

A.No. 540/26

02.07.2026

Fresh appeal received. It be checked and registered.

Present : Sh. Ankur Gupta, 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 **15.07.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 549/26

02.07.2026

Fresh appeal received. It be checked and registered.

Present : Sh. Abhinav Sharma, Ld counsel for the appellant.

Submissions heard. File perused.

Supporting affidavit to the appeal filed.

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**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 554/26
Pavitra Jain vs. MCD

02.07.2026

Fresh appeal received. It be checked and registered.

Present : Sh. Hari Shankar Bhardwaj, 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 **13.08.2026**.

Regularization application of the appellant filed on 19.05.2026 is still pending. In view of the same, till next date of hearing, no coercive action be taken against the first and second floor of the property of the appellant bearing no. 801/1, Main Bazar Road, Subzi Mandi, Delhi-110007 in pursuance of the demolition order dated 08.05.2026. This interim order shall not come in the way of any order/directions passed by the Hon'ble High Court

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as well as Hon'ble Supreme Court of India. It is also 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
02.07.2026

A.No. 555/26

02.07.2026

Fresh appeal received. It be checked and registered.

Present : Sh. Sameer Diwan, 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 **10.08.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 556/26

02.07.2026

Fresh appeal received. It be checked and registered.

Present : Sh. Satish Chaudhary, Ld counsel for the appellant.

Submissions heard. File perused.

Issue notice of interim application(s) as well as appeal to the respondent no. 1/MCD through concerned Chief Law officer and also to the private respondent(s) no. 4 and 5 only.

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 **09.09.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 557/26
Neha Vs. MCD

02.07.2026

Fresh appeal received. It be checked and registered.

Present : Ms. Kamakshi Garg, 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 **11.09.2026**.

Till next date of hearing, no coercive action be taken against the first floor of the property of appellant bearing no. B-34, Rama Park, Mohan Garden, New Delhi, in pursuance of the demolition order dated 18.06.2026. This interim order shall not come in the way of any order/directions passed by the Hon'ble High Court as well as Hon'ble Supreme Court of India. It is also 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
02.07.2026

A.No. 396/25 & 399/25

02.07.2026

Present : Ms. Anju Lal, Ld counsel for the appellant joined through VC along with Sh. Rajeev Sharma, advocate in person.

Files are taken up today on the application(s) of early hearing filed on behalf of the appellant.

Notice of these applications be issued to the respondent for **30.07.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 222/26

02.07.2026

Present : Sh. Arvind Kumar Gupta, Ld counsel for the appellant joined through VC along with Sh. Ashish Singh, Adv.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by the MCD, copy supplied.

Record has already been submitted.

It is stated by the Id. counsel for the appellant that the construction of third floor flat above the flat of the appellant, which is subject matter of appeal no. 684/25 listed today, has been regularized. That matter is listed at serial no. 32 of the today's cause list and has been withdrawn since the construction has been regularized.

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

At request, put up for arguments on **21.08.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 446/26 & 447/26

02.07.2026

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

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

Reply to the application seeking condonation of delay in appeal no. 446/26 filed. Copy supplied.

It is stated by the Id. counsel for the respondent that copy of the appeal no. 447/26 was not supplied to him as he received two sets of the appeal no. 446/26. Let the copy of the appeal no. 447/26 be supplied to the counsel for the respondent today itself.

Record has already been submitted in both the appeals and it can be inspect by the Id. counsel for the appellant.

At request, put up for arguments on application seeking condonation of application as well as appeal on **08.09.2026.**

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 476/26

02.07.2026

Present : Sh. Rambir Chauhan, Ld counsel for the appellant.
Sh. Anupam Sharma, Ld counsel for the respondent
joined through VC.

Ld. counsel for the appellant has filed photocopy of the khata khatauni with site plan of the property. Copy placed on record. Let the same be collected by the respondent, who seeks time to file status report and record.

At request, put up for arguments on **11.09.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant in pursuance of the demolition order dated 07.05.2026. This interim order shall not come in the way of any order/directions passed by the Hon'ble High Court as well as Hon'ble Supreme Court of India. It is also 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
02.07.2026

A.No. 544/26

02.07.2026

Present : Sh. Radhey Shyam Sharma, Ld counsel for the appellant
joined through VC.

