

A.No. 347/26

29.04.2026

Fresh appeal filed. It be checked and registered.

Present : Sh.Varun Bhandari, Ld counsel for the appellant joined through VC.

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 **11.06.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 352/26

29.04.2026

Fresh appeal filed. It be checked and registered.

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

Submissions heard. File perused.

It is stated by the ld. counsel for the appellant that appellant is ready to demolish the non-compoundable deviation in the subject property and seeks regularization of this property measuring 100 sq. yards owned by the appellant by claiming proportionate FAR of the entire plot measuring 200 sq. yards, in view of the pronouncement of the Hon'ble Supreme Court of India in the case of Sharda Nath Vs. Delhi Admn. And of the Hon'ble High Court in MCD Vs. Sanjeev Malhotra.

The appellant is at liberty to apply for such regularization, which shall be considered by the respondent in view of the these two judgments.

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.

Contd....2..

-2-

Put up for arguments on interim application(s) and appeal on 08.07.2026.

Till next date of hearing, no coercive action be taken against the property of appellant i.e. N-60 (Part), Kirti Nagar, New Delhi, in pursuance of the demolition order dated 10.04.2026. 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
29.04.2026

A.No. 354/26

29.04.2026

Fresh appeal filed. It be checked and registered.

Present : Sh. Sparsh, Ld counsel for the appellants joined through VC.

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 **11.06.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 355/26

29.04.2026

Fresh appeal filed. It be checked and registered.

Present : Sh. Rishu Singh, Ms. Heena Dawar and Sh. Mayank Jain, Ld counsels for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent/caveator along with Sh. Ravi Kumar, AE(B) and Sh. Sunny Chaudhary, EE(B), West Zone, MCD.

Ld. counsel for the respondent/caveator appears on advance notice and accepts notice.

Submissions heard. File perused.

This appeal has been filed against the sealing order as well as demolition order, which is not maintainable against both the reliefs and separate appeal for each relief is required to be filed.

At this stage, Ld. counsel for the appellant submits that he does not press this appeal for sealing order and this appeal may be treated only against the demolition order and he be given liberty to file separate appeal against the sealing order as per law.

Statement of Id. counsel for the appellant in this regard is recorded separately.

In view of the statement made by Id. counsel for the appellant, now this appeal is treated only against the demolition order. Appellant is at liberty to file appeal against the sealing order as per law.

....contd.2

: 2 :

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

Arguments heard on the interim application.

The appellant has challenged the demolition order dated 30.03.2026 passed in respect of property no. C-172, 173, JJ Colony, Hastal, Uttam Nagar, Delhi, booking unauthorized construction in the shape of ground to fourth floor with projection on municipal land. It was argued by the Id counsel for the appellant that the respondent violated the directions of the Hon'ble Supreme Court of India IN RE... directions in the matter of demolition of structures (2025) 5 Supreme Court Cases 1 and therefore, there is prima facie case in favour of the appellant and no coercive action should be taken against the properties. It was argued that show cause notice was never served upon the appellant as he was in judicial custody since 05.03.2026 in FIR no. 122/26, PS Uttam Nagar. The respondent being well aware of this fact, had taken a pre-planned unilateral action by sealing the properties. The appellant was incapable to respond the show cause notices and the demolition order and there was no occasion to reply to the show cause notice and received only the sealing order dated 14.03.2026 which was replied on 02.04.2026, but same was not considered.

...contd.3

: 3 :

The demolition order itself is illegal and show cause notice was never served upon the appellant and therefore, the impugned demolition order should be stayed and as an interim relief, it has been prayed that that no demolition action should be taken against the properties. It was argued that the appellant has filed this appeal as a 'parokar' of her father as he is in judicial custody.

