

A.No. 711/26

13.08.2026

Fresh appeal received. It be checked and registered.

Present : Sh. Suhail Khan, Ms. Vratika Mittal, Ms. Mariam Nizami
and Sh. Sankalp Mehta, 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 **05.10.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 269/26

13.08.2026

Present : Sh. Arun Vohra, Ld counsel for the appellant.
Sh. Ashutosh Gupta , Ld counsel for the respondent.

This is an early hearing application filed by the MCD.

Submissions heard.

As per the apprehension raised in this application, the respondent has sought early hearing as there are encroachment on the public land, apprehension of appellant creating a third party interest or raising further construction in the property.

There is no protection to encroachment on the public land and the MCD is at liberty to take action.

Further, the appellant has voluntarily stated that he shall not create any third party interest till disposal of this appeal. He is restrained from doing so and there is already an order to not to raise any further construction by him.

No early hearing is made out. The application stands dismissed.

Put up on the date fixed i.e. **18.09.2026**.

It is made clear that no adjournment shall be allowed on the date fixed.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 541/26

13.08.2026

Present : Sh. Dalip Rastogi, Ld counsel for the appellant. Fresh Vakalatnama filed, same is taken on record.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report is filed by the MCD, copy supplied.

The record has already been deposited. It can be inspected by the counsel for the appellant.

Part arguments heard

Put up for further arguments on **09.09.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant in pursuance to the impugned. 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
13.08.2026

A.No. 554/26

13.08.2026

Present : Sh. Hari Shankar Bhardwaj, Ld counsel for the appellant.
Ms. Vasu Singh Ld counsel for the respondent joined
through VC along with Sh. Krishan Kumar, AE(B)-I, CLZ.

Status report is filed by the MCD, copy supplied.

As per the status report filed by the MCD, the
regularization application of the appellant has been
rejected vide order dated 13.07.2026.

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

At request, put up for arguments on appeal on
09.10.2026.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 598/26

13.08.2026

Present : Sh. Ashkrit Tiwari, Ld counsel for the appellant joined through VC.
Sh. Abheet Mangaleek, Ld counsel for the respondent along with Mohd. Asif, AE(B).

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

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

The appellant is at liberty to collect the status report and to inspect the record.

The appeal against the demolition order bearing no. 841/25 is listed for 23.09.2026.

At request, be put up for arguments with connected appeal on **23.09.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 701/26
Vikas Dagar and Anr. Vs. MCD

13.08.2026

Present : Sh. Dalip Rastogi, Ld counsel for the appellant. Fresh Vakalatnama filed, same is taken on record
Sh. Ashutosh Gupta, Ld counsel for the respondent along with Sh. Sanjeev Kumar, AE(B).

Status report is filed by the MCD, copy supplied.

The record has been produced.

Arguments heard. Record perused.

The respondent vide show cause notice under Section 345-A DMC Act dated 31.07.2026 served through pasting on 03.08.2026 took action in respect of unauthorized construction (deviations against the sanctioned building plan) at ground and first floor in Dagar Farm House situated at Khasra no. 270/271, Village Sahoopur, Saidulajab, New Delhi and thereafter passed the sealing order on 07.08.2026 which was executed on the same day.

The appellant in response to this show cause notice served on 03.08.2026, promptly gave reply on 04.08.2026 and receiving of this reply has been confirmed during arguments on behalf of the respondent. This reply was neither considered nor an opportunity of being heard was provided. It has also been told that till date no order under Section 344/343 DMC Act has been

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passed. The respondent acted hastily in passing the sealing order and in sealing the property and has violated all the principles of natural justice.

In fact, the impugned sealing order dated 07.08.2026 is set aside with directions to the respondents to pass a speaking order after considering the reply dated 04.08.2026 and documents submitted by the appellant and after giving personal hearing to the appellant.

The appellant shall appear before the Quasi Judicial Authority on 01.09.2026 at 3.00 pm and the speaking order be passed within 6 weeks of conclusion of the hearing.

The property be desealed within a week.

Record of the respondent filed today, 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
13.08.2026

A.No. 762/16 & 777/16

13.08.2026

Present : Sh. Sidharth Singh, Ld. proxy counsel for the appellant joined through VC along with appellant in person.
None for the respondent.