Ms. Vasu Singh, Ld counsel for the respondent.

As per the respondent, this appeal is not maintainable
before this Tribunal and the jurisdiction lies with the
Judicial Committee.

Put up for arguments on the maintainability of the appeal
on **14.08.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 145/11

02.07.2026

Present : Sh. Rashmi Singhal, Ld counsel for the appellant joined through VC.

Sh. Dharmvir Gupta, Ld counsel for the respondent.

Arguments heard at length.

Put up for orders on **04.08.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 343/13 & 385/13

02.07.2026

Present : Sh. Nitin Gupta, Ld counsel for the appellant joined through VC.
Sh. Dharmvir Gupta, Ld counsel for the respondent in appeal no. 343/13.
Sh. Ankit Singh, Ld. Proxy counsel for Sh. Ashutosh Gupta, Ld counsel for the respondent in appeal no. 385/13.
Ms. Urvi Mohan, Ld. counsel for the intervener.
Sh. Anupam Sharma, (joined through VC) along with Sh. R.K. Singh, Ld. counsels for the DDA.

Arguments heard at length.

An adjournment is sought on behalf of the respondent in appeal no. 385/13 as the main counsel Sh. Ashutosh Gupta is held up before Ld. Principal District & Sessions Judge in a fresh matter.

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

Put up for further 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
02.07.2026

A.No. 478/15

02.07.2026

Present : Sh. Anuj Garg, Ld counsel for the appellant.
None for the respondent.

Fresh court notice has been duly served upon the respondent, but no counsel has been appeared despite repeated calls and awaiting till 3.00 pm.

Issue notice to the (CLO for **20.08.2026** to appear in person on the date fixed for explanation.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 181/17, 188/17, 1044/17, 1050/17 & 331/18

02.07.2026

Present : Sh. K.N. Singh and Sh. Prabhnoor Singh, Ld counsel for the appellant in appeal no. 331/18 along with appellant.
Sh. Tarun Gullia, Ld. counsel for the appellant in appeal no. 181/17 and 1044/17 joined through VC.
Sh. Divyendu Sorayan, Ld. counsel for the appellant in appeal no. 188/17 and 1050/17.
Some of the appellants are also in person.
Sh. Madan Sagar, Ld. counsel for the respondent in appeal no. 1044/17.
Sh. Pritish Sabharwal, Ld. counsel for respondent in appeal no. 188/17 and 1050/17 through VC.
Sh. Ashutosh Gupta, counsel the respondent.
Ms. Beena Sharma, Ld. counsel for the respondent in appeal no. 331/18.

Further arguments heard partly.

At request made by Sh. Ashutosh Gupta, Id. counsel for the respondent, put up for further arguments on **14.08.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 156/18 & 157/18

02.07.2026

Present : Sh. Sunil Chaudhary, Ld. counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.
Sh. Dinesh Kumar, Sh. Lalit Tickoo and Sh. Saurabh
Puri, Ld. counsel for the respondent no. 2.

Arguments heard at length.

Put up for orders on **05.08.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 202/20

02.07.2026

Present : Sh. Mukesh Sharma, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.
Sh. Ajit Kumar, Ld. counsel for SDM, Narela.

Status report is filed on behalf of the SDM, Narela, copy supplied.

As per this status report, *abadi deh* certificate relied by the appellant is not available in the office record in the office of Tehsildar, Bawana.

The abadi deh certificate relied by the appellant show that same has serial no. 1116 dated 12.09.2007. The SDM Narela is directed to produce the abadi deh certificate register of village Holambi Khurd, Tehsil Narela, for the month of September 2007 on the next date of hearing.

At request, put up for arguments on **18.09.2026**.

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

Copy of this order be also sent to SDM Narela for compliance.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 715/24, 716/24 & 717/24

02.07.2026

Present : Ms. Ankita, SPA Holder of the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Part arguments heard.

Let a notice be issued to the DDA through Chief Legal Advisor, DDA to clarify whether the property falling in DDA LIG Flats, Pkt. 13, Phase-I, Dwarka, New Delhi, falls in jurisdiction of DDA or not, on the next date of hearing.