Ld. counsel for the respondent on the other hand has argued that all the directions of Hon'ble Supreme Court of India passed in this case were duly followed. This appeal otherwise is not maintainable since the vakalatnama from Mohd. Ismail could have been procured through Jail Superintendent and there is no reason for not taking his vakalatnama. The appellant who is the daughter has not filed any document to show that her father is the owner of the property. It was argued that the Hon'ble High Court vide order dated 15.04.2026 granted 2 weeks time to the appellant to file this appeal and the appellant had sufficient time since then till 28.04.2026 when this appeal was filed to collect documents of the ownership or to show the occupation in the properties and now by filing this appeal on the last date of the time granted by the Hon'ble High Court, the appellant is trying to take benefit

....contd.4

: 4 :

of her own mistake of not approaching this Tribunal in time. It was further argued that the show cause notice and demolition order were duly served at the properties and therefore, there is no case made out in favour of the appellant/her husband/her father. It was also argued that the subject properties are in JJ Colony and have a standard building plan for each plot measuring 25 sq. yards and the appellant has raised construction contrary to the Standard building plan by amalgamating two properties and even the ground floor is not as per law and therefore, the interim application should be dismissed. Reliance has been placed on the judgments passed by the Hon'ble Supreme Court of India in Kaniz Ahmed vs. Sabuddin & Ors. 2025 INSC 610 and of Hon'ble High Court passed in Ashok Malhotra Vs. MCD dated 07.08.2024 in W.P.(C) no. 10233/2024 and in Nitin Sehgal Vs. MCD dated 07.12.2007 in W.P.(C) no. 9112/2007.

I have perused the record.

The show cause notice under Section 344 (1) read with 343 DMC Act dated 11.03.2026 was served by way of affixation at the subject properties on 11.03.2026 itself. The photographs of this affixation is available on record. The same was also sent through speed post on

...contd.5

: 5 :

11.03.2026 and returned unserved with the report 'no such person at this address'. Thereafter, the respondent passed the demolition order dated 30.03.2026 after providing 15 days to the appellant from the service of the show cause notice on 11.03.2026 itself. Since, the properties were found locked, the respondent did its best by sending the show cause notice and the demolition order by post as well as same was served through pasting. The Hon'ble High Court of Delhi in the judgments of Paramjeet Kaur & Anr. Vs. MCD 1994 (31) DRJ 588, Narender Prasad Dubey Vs. UOI 1999 (51) DRJ 152 and in the case of Usha Devi Sharma vs. MCD & Ors. AIR Online 2020 Delhi 954 has held that the service through pasting is proper service, if no one is found or could not be found at the property. It was held that if at a given time, the owner is not available then notice can be served by pasting the same. In the present case, the notice was duly served through pasting.

Further, I find merits in the contentions of Id counsel for the respondent that the appellant is not competent to sign vakalatnama to file this appeal on behalf of her father. Her father is in judicial custody and vakalatnama can be obtained of the father through Jail Authorities as per the prescribed rules. The appellant had sufficient time at

...contd.6

: 6 :

least since 15.04.2026 when the Hon'ble High Court granted two weeks time to file this appeal, to procure proper vakalatnama of her father to file the appeal. Further, not even a single document has been filed on record to show the ownership or the occupation of the appellant or her father to the subject properties. In the absence of any document on record to show that how the appellant has locus to file this appeal, it cannot be said that her father is a person aggrieved by the impugned order as contemplated under Section 347-B of the DMC Act. The appellant had sufficient time to collect such documents after 15.04.2026 and specifically when the Hon'ble High Court directed to temporary deseal the property with liberty to the appellant to collect her belongings from the subject properties. The relevant documents should have been collected when the subject properties were temporary desealed in pursuance to the liberty granted by the Hon'ble High Court vide order dated 15.04.2026.

In these facts, there is no prima facie case in favour of the appellant as the appellant has not filed any document to show that the construction is as per the standard building plan for JJ Colony. There is no document on

...contd.7

: 7 :

record to show that the construction has been regularized or is protected under any law and therefore, even balance of convenience is against the appellant.

The interim application is dismissed.

Put up for arguments on the appeal on **11.06.2026**.

Nothing stated hereinabove shall tantamount to have any expression or opinion on the merit of this case.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 356/26

29.04.2026

Fresh appeal filed. It be checked and registered.

Present : Sh. Rishu Singh, Ms. Heena Dawar and Sh. Mayank Jain, Ld counsels for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent/caveator along with Sh. Ravi Kumar, AE(B) and Sh. Sunny Chaudhary, EE(B), West Zone, MCD.

Ld. counsel for the respondent appears on advance notice of caveat.