None has appeared for the respondent despite repeated calls for the last many dates.

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

An adjournment is sought on behalf of the appellant as main counsel is not available today due to some personal difficulty.

In the interest of justice one more opportunity is granted to the parties to address the arguments in the matter on the next date of hearing.

Put up for arguments on **01.10.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 425/15 & 198/24

13.08.2026

Present : Sh. Lalit Gupta, Sh. Anmol Ghai and Sh. Yash Choudhary, Ld counsels for the appellant along with husband of the appellant in person.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

The regularization application of the appellant is still pending and it is stated that matter has been forwarded to the Town Planning Department and it will take some time. Be awaited for the status report qua the regularization application of the appellant and arguments on **09.10.2026.**

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 430/18

13.08.2026

Present : Ld. proxy counsel for the appellant.
Sh. Ravi Ranjan, Ld counsel for the respondent joined through VC.
Sh. Anupam Sharma, Id counsel for the DDA joined through VC.

An adjournment is sought on behalf of the appellant as main counsel Sh. S.S. Handa has been suffering from typhoid.

Similar request is made by the counsel for the respondent/MCD as he is not ready with the arguments today.

The appeal pertains to the year 2018. However, in the interest of justice one last and final opportunity is granted to the parties to address the arguments in the matter on the next date of hearing.

Put up for arguments on **08.10.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 346/19 & 710/22

13.08.2026

Present : Ms. Kanwaljit Kochar, Ld. senior counsel for the appellant through VC.
Sh. Utkarsh, Ld. Proxy counsel for the appellant along with appellants in person.
Sh. Abhinav Gupta, counsel for the respondent through VC in appeal no. 346/19 joined through VC.
Sh. V.K. Aggarwal, Ld. counsel for the respondent in appeal no. 710/22.

Status report is filed by the MCD, copy supplied.

As per this status report, the room at the terrace of the third floor has been demolished. The photographs in this regard have been filed along with status report which shows that the room has been completely demolished.

The appellants have stated that they have applied for regularization yesterday. Copy of the application supplied.

Let the status report in respect of this regularization application be filed on the next date of hearing.

The appellants have moved an application seeking further temporary desealing for 15 days to carry out the remaining demolition work which could not be done because of heavy rain.

As per the photographs filed by the respondent, the demolition has already been carried out, but the *malba* is

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still lying on the roof, which the appellant wants to remove, though the same is not mentioned in the application.

Considering that the *Malba* is required to be removed as the rainy season may cause further damage to the property, let the property be temporarily desealed for 10 days to enable the appellant to remove the *Malba* lying on the terrace of the property.

Let the property be desealed on 17.08.2026 at 12.00 noon and resealed on 27.08.2026 at 4.00 pm.

The appellant during this period shall remove the *malba* lying on the terrace and shall not part with the possession of the property and shall not create any third party interest in the property.

Put up for awaiting status report and arguments on **08.10.2026.**

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 693/23

13.08.2026

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.
Ms. Jasleen Kaur, Ld counsel for the respondent joined
through VC.
Intervener in person.

Part arguments heard.

At request, put up for further arguments on **05.10.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 177/24

13.08.2026

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

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

There is no reason for non-appearance of the appellant.

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 subject to cost of Rs. 5,000/- to be deposited with the Registry of this Tribunal.

Put up for arguments on **03.12.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 209/24

13.08.2026

Present : Sh. Dalip Rastogi, Id counsel for the appellant.
Sh. Pritish Sabharwal, Id counsel for the respondent
joined through VC.
Ms. Anchal, Id. counsel for the intervener joined through
VC.

It is stated by the Id counsel for the intervener that the
Hon'ble Division Bench has dismissed the urgent
application with liberty to intervener to challenge the
judgment of this court, if aggrieved.

Further time sought on behalf of the intervener to file the
written arguments. Let the same be filed by 17.08.2026
with advance copy to the Id counsels for the appellant
and respondent/MCD.

Put up for orders on **07.09.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 724/24

13.08.2026

Present : Sh. Chirag Jain, Ld. counsel for the appellant through VC.
Sh. Ashutosh Gupta, Id counsel for the respondent.

