appellant as brother of main counsel has met with an accident and is admitted in ICU.

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 on the next date of hearing.

Put up for arguments on **20.05.2026**.

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

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 336/22

08.04.2026

Present : Sh. Vidit Gupta, Ld counsel for the appellant through VC.  
Sh. H.R. Aggarwal, Ld counsel for the respondent.

Part arguments heard.

At request made by Id. counsel for the appellant, put up  
for further 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  
08.04.2026

A.No. 787/23 & 788/23  
Madan Singh and Anr. Vs. MCD

08.04.2026

Present : Sh. Satyendra Kumar and Sh. Gaurav, Ld counsel for the  
appellant along with appellants.  
Ms. Praveen Sharma, Ld counsel for the respondent.

Arguments heard on both the appeals. Record perused.  
It is the case of the appellant that neither the show cause  
notice dated 16.05.2018 nor the demolition order dated  
25.05.2018 and the show cause notice dated 09.03.2020  
and the demolition order dated 16.03.2020 passed in  
respect of property no. 647, Gali no. 5, Prem Nagar, Kotla  
Mubarakpur, Delhi, were served upon the appellants and  
the same were provided in pursuance to the orders  
passed by the Hon'ble High Court in W.P.(C) no.  
5037/2020 on 03.11.2023 and as such opportunity of  
being heard was not provided.

Ld. counsel for the respondent on the other hand argued  
that same were served through pasting, which is proper  
mode of service under Section 344 DMC Act and  
therefore, the appellants cannot claim that they were  
never served.

I have perused the record.

...contd.2

: 2 :

Both the demolition orders and the show cause notices were served through pasting, which though is proper mode of service, but neither there are any photographs of this pasting nor any witnesses to this pasting and this violates even the circular of the respondent which provides that in case of pasting, it should be photographed or independent witnesses should be there. The Commissioner, MCD in its circular itself has given certain directions for service through pasting vide circular dated 15.04.2010 Which is as under :-

*“It is observed that the service of show cause notice upon owner is found unsatisfactory and unreliable and, as such, most of the appeals, filed against the demolition orders, are allowed by the courts for lack of service of show cause notice upon owner. It has, therefore, been decided that pasting of notice should be supported by photographic evidence. The JE concerned will ensure the photographic evidence of pasting of notice and such evidence will form part of U/C and sealing files. EE(B) of respective zone shall ensure the uploading of information regarding unauthorized construction on MCD website soon after the passing of the necessary orders for demolition”.*

Even another circular bearing No.LAW/SOUTHDMC/ 2016/1227 Dt. 06.12.2016 was by the Chief Law Officer, SDMC which is reproduce as below:-

...contd.3

: 3 :

*'It has been observed that the Executive Engineers of SDMC are passing demolition order/sealing order without verifying the service of show cause notice. The Appellate Tribunal has also observed that this is very careless attitude or some deliberate act to give benefit to the property owner as they knew very well that case will not stand to the scrutiny of the Court on this ground alone. Therefore, the Quasi Judicial Authority should ensure that service has been done properly before passing any order under DMC Act.*

*Further the service, as far as possible should be done by way of speed post and a copy of internet delivery report with postal receipt should be kept on record and where service is not possible and pasting is to be done, photograph of pasting be taken and signatures of witness be obtained with their name and address.*

*In number of cases, the service of show cause notice of demolition or sealing is done by way of pasting or speed post, but necessary proof with regard to its service by pasting and signatures of two witnesses is not taken by the department. In case of service by speed post, the tracking report showing the service of the same upon the owner/builder is not placed in the u/c file, with the result the stay order are passed and finally appeals are allowed.*

*All concerned are hereby requested to kindly take note of the aforesaid orders and to ensure the compliance of such orders."*

: 4 :

In view of the same, there was no proper service of the show cause notices and the demolition orders upon the appellants. In these facts, the demolition orders and show cause notices are set aside with directions to the respondents to pass a speaking order after considering the reply and documents to be submitted by the appellants and after giving personal hearing to the appellant.