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

The appellant has challenged the sealing order dated 12.03.2026 and the two orders dated 09.04.2026 and 10.04.2026 passed under Section 435 of DMC Act. The orders passed under Section 435 DMC Act are not appealable before this Tribunal and in these facts, the appeal is confined only to a challenge of the sealing order dated 12.03.2026.

Ld. counsel for the appellant submits that he was under the impression that the demolition orders are that of 09.04.2026 and 10.04.2026 and he is not aware about any other demolition order, therefore, the present appeal is filed against the said orders considering the same as demolition orders inadvertently.

....contd.2

: 2 :

Ld counsel for the appellant seeks liberty of this Tribunal to rectify the said defect, however, he prays for interim protection against this property till he receives the actual demolition order from the respondent as he prayed in his application under Order XII rule 8 CPC.

Arguments heard on the interim application.

This is an appeal challenging the sealing order dated 12.03.2026 passed in respect of premises bearing no. A-391, 392, 393, JJ Colony, Hastal, Uttam Nagar, New Delhi. The appellant has filed this appeal acting as 'Next friend' of the owner/occupier of these properties. As per appeal, the owner/occupier of these properties was taken in Judicial custody on 05.03.2026 in FIR no. 122/26, PS Uttam Nagar and since then, he is in custody. The respondent being well aware of this fact, had taken a pre-planned unilateral action by sealing the properties. The appellant was incapable to respond the show cause notices and the sealing order and there was no occasion to reply to the show cause notice dated 09.03.2026 issued under Section 345-A of the DMC Act. The sealing order itself is illegal and show cause notice was never served upon the appellant and therefore, the impugned sealing order should be stayed and as an interim relief, it has been prayed that that no demolition action should be

...contd.3

: 3 :

taken against the properties. It was argued that the appellant has filed this appeal as a 'Next Friend' of the owner/occupier as she is not aware as to whether her husband Mohd. Sameer is the owner of the properties or whether her father Ismail is the owner of the properties. It was argued that the directions of the Hon'ble Supreme Court of India IN RE... directions in the matter of demolition of structures (2025) 5 Supreme Court Cases 1 were violated and therefore, there is prima facie case in favour of the appellant and no coercive action should be taken against the properties.

Ld. counsel for the respondent on the other hand has argued that all the directions of Hon'ble Supreme Court of India passed in this case were duly followed. This appeal otherwise is not maintainable since no court has appointed the appellant as 'Next Friend' of her husband or of her father and the appellant has no locus to file this appeal. It was argued that the Hon'ble High Court vide order dated 13.04.2026 granted 2 weeks time to the appellant to file this appeal and the appellant had sufficient time since then till 28.04.2026 when this appeal was filed, to verify as to who is the owner of the properties and now by filing this appeal on the last date of the time granted by the Hon'ble High Court, the appellant

...contd.4

: 4 :

is trying to take benefit of her own mistake of not approaching this Tribunal in time. It was further argued that the show cause notice and sealing order were duly served at the properties and therefore, there is no case made out in favour of the appellant/her husband/her father. It was also argued that the subject properties are in JJ Colony and have a standard building plan for each plot measuring 25 sq. yards and the appellant has raised construction contrary to the Standard building plan.

I have perused the record.

The show cause notice under Section 345-A of the DMC Act dated 09.03.2026 was served by way of affixation at the subject properties on 09.03.2026 itself. The photographs of this affixation is available on record. The same was also sent through speed post on 10.03.2026 and returned unserved with the report 'no such person at this address'. Thereafter, the respondent passed the sealing order dated 12.03.2026 which was also served on 12.03.2026 and these properties which were under construction were sealed on 12.03.2026 itself. Since, the properties were found locked, the respondent did its best by sending the show cause notice and the sealing order by post as well as same was served through pasting. The Hon'ble High Court of Delhi in the judgments of

...contd.5

: 5 :

Paramjeet Kaur & Anr. Vs. MCD 1994 (31) DRJ 588, Narender Prasad Dubey Vs. UOI 1999 (51) DRJ 152 and in the case of Usha Devi Sharma vs. MCD & Ors. AIR Online 2020 Delhi 954 has held that the service through pasting is proper service, if no one is found or could not be found at the property. It was held that if at a given time, the owner is not available then notice can be served by pasting the same. In the present case, the notice was duly served through pasting.

