

A.No. 297/26

13.04.2026

Present : Ms. Nitasha Gupta and Sh. Abhishek Mishra, 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 **23.04.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.04.2026

A.No. 299/26

13.04.2026

Present : Sh. Vivekanand Jha, Ld counsel for the appellant through VC.

Submissions heard. File perused.

Present appeal is filed against the vacation notice which is not appealable.

Ld. counsel for appellant seeks time to satisfy that the appeal is maintainable.

Put up for arguments on **07.05.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.04.2026

A.No. 159/26

13.04.2026

Present :

Sh. Lankush Batham, Ld counsel for the appellant
alongwith appellant in person.

Sh. Avishek Kumar, Ld counsel for the respondent with
Sh. Shailendra Singh, AE(B).

Status report is filed by the MCD, copy supplied.

Record has already been submitted.

The property was booked in pursuance to the notice
received from the Anti Narcotics Trafficking Unit of Delhi
Police. The appellant states that the construction is old
and occupied and he does not have the property tax
return documents in his possession.

In these facts the entire property tax record of property
No.2146, Gali No.10, Kailash Nagar, Gandhi Nagar,
Delhi-110031 be produced by the respondent on the next
date of hearing.

Till next date of hearing, no further coercive action be
taken against the property of appellant in pursuance of
the demolition order dated 10.09.2025. However, it is
made clear that no encroachment on the public land is
protected

Put up for arguments on **28.07.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.04.2026

A.No. 257/26

13.04.2026

Present : Ms. Vandana and Sh. Ankit Kashyap , Ld counsel for the appellant.

None for the respondent.

This is an appeal challenging the show cause notice dated 04.06.2025 under section 344(1) and 343 of the DMC Act and the vacation notice dated 18.03.2026 under section 349 of the DMC Act. None of them are appealable.

Put up for arguments on maintainability of this appeal on **08.06.2026.**

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.04.2026

A.No. 270/26

13.04.2026

Present : Ms. Sidhi Sharma, Ld counsel for the appellant.

File is taken up today on an application of early hearing filed on behalf of the appellant seeking clarification and modification of the order dated 01.04.2026. It is stated in this application that the concerned official of the MCD refused to temporarily deseal the property as the property number was not mentioned in the order dated 01.04.2026.

In these facts, the order dated 01.04.2026 is modified to the extent that the subject property should read as H-16/243, Ground Floor, Sangam Vihar, New Delhi-62. The respondent shall temporarily deseal the property on 15.04.2026 at 11.00 a.m. and shall reseal the same on 17.04.2026 at 12.00 Noon. The other terms and conditions of the order dated 01.04.2026 shall remain the same. Application stand disposed off.

Copy of the order be given dasti.

The compliance report of this order be filed by the Dy. Commissioner concerned on or before 18.04.2026.

Put up on date already fixed.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.04.2026

A.No. 278/26 & 279/26

13.04.2026

Present : Sh. Vinay Kumar Pathak, Ld counsel for the appellant
joined through VC.

Ms. Harita Mehta, Ld counsel for the respondent joined
through VC with Sh. Rajesh Rohilla, AE(B), KBZ.

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

It is stated by the Ld. counsel for the respondent that
since the regularization application has been rejected, the
interim protection should be vacated.

Ld. counsel for the appellant submits that it was rejected
for want of some documents and appellant shall take
steps to submit those documents.

The protection to the subject property is only till second
floor.

Let the record be submitted.

Put up for arguments on appeal 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
13.04.2026

A.No. 317/17, 318/17, 319/17, 320/17, 343/17, 344/17, 345/17 & 346/17

13.04.2026

Present : Sh.Rohit Jain and Sh. Gaurav Jain , Ld counsel for the appellant.
Sh. Avishek Kumar, Ld counsel for the respondent in appeal No.318/17 and 344/17.
Sh. Madan Sagar, Ld. counsel for respondent MCD in appeal No.346/17 & 319/17.
Ms. Parul Agarwal, Ld. counsel for the intervener.

Status report as directed on the last date filed by the respondent MCD, kept in appeal No.317/17. Copy supplied to Ld. counsel for appellant.

Ld. counsel for the appellant submits that intervener filed some documents after 12.02.2026 and copies were not provided to him.