Put up for further arguments on **10.09.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant in pursuance of the impugned order. This interim order shall not come in the way of any order/directions passed by the Hon'ble High Court as well as Hon'ble Supreme Court of India. It is also 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
02.07.2026

A.No. 931/24

02.07.2026

Present : Sh. Manish Kumar, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Some more time sought on behalf of the appellant to file photographs of the property from all sides to show whether there are projection on municipal land or not on the ground that the appellant No.2 is a senior citizen and is hospitalized.

There are two appellants in this appeal and are not related and further had sufficient time of three months since last date to take and file photographs as directed on 07.04.2026.

The grounds on which some more time has been sought are flimsy. However, subject to cost of Rs.3000/- to be deposited with the Registry of this Tribunal, one last and final opportunity is granted to the appellant to comply with the orders.

Put up for compliance of order and arguments on **29.09.2026.**

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 15/25

02.07.2026

Present : Ms. Honey Uppal, Ld counsel for the appellant joined through VC.
Ms. Praveen Sharma, Ld counsel for the respondent joined through VC.

The demolition proceedings record has been submitted by the MCD yesterday.

Ld. counsel for the appellant seeks time to go through the record and to advance arguments. Let the same be inspected.

At request, put up for arguments on **06.10.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 362/25
02.07.2026

Present : Sh. Pawash Piyush, Ld counsel for the appellant joined through VC along with Sh. Nisar Malik, Adv. and appellant in person.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An application has been filed by the appellant to place on record the additional documents. Copy supplied.

As per this application, the appellant has sought property record under RTI Act vide application dated 27.06.2026 relating to house-tax payment record, survey form and copy of property map of property no. GC-32 and 33, G-Block, Hari Nagar, New Delhi.

The property tax office in normal routine cannot have property map as the property map is not required to be filed for this purpose.

Let the notice be issued to the Joint Assessor and Collector, West Zone, MCD with directions to be present in the court with entire record of these two properties and also with the original of the copies provided to the appellant under RTI vide reply dated 01.07.2026, on next date of hearing.

Put up for arguments on **13.07.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 684/25
Madhubala Singh Vs. MCD

02.07.2026

Present : Sh. Prashant Singh, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by the MCD, copy supplied.

As per the report filed by the MCD, the subject property has already been regularized.

At this stage, Id. counsel for the appellant submits that in view of the said report, the appellant wants to withdraw the aforesaid appeal.

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

In view of the statement made by the Id. counsel for the appellant, the aforesaid appeal stands 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
02.07.2026

A.No. 695/25

02.07.2026

Present : Sh. Manish Kumar, Ld. Proxy counsel for the appellant.
Sh. Pritish Sabharwal, Ld counsel for the respondent
joined through VC.

The appellant did not collect the copy of the Status report filed on the last date of hearing, despite directions. Same is supplied today from the record.

At request made by Id. Proxy counsel for the appellant, put up for arguments on **17.09.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 735/25

02.07.2026

Present : Sh. Atul Kumar Gupta, Ld counsel for the appellant.
Sh. Ashutosh Gupta , Ld counsel for the respondent.

It is stated for the appellant that the appellant has applied for regularization and same is still pending before the authority.

Copy of that application is place on record and is also supplied to the other side.

MCD is directed to file status report qua the said regularization application on next date of hearing.

Put up for awaiting the outcome of the said regularization application and arguments on **25.09.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 851/25

02.07.2026

Present : Sh. Saurj Yadav , Ld counsel for the appellant.
Sh. Chetan Hasija, Ld counsel for the respondent joined through VC.
Ms. Sunita Sevada, Ld. counsel for the respondent through VC. Fresh Vakalatnama filed, same is taken on record

Status report is filed by the MCD, copy supplied.

An adjournment is sought on behalf of the appellant as main counsel is out of station.

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 **03.08.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 15/26

02.07.2026

Present : Sh. Manish Kumar, Ld. Proxy counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main counsel is held up before the Saket District Court. Though, there is no plausible ground for adjournment, however, in the interest of justice one more opportunity is granted to the appellant to address the arguments in the matter subject to deposit of cost of Rs. 5,000/- to be deposited with Registry of this Tribunal.