Further, I find merits in the contentions of Id counsel for the respondent that the appellant had no locus to file this appeal. She states to be 'Next Friend' of the owner/occupier of this property, but herself is not aware as to who is owner/occupier. Not even a single document has been filed on record to show the ownership or the occupation of the appellant or her husband or her father to the subject properties. In the absence of any document on record to show that how the appellant has locus to file this appeal, it cannot be said that she is a person aggrieved by the impugned order as contemplated under Section 347-B of the DMC Act.

In these facts, there is no prima facie case in favour of the appellant more so when the demolition order has not

...contd.6

: 6 :

been challenged. The appellant has not filed any document to show that the construction is as per the standard building plan for JJ Colony. The appellant has failed to establish her locus and even the balance of convenience does not lie in favour of the appellant.

The interim application is dismissed.

Put up for arguments on the appeal on **11.06.2026**.

Nothing stated hereinabove shall tantamount to have any expression or opinion on the merit of this case.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 154/23
Smt. Raj Gupta vs. MCD

29.04.2026

Present : None for the appellant.
Sh. Mohit Sharma, Ld. counsel for the respondent
through VC.

Despite various calls none is appearing on behalf of the
appellant in the Tribunal or through VC.

Put up at 2.00 PM.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

At 3.15 pm
Present :

None for the appellant.
Sh. Mohit Sharma, Ld. counsel for the respondent
through VC.

None has appeared on behalf of appellant since morning
in the Tribunal or through VC despite various calls. Even
on the previous date of hearing, Ld. counsel for the
appellant was praying for withdrawal of the aforesaid
appeal.

It is 3.15 PM. The present appeal is dismissed in default.
Record of the respondent if any be returned alongwith
copy of this order and appeal file be consigned to record
room.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 14/26

29.04.2026

Present : Ms. Sapna Singh, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent. Fresh
Vakalatnama filed, same is taken on record.

The record has not been produced.

Ld. counsel for the respondent seeks time to produce the
record. Let the same be produced on or before the next
date of hearing.

At request, put up for arguments on **11.06.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 165/26
Siddhant Gupta Vs. MCD

29.04.2026

Present : Ms. Madhupreet Nanda and Ms. Sapna Rai, Ld counsels for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent along with Sh. Deepak Kumar, APHI, Karol Bagh Zone.

Status report is filed by the MCD, copy supplied.

It is stated for the respondent that this appeal is not maintainable for two reasons that (i) the order assailed was passed by the Health Department and further (ii) the appellant has also approached the Hon'ble High Court in Contempt Petition against this sealing.

It is further stated that the property was desealed by the Health Department and is now sealed under the orders of the Building Department, which have not been assailed in this appeal.

Ld. counsel for the appellants submits after taking instructions from the appellant that she may be permitted to withdraw the aforesaid appeal with liberty to file the appeal against the sealing order passed under Section 345-A DMC Act.

Statement of Id. counsel for the appellant recorded separately to this effect.

...contd.2

: 2 :

In view of the statement made by the Id. counsel for the appellants, the aforesaid appeal is disposed off as withdrawn.

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
29.04.2026

A.No. 321/26 & 322/26

29.04.2026

Present : None for the appellant.
Ms. Praveen Sharma, Ld counsel for the respondent through VC.

Submissions heard. File perused.

In these two appeals, the notice was issued to the respondent only to the limited aspect for providing the copy of the demolition/sealing order.

It is stated by the Id counsel for the respondent that the appellant has already filed an appeal no. 326/26 against the demolition order which was listed on 22.04.2026 and interim protection has been granted to the appellant in that appeal till 05.06.2026.

Since, the limited aspect of the notice of supplying the copy of the order has been complied with, both these appeals challenging the vacation order are hereby dismissed being not maintainable before this Tribunal.

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
29.04.2026

A.No. 20/26 (M)

29.04.2026

Present : Sh. Mahesh Chand, Ld counsel for the appellat through VC.

This is an application seeking restoration of the appeal.

Issue notice of this application be issued to the respondent for **11.06.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 767/14, 81/15, 1034/16 & 409/18

29.04.2026

Present :

Sh. Dalip Rastogi, Ld counsel for the appellant.