I have perused the record. These documents are the copy of Aadhar Card of one Mr. Subhash Chand Aggarwal and one page of police complaint dated 20.12.2025. This complaint is an incomplete document and therefore, shall not be considered which otherwise has been filed without leave of the Court.

Let the copy of the Aadhar Card be supplied to the Ld. counsel for appellant.

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Ld. counsel for the appellant seeks time to go through the status report filed today and make his submission.

Put up for further arguments on **18.05.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.04.2026

A.No. 346/19 & 710/22

13.04.2026

Present : Ms. Kanwaljeet Kocchar, Ld counsel for the appellant joined through VC..
Sh. Anubhav Gupta Ld. counsel for the respondent with Sh. Kartik Sharma, Advocate present in the Court. In appeal No.346/19.
Sh. V.K. Aggarwal, Ld. counsel for respondent in appeal No. 710/22 joined through VC.

Status report is filed by the MCD, copy supplied.

As per the status report appellant is required to file an application with Building (HQ) for sanction. The respondent vide order dated 11.12.2025 was directed to consider the application of the appellant within 8 weeks from 11.12.2025 and almost four months have passed since then but no order has been passed on the application of the appellant stated to be moved vide ID No.10121846.

Let the AE(B) concerned be present in the Court for explanation on **30.04.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.04.2026

A.No. 583/22

Pradeep Gupta Vs. MCD

13.04.2026

Present : Ms. Mamta Sharma , Ld counsel for the appellant along with appellant in person.
Sh. S. Adil Hussain, Ld counsel for the respondent.

1. Arguments heard.
2. This is an appeal challenging the demolition order dated 01.10.2020 passed in respect of unauthorized construction in the shape of ground floor, first floor and raising brick walls at second floor with projection on municipal land of property no. 897, Lal Dora Extension, Village Rithala, Delhi.
3. The brief facts necessary for disposal of this appeal are that the mother of the appellant Smt. Premwati is the owner of the property since 1980 and it is claimed in the appeal that the appellant with his family is residing in the property since 1980. The appellant on 21.09.2020 sought permission to repair the property and he was orally informed that no permission for repair is required and he can repair the property as permitted under Clause 6.4.1 of building bye-laws. The appellant however received show cause notice dated 25.09.2020 under Section 344(1) read with 343 of DMC Act which was duly replied by her 85 years

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old mother on 06.10.2020, yet the respondent without passing any demolition order took demolition action on 22.02.2021 at the first floor of the property followed by further demolition action on 27.10.2021 followed by vacation notice dated 18.8.2022.

4. The appellant therefore preferred an appeal against the vacation notice bearing appeal no. 521/22 which was withdrawn on 28.09.2020 being not maintainable and thereafter, this appeal has been filed. The appellant has challenged the demolition order on the ground that neither show cause notice nor demolition order was served and nor a single opportunity of personal hearing being heard was provided to the appellant and her mother and therefore, the impugned order should be set-aside.
5. Ld. counsel for the respondent on the other hand argued that the show cause notice dated 25.09.2020 was replied belatedly by the mother of the appellant on 06.10.2020 and by then, the demolition order was already passed on 01.10.2020. The demolition order was sent through speed post to the appellant and was duly served and thereafter, the partial demolition action was taken at the roof of the first floor. The appellant raised unauthorized construction under the guise of repair and appeal should be dismissed.

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6. I have perused the record. As per the title documents filed by the appellant, the mother of the appellant Smt. Premwati is the owner of the property. The show cause notice however was issued not in her name but in the name of appellant Pradeep Gupta. This show cause notice dated 25.09.2020 gave only three days time to reply the same which in my considered opinion is insufficient time. The respondent should have provided at least 15 days' time to reply the show cause notice. At the relevant time in September - October 2020, the entire world was facing Covid Pandemic and there were restrictions of movement especially for the senior citizen. The mother of the appellant gave her reply to the show cause notice on 06.10.2020 available at page 9/C & 10/C of the record. Admittedly, the impugned demolition order was passed much prior on 01.10.2020 and the question of considering the reply submitted to the show cause notice and of personal hearing does not arise.
7. The chronology of these dates show that the respondent was in a hurry even during Covid Pandemic to pass demolition order. The show cause notice dated 25.09.2020 gave only three days time and the respondent hurriedly passed the demolition

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order on 01.10.2020. 25.09.2020 was a Friday and the next two days were holidays with MCD. The respondent after waiting for the reply for three working days i.e. 28th, 29th & 30th September, 2020 passed demolition order on 01.10.2020.