The appellant shall appear before the Quasi Judicial Authority on 23.04.2026 at 2.00 pm and the speaking order be passed within 6 weeks of conclusion of the hearing.

The appeals are 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  
08.04.2026

A.No. 840/23

08.04.2026

Present : Appellant in person.  
Sh. Pritish Sabharwal, Ld counsel for the respondent  
through VC.

It is stated by the appellant that he filed an application before the respondent for desealing of the property as per the last order. Copy placed on record which shows that the appellant filed an affidavit on 06.04.2026 only for desealing of the property without any application.

The appellant is required to file an application as per the last order. Let the same be done within a week.

Let a fresh status report be filed in this regard on next date of hearing.

At request, put up for arguments on **07.08.2026**.

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 261/24, 262/24 & 263/24

08.04.2026

Present : Sh. Purna Chaturvedi, 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 Sh. Ayush Gupta is not 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 **20.08.2026**.

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

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 796/24

08.04.2026

Present : Sh. Parth Mahajan, Ld counsel for the appellant through VC.

Sh. Shashi Pratap Singh, Ld counsel for the respondent through VC along with Sh. Ashok Kumar, ASO, NDMC.

Arguments heard on the application seeking condonation of delay of about 2894 days in filing the aforesaid appeal. As per the appellant, he was pursuing the W.P.(C) no. 8176/2016 before the Hon'ble High Court against the impugned order dated 02.08.2016 which was disposed of on 16.08.2024 reserving the liberty of the appellant to approach this Tribunal and therefore, the delay of about 44 days from 16.08.2024 should be condoned.

Same is opposed on the ground that not only the calculation of days of which the condonation is sought, is incorrect, the appellant is required to explain the delay in filing the writ petition from 02.08.2016 to 14.09.2016 and also from 16.08.2024 till 18.09.2024 when this appeal was filed.

Considering the fact that the Hon'ble High Court reserved the liberty in favour of the appellant to approach this Tribunal vide order dated 16.08.2024, the delay in

Contd...2/-

: 2 :

approaching the Hon'ble High Court in the writ petition as well as in filing this appeal after 16.08.2024 is condoned subject to deposit a cost of Rs. 5,000/- in appeal with the Registry.

The applications stand disposed of.

NDMC/respondent is directed to submit the record on or before the next date of hearing.

At request, put up for arguments on appeal on 15.07.2026.

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 56/25

08.04.2026

Present : Sh. K.N. Singh and Sh. Prabhnoor, Ld counsel for the appellant.  
Sh. Pritish Sabharwal , Ld counsel for the respondent through VC.

It is already 1.30 pm.

Ld. counsel for the appellants seeks some short accommodation on the ground that he is not available after lunch.

It is a time bound matter to be decided before 03.05.2026.

However, 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 **13.04.2026**.

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

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 456/25 & 524/25

08.04.2026

Present : None for the appellant.  
Sh. V.K. Aggarwal, Ld counsel for the respondent in  
appeal No.456/25.  
None for the respondent in appeal No.524/25.

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

No adverse order is being passed today.

Put up for arguments on **20.08.2026**.

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

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 576/25

08.04.2026

Present : Sh. Ashish, 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 Sh. Rishi Pal is not available today due to cervical pain.

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 **08.07.2026**.

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

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 654/25

08.04.2026

Present : Sh. Rohit Kumar Modi, Ld counsel for the appellant through VC.

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

Sh. Vinod Sharma, Id. counsel for the respondent no. 2.

Ld. counsel for R-2 has filed reply to the appeal along with documents. Copy supplied to the respondent/MCD.

Ld. counsel for the appellant submits that he has received the copy of the said reply yesterday only and needs some time to go through the same.

At request, put up for arguments on **13.05.2026**.

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 724/25

**Surinder Pal Mehta & Anr. Vs. MCD**

08.04.2026

Present : Ms. Gayatri Puri and Sh. Dev Karn Singh, Ld counsels for the appellants.  
Sh. Aehsas Puri, Ld. counsel for the appellants through VC.  
Sh. Ashutosh Gupta, Ld counsel for the respondent No.1/MCD.  
Sh. Satish Aggarwala, Ld. counsel for respondent No.2 and 3 joined through VC with Sh. Vinay Jaidka and Sh. Gagan Vaswani, Advocates present in the Court along with respondent no. 3.