At request, put up for arguments on **17.09.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 83/26

02.07.2026

Present : Sh. Akshay Bhatia, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for the appellant seeks time to inspect the record and to advance arguments.

Same is opposed as this liberty was granted even on the last date of hearing when the record was produced and deposited.

In the interest of justice one more opportunity is granted to the appellant to address the arguments in the matter subject to deposit of cost of Rs. 5,000/- to be deposited with Registry of this Tribunal.

At request, put up for arguments on **28.09.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 299/26

02.07.2026

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

This is an appeal against a vacation notice which is not maintainable before this Tribunal.

Notice be issued to the respondent/MCD only to the limited extent to inform whether any demolition order has been passed or not, for **31.08.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 325/26

02.07.2026

Present : Appellant no. 1 in person.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by the MCD, copy supplied.

The record has been produced. It be deposited with Registry. It can be inspected by the counsel for the appellant.

An adjournment is sought on behalf of the appellant as his counsel has to rush to his home due to some medical emergency.

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

MCD is directed to file the status report in respect of the sealed premises and whether the seal has been tampered or not of property bearing no. plot no. 110-B, Khasra no. 26/25/1, Village Kakrola, Bharat Vihar, Delhi-110078, on the next date of hearing.

Put up for arguments on **11.08.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 359/26

02.07.2026

Present :

Sh. Sivansh Srivastava, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Vijay Jha, Id. counsel for the intervener along with
Ms. Saroj (intervener) in person.

Status report is filed by the MCD, copy supplied.

Photographs filed by the appellant. copy supplied.

An application under Order I rule 10 CPC filed on behalf of the intervener. Copy supplied to the appellant as well as MCD. Let the reply to this application if any, be filed on or before the next date of hearing with advance copy to the application.

The matter today is listed for consideration on an application of the appellant seeking temporary cover over the demolished roof during the pendency of this appeal.

Arguments on this application heard.

The appellant instead of covering the demolished portion with temporary sheet, reconstructed the demolished roof without permission from the court or the Quasi Judicial Authority and thereafter filed this application seeking permission for temporary cover. The applicant/appellant did not approach the court with clean hands and reconstructed the demolished portion malafidely. The application is devoid of merit and is dismissed with cost of Rs. 5,000/- to be deposited with Registry of this Tribunal.

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Put up for arguments on the application under Order I rule 10 CPC and appeal on the date fixed i.e. **07.09.2026**.
Interim orders, if any, to continue till the next date of hearing.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 24/15

M/s Kewal Kishan Om Prakash Vs. North DMC

02.07.2026

Present :

Ms. Savita Malhotra, Ld counsel for the appellant.
Sh. Madan Sagar, Ld counsel for the respondent/MCD.
Sh. Vasu V. Purohit, Ld. counsel for the R-2 to R-4 along
with Dhamender Gupta in person.

1. Vide this order I will dispose of an application filed by respondents no. 2 to 4 seeking dismissal of this appeal on the grounds of limitation.
2. The brief facts necessary for disposal of this application are that the appellant has challenged the impugned order dated 09.11.2021 regularizing the unauthorized construction raised over the roof of the ground floor of property no. 791-792, (Old)/671-672, (New) Sadar Bazar, Delhi-110006.
3. Prior to this appeal the appellant filed a civil suit challenging this regularization, bearing suit no. 502/12. That suit was disposed of on 27.11.2014 holding that the Civil Court has no jurisdiction as the regularization order is appealable before this Tribunal under DMC Act. The appellant thereafter filed this appeal on 15.01.2015 impleading only MCD as respondent. This Tribunal condoned the delay in filing this appeal vide order dated 18.02.2015. The counsel for the MCD on 03.012.2015 stated that the persons in whose favour the regularization has been allowed,

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have not been impleaded as respondents and no order can be passed without impleading them. On that submission this Court fixed the matter for arguments on maintainability. On the next date of hearing on 09.03.2016, the appellant filed an application under order I Rule 10 CPC read with order VI rule 17 CPC for impleading private respondents and that application was allowed on the same day and amended memo of parties and amended appeal were taken on record.