8. The opportunity of being heard was not provided in the present case and the Principles of Natural Justice were violated.
9. In these facts the appeal is allowed and the demolition order dated 01.10.2020 is set-aside and the matter is remanded back with directions to the respondent to consider the reply submitted by the mother of the appellant and also provide personal hearing to her and thereafter pass speaking order. The appellant shall appear before the Quasi Judicial Authority with documents for personal hearing on 29.04.2026 at 02.00 PM and the respondent is directed to pass speaking order within eight weeks of conclusion of the personal hearing.
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
13.04.2026

A.No. 56/25

Irshad Malik Vs. MCD

13.04.2026

Present : Sh. K.N. Singh, Ld counsel for the appellant. Fresh Vakalatnama filed for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

1. Arguments heard.
2. Ld counsel for the appellant has challenged the impugned demolition order dated 30.06.2023 passed in respect of unauthorized construction in the shape of shops along with projection on municipal land at ground floor of property no. 25-26, Gali No. 9 & 10 of Khasra No. 387/1 and 386/1 near Anar Masjid, old Mustafabad, Delhi on the ground that the address of the property was not correctly mentioned as the property is situated in Khasra No. 347 Mustafabad and further on the ground that the reply dated 27.06.2023 to the show cause notice dated 20.06.2023 was not considered.
3. Ld counsel for the respondent on the other hand has argued that the identity of the subject property was never in dispute. Whether it is in Khasra No. 347 or is in Khasra No. 387/1 and 386/1 is immaterial as the show cause notice was served through pasting and was even replied by the appellant. It was stated the

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reply was submitted on 05.07.2023 and not on 27.06.2023 which is the date of reply and prior to that demolition order was already passed on 30.06.2023.

4. I have perused the record. The show cause notice u/s 344(1) read with 343 DMC Act dated 20.06.2023 which was served on the tenant of the appellant was duly replied by the appellant through his counsel on 27.06.2023 and same is available in the office record of the respondent. However, the impugned demolition order records that neither any reply has been submitted nor unauthorized construction has been demolished. This appeal is entitled to be allowed for this reason alone as the reply submitted by the appellant was not considered nor an opportunity of being heard was provided to him. The exact Khasra number of the property is also a question to be answered by the respondent and as the demarcation record filed by the appellant at page 91 of the appeal prime-facie shows that the subject property falls in Khasra No. 347 Village Mustafabad. So far as the contention of the respondent that the reply was late, the show cause notice is dated 20.06.2023 and as per record the reply was received on 05.07.2023. The respondent being a Quasi Judicial Authority is supposed to provide sufficient time to reply the show

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cause notice. It was done in some hurry as the show cause notice is dated 20.06.2023 and the demolition order was passed on 30.06.2023. The time of three days provided in show cause notice to give reply is practically in sufficient time.

5. In these facts, the demolition order dated 30.06.2023 is set aside with directions to the respondents to pass a speaking order after considering the reply dated 27.06.2023 submitted by the appellant and after giving personal hearing to the appellant. The appellant shall appear before the Quasi Judicial Authority on 28.04.2026 at 2.00 pm and the speaking order be passed within 6 weeks of conclusion of the hearing.
6. 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
13.04.2026

A.No. 305/25

13.04.2026

Present : Sh. Rakesh Shukla, Ld counsel for the appellant.
Sh. Ankur Sharma , Ld counsel for the respondent joined
through VC. with Sh. Gaurav, MTS from MCD.

Status report is filed by the MCD, copy supplied.

There are five private respondents No.2 to 5 and notice
has not been sent to them.

Issue notice of this appeal to them for **08.05.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.04.2026

A.No. 770/25

13.04.2026

Present : Sh. Raghav Bakshi, Ld counsel for the appellant joined through VC. with appellant No.1 present in the Court.
Sh Ankit Sing, Ld proxy counsel for the respondent.

Ld. counsel for the appellant seeks time to obtain the certified copy of the official record.

Let the same be applied within a week.

Put up for arguments on appeal on **20.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.04.2026

A.No. 566/19

13.04.2026

Present : Ms. Jahanvi Khanna, Ld Proxy counsel for the appellant
joined through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
None for the respondent no. 2.

Vide separate judgment of even date, the present appeal along with application seeking condonation of delay 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
13.04.2026