Sh. Dharamvir Gupta, Ld. counsel for the respondent in appeal no. 767/14

Sh. V.K. Aggarwal, Ld counsel for the respondent in appeal no. 1036/16 & 409/18 along with Ms. Sakshi Shedha, Town Planning Department.

Ms. Manjusha Jha, Ld. counsel for the respondent in appeal no. 81/15.

Status report is filed by the MCD, copy supplied.

As per this status report, letters were issued to SDM, North-East Shahdara, Director of Horticulture and Dy. Commissioner Land and Estate followed by the reminders dated 07.04.2026, but no reply has been received till date to the letters as well as reminders.

Let the notice be issued to the SDM, North-East Shahdara, Director of Horticulture and Dy. Commissioner Land and Estate, with directions to be present in person in the court along with their replies to the letter of the MCD dated 02.03.2026 and reminder dated 07.04.2026 in respect of property no. 1/6430, Gali no. 5, at Khasra no. 2306/923/338, East Rohtash Nagar, Delhi, for **20.05.2026**.

Copy of the order be also sent along with the notices to the aforesaid persons.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 632/16

29.04.2026

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

Ld. counsel for the appellant submits that Parshuram Enclave colony is in the list of 1511 colonies for which the Government has now taken a decision to regularize and some time may be given to the appellant to apply for regularization of the property.

Let the appellant do so within 8 weeks and subject to outcome of the regularization application, put up for arguments on this appeal **12.08.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 381/17 & 434/17

29.04.2026

Present : None for the appellant.
Sh. Dharamvir Gupta, Ld counsel for the respondent in appeal No.381/17.
Sh. H.R. Aggarwal, Ld counsel for the respondent in appeal No.434/17.

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

No adverse order is being passed today.

It is stated by the ld. counsel for the respondent that the appellant has not applied for floor-wise regularization as noted in the last order.

In these facts, let the appeals be proceeded on merits.

Put up for arguments, as last and final arguments to the appellant to address arguments, on **16.07.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 150/18, 373/18 & 611/24

29.04.2026

Present : Sh. Abhishek Sharma, Ms. Mayank Ahuja and Sh. Sarthak Chaurasiya, Ld counsels for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought by the ld. counsels for the appellant as the arguing counsel is not well today.

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

Put up for arguments on **07.08.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No.427/18

29.04.2026

Present : Sh. I. Ahmad, Ld counsel for the appellant.
Sh. K.K. Arora, Ld counsel for the respondent through
VC.

Ld. counsel for the appellant has filed an application under Order VI rule 17 CPC seeks amendments in the appeal along with proposed amended appeal. Copy placed on record.

Ld. counsel for the respondent seeks some time to collect and same and to argue on this application.

At request, put up for arguments and disposal of this application 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
29.04.2026

A.No. 500/19

29.04.2026

Present : Sh. Narender Mohan, Ld. Proxy counsel for the appellant along with appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An application seeking waiver of cost imposed on 20.01.2026 filed on behalf of the appellant. In view of the reasons given, the application is allowed and the cost is waived.

Ld. proxy counsel for the appellant seeks pass over, which is not possible due to heavy cause list today.

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
29.04.2026

A.No. 367/20 & 368/20

29.04.2026

Present : Ms. Neena Malhotra, Ld counsel for the appellant joined through VC.
Sh. Ranjeet Pandey, Ld counsel for the respondent joined through VC.

An adjournment is sought on behalf of the appellant as main counsel Sh. Sanam Malhotra is not available today being unwell.

The appeals pertain to the year 2020. 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 **18.08.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 580/22

29.04.2026

Present : Sh. Amit Sehrawat, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

It is stated by the ld. counsel for the appellant that appellant has applied for regularization of the deviations in the balcony. A copy of the regularization application has been filed on behalf of the appellant.

Copy supplied.

Ld. counsel for the respondent submits that this application is not a proper application and other formalities are also required to be complied with.

Ld. counsel for the appellant is directed to file proper application for regularization, if he intends to get the compoundable deviations regularized.