4. After service of notice, these private respondents filed the application under consideration on 06.11.2017 seeking dismissal of appeal against them on the grounds of limitation. Ld counsel for the applicants argued that the applicants were necessary party to this appeal since filing of this appeal and the appeal was not maintainable without impleading them. An order under Section 347(B) of DMC Act can be challenged within 30 days from date of the order whereas this appeal was filed on 15.01.2015 and the applicants were impleaded on 09.03.2016 and the appeal challenging the regularization dated 09.11.2011 is barred by limitation. The order condoning the delay dated 18.02.2015 is not binding upon the applicants as they were not parties to this

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appeal and since they were not added within the period of limitation, they cannot be added later and therefore the appeal should be dismissed against the applicants on the grounds of limitation. Ld counsel for the applicants in support of his arguments has relied upon the judgment of Hon'ble Rajasthan High Court passed in the case titled as **Paras Ram Vs. Maharaj Ekling Singhji 1985 AIR (RAJ) 236.**

5. Ld counsel for the appellant on the other hand has argued that this Tribunal has no power of review and cannot review the order dated 18.02.2015. Further, applicants have not filed any application for review. Section 21 of the Limitation Act as relied by the applicants is not applicable as the provisions of Order XLI Rule 20 CPC are applicable. This court has power to condone the delay while impleading respondents in the appeal. The appellant was legally advised that this appeal is maintainable only against MCD and therefore the application should be dismissed. Reliance has been placed on the judgment of Hon'ble Division Bench of our own High Court passed in **RFA (OS) 120/2010 dated 10.07.2013 titled as SNP Punj & Anr. Vs. Punj Star Industries Pvt. Ltd.**

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6. I have perused the record. This Tribunal condoned the delay in filing the appeal on 18.02.2015 when the applicants were not party to this appeal. On 03.12.2015 Id counsel for the respondent/MCD pointed out that the persons in whose favour the regularization has been accorded are not party and thereafter this court listed the matter for arguments on maintainability. The matter was listed for arguments on maintainability of appeal since the private respondents who are applicants were necessary party. They were impleaded on 09.03.2016 when the appellant preferred such application. The Hon'ble High Court in the case of SNP Punj (Supra) in paragraph 26 held as under: -

“For addition of a respondent under Order 41 Rule 20 CPC, the test is whether the proposed party's interest is likely to be prejudiced by the outcome of the appeal. Further, if appeal is allowed whether it would result in an inconsistent decree in a suit wherein subject matter was same. In order to ascertain necessity of impleading a person as a respondent, this Court is required to see whether in his absence there would be conflicting judgments. The Appellant Court has the power to add any party to the suit who has not been impleaded in the appeal provided he is interest in the result of the appeal. Since, it is left to the discretion of the
Contd...5/-

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Court to add a party as respondent even after appeal time has expired, if the Appellant Court exercises the discretion to make persons interested in the result of appeal as party to the appeal and he is to be affected by any decree or order to be passed in the appeal, the question of limitation would not arise in the circumstance. This is for the reason that in the matter of impleading a party in the appeal, the period in the appeal is not solely governed by the provisions of Order 41 Rule 20 CPC. Even in exercise inherent power under Section 151 CPC, despite expiry of period of limitation, the Court can exercise the said discretion vested in it.”

7. The Hon'ble High Court in this judgment held that if the court is of the opinion that a person interested is a necessary party, the question of limitation would not arise. In the present appeal the Court was of the opinion that the applicants are necessary party and for that reason matter was listed for arguments on maintainability as they were not impleaded. As per the affidavit filed by the Id counsel for the appellant along with the application under Order I Rule 10 CPC, only MCD was necessary party to this appeal. The applicants were impleaded as this Tribunal was of the opinion that they are necessary party, the question of limitation would not arise. The judgment of Hon'ble Rajasthan High Court is not applicable to facts.

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8. In these facts the application is dismissed.
9. Put up for arguments on appeal on **10.08.2026**.
10. Interim orders, if any, to continue till the next date of hearing.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
02.07.2026

A.No. 944/16

02.07.2026

Present : None for the appellant.
 Sh. V.K. Aggarwal , Ld counsel for the respondent.

Vide separate judgment of even date, the present appeal stand disposed of.

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
02.07.2026