1. Arguments heard at length.
2. This appeal filed by the ground floor residents of flat No.111, Shivalik Apartments, Alaknanda, New Delhi challenging the sanction dated 05.03.2025 and 20.06.2025 issued by the MCD for installation of common lift and connecting bridge in DDA flat Nos.111 to 116, Shivalik Apartments, Alaknanda, New Delhi accorded to respondent No.3.
3. The appellants have sought cancellation of the NOC(S) on the ground that these two NOCs contain different dimensions of the lift structure and will extend beyond the blind wall encroaching the space adjoining the appellants flat. The maps attached with the NOC are vague and failed to indicate adequate gap between the lift and the existing building. The drawings do not depict essential structural elements

...contd.2

: 2 :

and there is no safety scrutiny done prior to sanction. The width of the passage after installation of the lift shall be reduced to only 2 feet which is not in compliance to UBBL-2016 clause 7.1.3 and 7.28. The appellants shall not be able to access their flat from this passage in case of emergency as not even a wheel chair will pass through it. The lift will cause hindrance in enjoyment of essential services as the sewage pipe of the appellant's flat is beneath the proposed place of lift. There is complete violation of the policy relating to installation of lift. There is no consent taken from RWA as per policy. The NOC was granted without physical inspection of site. The respondents 2 and 3 have dug a pit of dimension more than permitted by the NOC. The easementary rights of the appellants and other residents of this block shall be infringed and therefore these NOCs should be revoked.

4. Ld. counsel for respondent/MCD on the other hand argued that the NOC was granted as per policy and the respondents 2 and 3 are required to construct the same as per terms and conditions of the policy and as per the NOC given to them. The width of the passage of about 2 feet is in fact below the minimum width provided under UBBL but the appellants have already

Contd....3/-

:: 3 ::

opened a gate prior to lift towards the existing pathway and construction of lift shall not be a hindrance to access their flat.

5. Ld. counsel for the private respondents 2 and 3 on the other hand argued that the appellants have separate access to their flat from the front side as well as from their open courtyard having length of almost 50' and the passage to their flat shall not be hindered by construction of lift. The length of the lift shall not be more than the proposed gate to be installed by the appellants and will not cause any inconvenience to the appellants in approaching their flat. This appeal is only on the apprehension and without any basis. The respondents shall obtain completion certificate after installing the lift from the MCD which shall be issued only if the lift will be constructed in terms of the NOC and therefore, there are no merits in this appeal. Reliance has been placed on the judgment of Hon'ble High Court passed in **Sh. Rakesh Rastogi & Ors Vs North Delhi Municipal Council & Ors 2019:DHC:6694** and **Shaik Abdul Hameed Vs DDA 2013:DHC:5563-DB**.
6. I have perused the record. The initial NOC was granted to respondent No.3 for installation of lift on 05.03.2025 of the dimension 2000 mm X 1000 mm

Contd...4/-

:: 4 ::

with connecting bridge of 1000 mm. The subsequent sanction of 20.06.2025 was given for a lesser area i.e. 1600 mm X 1000 mm without any connecting bridge. Since revised sanction was granted on 20.06.2025, any challenge to the previous sanction dated 05.03.2025 is infructuous as that sanction no longer exists. Therefore, there are no merits in the arguments of the Ld. counsel for the appellants that the dimensions of lift in the two sanctions is different. Once revised sanction has been issued, the earlier sanction is insignificant.