Part arguments heard.

At request, put up for further 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
13.08.2026

A.No. 757/24, 758/24, 759/24, 770/24, 849/24, 901/24, 979/24, 982/24 & 1009/24

13.08.2026

Present :

Ms. Manu, Ld. proxy counsel for Ms. Parul Agarwal, Ld. counsel for the appellants.

Sh. Avishek Kumar, Ld. counsel for the respondent. in appeal no. 894/24.

Sh. V.K. Aggarwal, Ld counsel for the respondent in appeal no. 901/24.

Ms. Vasu Singh, Ld. counsel for the respondent in appeal no. 770/24 through VC.

Sh. Harsh, Ld. proxy counsel for Sh. Mahender Shukla, counsel for the respondent in appeal no. 757/24, 758/24, 759/24.

Sh. Ashutosh Gupta, Adv, for respondent in appeals no. 979/24, 982/24 & 1009/24.

An adjournment is sought on behalf of the appellant in other appeals as main counsel Ms. Parul Agarwal has been suffering with high fever.

In the interest of justice one last and final opportunity is granted to the appellant to address the arguments in the matter on next date of hearing.

Put up for arguments on **30.10.2026**. It is made clear that no adjournment shall be allowed to any of the parties for arguments on the date fixed.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 869/24

13.08.2026

Present : Sh. Harsh Hardy and Sh. Anil Kumar, Ld counsels for the appellant.
Sh. Harsh, Ld. proxy counsel for Sh. Mahender Shukla, counsel for the respondent.

An application under Order XLI rule 27 CPC filed on behalf of the appellant to place on record the additional documents. Copy supplied.

An adjournment is sought on behalf of the respondent as main counsel Sh. Mahender Shukla is not available today due to some personal difficulty.

At request, put up for reply and arguments on the aforesaid application as well as appeal on **03.12.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 274/25, 275/25, 297/25 & 298/25

13.08.2026

Present : Sh. Tushar Yadav, Ld. Proxy counsel for Sh. Arush Kapoor, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent in appeal nos. 274/25 & 275/25.
Sh. Ashutosh Gupta, Ld. counsel for the appellant in appeal nos. 297/25 & 298/25.
Sh. Udayan Sinha, Ld. counsel for the applicant/intervener.

Ld. proxy counsel for the appellant submits that copy of the application under Order I rule 10 CPC has not yet been supplied. Let the same be supplied today itself.

An adjournment is sought on behalf of the appellant as main counsel Sh. Arush Kapoor has been suffering from high fever.

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

Put up for arguments on **04.12.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 312/25

13.08.2026

Present : Sh. Ajay Sachdeva, Ld counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent/MCD
Sh. Rahisuddin, Id. proxy counsel for the respondent no. 2 and 4.
None for the respondent no. 3.

Status report is filed by the MCD, copy supplied.

As per this status report, the site was inspected and lift was found operational though completion certificate has not yet been issued.

Some more time sought on behalf of the private respondents no. 2 and 4 to file reply as the father of the main counsel passed away.

Let the reply be filed within 2 weeks by the private respondents with advance copy to the Id counsel for the appellant.

Put up for reply and arguments on **03.11.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 386/25

13.08.2026

Present : Sh. Pawan Dhoot, Ld. Proxy counsel for the appellant.
Sh. Sagar Kumar, 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 main counsel Sh. Gurpreet Singh Sethi is held up in some other court.

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

Put up for arguments on **02.12.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 394/25

13.08.2026

Present : Sh. Shashank Singh, Ld. proxy counsel for the appellant along with appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main counsel Sh. Vipin Kumar 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 on next date of hearing.

Put up for arguments on **01.10.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 444/25 & 449/25

Subhash Chand Bansal Vs. MCD

13.08.2026

Present : None for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent

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/13.8.26

At 2.35 pm

Present : None for the appellant.

Sh. Ashutosh Gupta, Id counsel for the respondent.

None has appeared on behalf of appellant since morning in the Tribunal or through VC despite various calls. None had appeared on behalf of the appellant on the previous date as well.