At request, put up for arguments on **17.08.2026** subject to outcome of the regularization application.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 758/22

29.04.2026

Present : Ms. Sana Ansari, Ld. counsel for the appellant through VC and Sh. I. Ahmad, Advocate in person along with Sh. Asim Ahmad, LR of the appellant.
Sh. Madan Sagar, Ld counsel for the respondent.

Ld. counsel for the appellant seeks pass over in the matter, which is not possible due to heavy cause list 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
29.04.2026

A.No. 142/23 & 143/23

29.04.2026

Present : Sh. M.N. Siddique, Ld counsel for the appellant.
None for the respondent.

None has appeared for the respondent despite repeated calls since morning and since last two consecutive dates. No adverse order is being passed today.

Fresh notice be issued to the MCD for ensuring the presence of the counsel/to appoint a new counsel on the next date of hearing.

Put up for arguments on **09.09.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 760/23 & 799/23

29.04.2026

Present : Sh. Sandeep Khatri, Ld counsel for the appellant through VC.

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

Ld. counsel for the appellant seeks pass over for 2.00 pm, which is not possible due to heavy cause list today.

Put up for arguments on **10.09.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 719/24

29.04.2026

Present : Sh. Parvez Alam, Ld. Proxy counsel for the appellant.
Ms. Rashi Aggarwal, Ld. proxy counsel for Sh. Anubhav
Gupta, Ld. counsel for respondent..

An adjournment is sought on behalf of the appellant as
case file has been misplaced.

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 **11.09.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 821/24 & 822/24

29.04.2026

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Ms. Mehak Arora, Ld counsel for the respondent.
Sh. N.U. Ahmad, Ms. Tanveer Khan, Sh. Anil Kumar
Yadav, Ms. Afsar Bano and Ms. Nahida, Ld. counsel for
the intervener.

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

...contd.2

: 2 :

So far as the appeal is concerned, Id. counsel for the appellant submits that the record of the demolition file has not yet been submitted by the MCD.

I have perused the file. It has already been deposited.

Ld. counsel for the appellant seeks time to inspect the said record and to argue the matter.

At request, put up for arguments on **09.09.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 893/24 & 894/24

29.04.2026

Present : Ms. Aditi Aggarwal, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld. counsel for the respondent.

Arguments heard at length.

Put up for orders on **05.06.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 1074/24

29.04.2026

Present : Sh. Anmol Aggarwal along with Sh. Kushal Gupta, Ld
counsel for the appellant.
None for the respondent.

Objections filed by the appellant to the status report dated
28.05.2025 in which the misuser charges were calculated
and mentioned by the MCD.

Copy is stated to be already supplied.

Ld. counsel for the appellant requests for temporary
desealing of the property till pendency of this appeal.

Put up for arguments on the interim application as well as
on appeal on **10.06.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 8/25

Pandit Jai Bhagwan Vs. MCD

29.04.2026

Present : Sh. Arvind Singh Chandel, Ld. counsel for the appellant along with appellant.

Sh. H.R. Aggarwal, Ld counsel for the respondent.

Sh. Vicky Bhardwaj, Ld. counsel for respondent no. 2 along with SPA of R-2 in person.

1. Arguments heard on the application seeking condonation of delay in filing this appeal. The appellant has challenged the demolition order dated 19.09.2024 and this appeal was filed on 07.01.2025 with a delay of 103 days.
2. As per appellant he received the copy of the demolition order only on 05.11.2024 in civil suit no. 424/24 filed by one Sh. Satbir Singh against the appellant and thereafter he approached the counsel who took some time in preparing the appeal and the delay should be condoned.
3. Ld counsels for the respondent 1 & 2 have argued that the appellant even gave reply to the demolition order on 24.09.2024 and therefore was aware of the demolition order since then and therefore the delay has not been properly explained nor there is sufficient

..Contd...2/-

: 2 :

cause to condone the delay and therefore the application should be dismissed. Reliance has been placed on the following judgments of Hon'ble Supreme Court of India: -

(i). Pathapati Subba Reddy (Died) by L.Rs. & Ors. Vs. The Special Deputy Collector (LA) 2024 INSC 289.

(ii). Basawaraj & Anr. Vs. Spl. Lag Officer (AIR 2014 Supreme Court 746).