7. Ld. counsel for the appellants also raised objection that necessary mandatory formalities regarding submitting appendix B & C to the policy of installation of lift were not complied with. I have seen the office record, all the formalities were duly complied with by the respondents while obtaining the sanction as all the appendix are available in the office record. The size of the lift was reduced in the second sanction and therefore the revised site plan was submitted and as such the arguments of non-compliance of mandatory documents is baseless.
8. It was also argued for the appellants that the width of the passage shall be reduced 2 feet and therefore the rights of the appellants to access their flat from this

Contd...5/-

:: 5 ::

side shall be infringed. I have perused the site map. The appellants have two gates in their flat. One gate is on the front side opening in the living room whereas the other gate is in the rear side in the open courtyard which is far away from the proposed place of lift. The flat of the appellants therefore can always be accessed from these two gates without any hindrance by construction of lift. Even otherwise, as per status report filed by the MCD in the civil suit, the appellants have already opened a new gate in their property in the rear courtyard immediately before the lift. They can access their property even from this new opening which is before the proposed lift side. If this new opening is used, there will be no need for the appellants to approach the gate of the living room from this passage. Otherwise also, they have access to their property from the other side of the building where the main gate of living room exists.

9. Respondent No.2 and 3 have given their no objection during the arguments for installation of a new gate adjoining the lift if the same is permissible as per BBL. In these facts there shall be no hindrance to the appellants to access their flat even if only a width of 2 feet is left between the lift and the wall in the passage.

Contd...6/-

:: 6 ::

10. The other arguments of the appellants was obstruction in the supply of essential services as the sewage pipeline exist in the pit dug for installation of lift. The private respondents claimed that this sewage pipeline does not relate to the flat of the appellants. Without going into this aspect the private respondents are required to shift this sewage pipeline, if same is in use so that essential services of any flat of the block are not restricted.
11. It was also argued for the appellants that consent of more than 50% flat owners in the same block was not obtained. Admittedly, there are only three flats in this vertical stack including ground floor flat. The consent of ground floor flat is not required and out of the two left on first and second floor, the respondents 2 and 3 are 50% and therefore, their consent alone is sufficient to take NOC.
12. It is now settled law that installation of lift is an essential requirement and is not a luxury. The policy circular of the DDA for installation of lift adopted by the MCD is to make the upper flats accessible and habitable. Some inconvenience may be caused to the flat owners at ground floor but that inconvenience cannot be a reason to decline installation of lift for the benefit of upper floor flats. The apprehension of the

Contd...7/-

:: 7 ::

appellants at this stage when the lift is yet to be installed is only an apprehension. Certainly a wider pit is to be dug for installation of a lift of the size sanctioned in favour of private respondents, which later will be filed. The exact length and width can be ascertained only after the lift is installed. The appellants have already opened a new entrance in the property from their courtyard in addition to one already existing in the courtyard apart from the entrance in the living room in the front of the property. The lift shall be constructed on a blind wall and shall not cause any infringement in the easementary rights of the appellants. MCD shall be bound to issue Completion Certificate only after assuring that the same has been constructed as per the NOC accorded to the private respondents.

13. In these facts the appeal is dismissed.

14. 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  
08.04.2026

A.No. 882/25

08.04.2026

Present : Sh. H.K. Dhariwal, Ld counsel for the appellant through VC.  
Appellant in person.  
Sh. Sagar Kumar, Ld. counsel for the respondent.

Status report is filed by the MCD, copy supplied.

Record has already been submitted.

At request made by Id. counsel for the appellant, put up with connected appeal stated to be listed on 19.05.2026, on **19.05.2026**.

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

(AMIT KUMAR)  
Addl. District & Sessions Judge  
P.O.: Appellate Tribunal, MCD  
08.04.2026

A.No. 110/26

08.04.2026

Present : Ms. Shivi Dhawan, Ld. proxy counsel for the appellant.  
Sh. R.K. Singh, Ld. Proxy counsel for the  
respondent/DDA.

Ld. proxy counsel for the respondent seeks some more time to file the reply to the appeal. Let the same, if desired, be filed on or before the next date of hearing with advance copy to the opposite side.

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  
08.04.2026

A.No. 425/14

08.04.2026

Present : None for parties.

Vide separate judgment of even date, the present appeal is 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  
08.04.2026

A.No. 713/22

08.04.2026

Present : Sh. Rajinder Juneja, Ld counsel for the appellant along with appellant.

Sh. V.K. Aggarwal, Ld counsel 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  
08.04.2026