It is already 2.35 PM. It appears that the appellant is not interested in pursuing the aforesaid appeals. The aforesaid appeals are dismissed in default as well as non-prosecution.

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

13.08.2026

A.No. 570/25

13.08.2026

Present : Sh. Shivnath Kumar, Ld counsel for the appellant along with appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.
Sh. Rakesh Patial, Ld. counsel for the intervener.

An application under Order I rule 10 CPC filed on behalf of the intervener on 10.08.2026.

It is stated for the appellant that only three pages of this application were received in post and complete copy may be provided.

Complete copy supplied today.

Reply, if any, to this application be filed within 4 weeks with advance copy to the other side.

An application under Order XLI rule 27 CPC filed by the appellant to place on record the additional documents. Copy supplied to the MCD as well as intervener.

Reply, if any, to this application be also filed within 4 weeks with advance copy to the other side.

Put up for reply and arguments on these applications as well as appeal on **01.12.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 632/25

Manju Mourya Vs. MCD

13.08.2026

Present : Sh. Amresh Bind, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Written arguments filed by the appellant, copy supplied.

Arguments heard on application seeking condonation of delay.

1. The appellant has challenged the sealing order dated 15.09.2020 in the appeal filed on 15.09.2025 after a delay of 5 years.
2. The condonation has been sought on the ground that the impugned sealing order as well as the show cause notices were never served upon the appellant nor the copy was provided despite several communications of the appellant and therefore, the delay should be condoned
3. Same has been disputed by the respondent on the grounds that the sealing order and the show cause notice was duly provided to the son of the appellant on 15.02.2021 on an application filed in this regard. Further, the property was sealed on 03.11.2020 at three points and the appellant cannot claim ignorance nor can claim that the impugned order was not supplied and therefore the enormous delay is unexplained and cannot be condoned.

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4. I have perused the record. The respondent took sealing action on 03.11.2020 in pursuance to the sealing order and the appellant cannot claim that she did not have knowledge of the sealing order. Thereafter her son filed an application on 13.01.2021 seeking copy of the sealing order and notice. In pursuance to this application the respondent provided the copies to the son of the appellant under his signatures available at page 14/C of the office record. The appellant as such had the copies of the show cause notice and the sealing order since 15.02.2021.
5. The period between 15.03.2020 to 28.02.2022 has been excluded for the purposes of limitation by the Hon'ble Supreme Court of India. The appellant is required to explain the delay from 01.03.2022 to 15.09.2025 when this appeal was filed which is more than three and a half years. The appellant has not been able to explain this enormous delay. Admittedly, the copies were supplied to her son way back on 15.02.2021, the appeal was not filed for a considerable period despite the property being sealed since 03.11.2020.
6. There is no reason to condone the delay including that the appellant is illiterate. Her son wrote application in English and received the copies of the impugned

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order and show cause notices by signing in English and cannot claim that the appellant is illiterate. Reliance can be placed on the judgment passed by the **Hon'ble Supreme Court of India in the case titled as ManibenDevraj Shah Vs The Municipal Corporation of Barihan, Mumbai 2012 (Vol 5) SCC 157.**

7. In view of the same application seeking condonation of delay is dismissed. Accordingly, the appeal is also dismissed.
8. 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
13.08.2026

A.No. 706/25

13.08.2026

Present :

Sh. Sanjay Chikara, Ld counsel for the appellant.

Sh. Madan Sagar, Ld counsel for the respondent.

Copy of the application seeking condonation of delay supplied to Id counsel for the respondent today from the record and he seeks time to file reply to the same.

Reply, if any, to this application be filed within 4 weeks with advance copy to the other side.

The appellant has pressed the interim application seeking temporary desealing of the property to enable the appellant to remove her belongings from the property where some thefts have also taken place.

In these facts, let the property be temporary desealed on 17.08.2026 at 12.00 noon to enable the appellant to remove the belongings and same shall be resealed on 20.08.2026 at 4.00 pm.

The appellant in the meantime, shall be create any third party interest nor will create part with possession of the subject property.

Put up for reply and arguments on the aforesaid application and appeal on **02.11.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 820/25

Dr. Vanga Siva Reddy Vs. MCD

13.08.2026

Present : Ms. Jigyasa Sharma, Ld counsel for the appellant along with appellant.
Sh. Avishek Kumar, Ld counsel for the respondent.