4. I have perused the record. The appellant himself has placed on record his reply dated 24.09.2024 given in response to the demolition order dated 19.09.2024 and therefore cannot claim the date of knowledge of the demolition order is 05.11.2024. The averment made to this effect in the application under consideration is factually incorrect. Further, even from 05.11.2024, the delay till 07.01.2025 is unexplained nor any sufficient cause has been given for not filing the appeal within 6 days even from 05.11.2024. Though, Id counsel for the appellant has argued that appellant is a senior citizen is more than 80 years and the delay should be condoned but the same in itself is not a sufficient ground to condone the delay.
5. On merits there are no grounds to condone the delay but for the reasons that the appellant shall not gain

...Contd.3/-

: 3 :

any benefit by not filing the appeal against the demolition order in time, and within an endeavour to decide the appeal on merits and also considering the age and the improper legal advice given to the appellant who is illiterate and considering that the respondent can be compensated in terms of cost, the delay of 103 days is condoned subject to cost of Rs. 5000/- half of which be deposited with the registry of this Tribunal and half to respondent no. 2.

6. Let the reply to this appeal if any be filed by the respondent no. 2 within four weeks with advance copy to the counsel for the appellant.

Put up for arguments on appeal on **14.09.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 76/25

29.04.2026

Present : Ms. Garima Saxena, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought by the Id. counsel for the appellant as she is not ready for arguments today.

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 **04.06.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 649/25

29.04.2026

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

It is stated by the Id. counsel for the appellant that as per the communications received from the appellant through whats-app, the subject property has been regularized and sanction letter has been issued by the MCD. The copy of the said sanction letter dated 10.03.2026/07.04.2026 has been placed on record.

Respondent is directed to verify the same and to file the status report on next date of hearing.

Put up for further proceedings awaiting status report on **08.07.2026.**

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 719/25

29.04.2026

Present : Sh. Dinesh Kumar Gupta, Ld counsel for the appellant
joined through VC.
Sh. Anupam Sharma and Sh. R.K. Singh, Ld. counsels
for the respondent.

Part arguments heard.

At request, put up for further arguments on **03.06.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 854/25 & 855/25

29.04.2026

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

Reply to the application seeking condonation of delay also filed on behalf of the respondent. Copy supplied.

Respondent has already submitted the record of demolition proceedings, but not of sealing proceedings. Let the same be also submitted on the next date of hearing.

Put up for arguments on the application seeking condonation of delay and appeal on **10.09.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026

A.No. 28/26

29.04.2026

Present : Sh. Armaan Monga, Ld. counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Sudhanshu Palo, Sh. Rajesh Palo, Sh. Mihir Kumar Jena and Sh. Gaurav Lal, Ld counsels for the Management Committee.

Status report is filed by the MCD, copy supplied.

As per this report, no application has been filed for regularization of the construction booked by the respondent as was stated for the appellant on the last date of hearing.

Ld. counsel for the appellant however, submits that this appeal was filed on 13.02.2026 itself.

Let the respondent to verify this fact.

It is stated by the counsels appearing for the Management Committee that this appeal has been filed by the Vice President on behalf of the society, who is not competent to file this appeal on behalf of the society and the President of the Society intends to file withdraw this appeal. Let the rules of the society be placed on record to substantiate this plea.

Put up for arguments on the aspect of maintainability of this appeal 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
29.04.2026

A.No. 53/17, 473/17, 795/17, 891/17, 987/17 & 988/17

29.04.2026

Present : None for the appellant in appeal nos. 53/17, 473/17, 795/17 & 891/17.

None for the appellants in appeal nos. 987/17 & 988/17.

Sh. A.L. Agnihotri, Ld. counsel for the respondent in appeal no. 53/17.

Sh. Mohit Sharma, Ld counsel for the respondent in appeal no. 473/17.

Sh. H.R. Aggarwal, Ld. counsel for the respondent in appeal no. 795/17.

Sh. R. K. Kashyap, Ld. counsel for the respondent in appeal no. 891/17.

Sh. Dharamvir Gupta, Ld counsel for the respondent in appeal nos. 987/17 & 988/17.

None for the Intervener in appeal nos. 53/17, 473/17, 795/17 & 891/17.

Vide separate common judgment of even date, the aforesaid appeals are dismissed.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
29.04.2026