Arguments heard at length.

1. This is an appeal challenging the order dated 04.10.2024 vide which the respondent directed that the sanctioned building plan obtained by the appellant for raising construction of the third floor of property no. C-5/14, Vasant Kunj, New Delhi dated 12.01.2024 be kept in abeyance.
2. The brief facts necessary for disposal of this appeal are that the appellant vide sale deed dated 29.10.2003 purchased the second floor of this property with entire terrace and with rights to construct the third floor as and when permitted by the building bye-laws. The appellant obtain a sanctioned building plan for raising construction of the third floor on 12.01.2024. The ground floor and the basement were purchased by one Mr. G.S. Rathore and his wife on 23.02.2023 whereas the first floor was purchased by one Smt. Usha Verma on 15.04.2004. The sale deed in favour of appellant and his wife states that the

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appellant shall have the proportionate right to the land underneath the building and similarly the sale deed for the first floor also mentions the same. However, the sale deed in respect of the ground floor and the basement records that the vendees shall have the proportionate right in the land underneath at one place and that they will have 50% undivided share in the said plot. There is some ambiguity in the sale deed in respect of the land underneath sold to the owners of ground floor and basement. The respondent in pursuance to some complaint lodged by the owners of the ground floor issued show cause notice to the appellant dated 02.08.2024 as to why the sanctioned building plan for the third floor should not be revoked. It was duly replied by the appellant and thereafter vide impugned order dated 04.10.2024 the respondent directed that the sanctioned building plan dated 12.01.2024 in respect of construction of the third floor be kept in abeyance.

3. The appellant has challenged this order on the ground that all the owners of the respective floors have proportionate share in this property. The share of land underneath for the basement shall be 10% and from ground floor to third floor shall be 22.5% each. The appellant obtained sanctioned building plan as

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per FAR available for the third floor and has every right to raise construction in accordance to building bye-laws. The sale deed of the appellant is prior in time to that of the sale deed for the ground floor and the basement and any ambiguity in the sale deed for ground floor and the basement, cannot be a ground to keep the sanctioned building plan of the appellant in abeyance. There is no provision under which a sanctioned building plan can be kept in abeyance. The MCD failed to appreciate that the sanction plan can be obtained as per FAR available for the third floor. The MCD cannot act on frivolous and false complaint lodged by owner of the ground floor and the basement and therefore the impugned order should be set-aside and the sanctioned plan dated 12.01.2024 should be restored to its original position.

4. Ld counsel for the respondent/MCD on the other hand argued that there is ambiguity in the sale deeds of the different floors of this property bearing no. C-5/14, Vasant Kunj, New Delhi and in view of the dispute regarding ownership of the land underneath, the owners were directed to settle this matter before Civil Court and till the Civil Court decides the issue of ownership of the land underneath, the sanctioned

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building plan of the appellant has been kept in abeyance and there is no merit in this appeal which is liable to be rejected.

5. I have perused the record. The sale deed of the appellant dated 29.10.2003 gives the absolute right to the appellant to raise construction on the terrace of the second floor i.e. the third floor and that there will be no objection to this construction by any other owner of the property. The construction however was subject to prior permission from the authorities and as per building bye-laws. The building bye-laws applicable as on date permits ground plus three floors in the building as per FAR available to the plot. The appellant obtain the sanctioned building plan dated 12.01.2024 as per law without any misrepresentation and fraudulent concealment of facts.
6. The sale deed in favour of the appellant clearly show that the appellant has ownership of the proportionate share in the land underneath. Any subsequent sale deed in respect of the other floors and specially the basement and the ground floor cannot take away the rights of the appellant in the proportionate share in the land underneath. The owners of the basement and the ground floor cannot claim that by way of a

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subsequent sale deed they have become owner of 50% of the land underneath. They can own, only the proportionate share and cannot take away the proportionate share owned by the owner of the first floor as well as the appellant who is the owner of the second floor and has right to raise construction of the third floor.

7. The respondent without appreciating the contents of the sale deed of the appellant and without appreciating that the sale deed of the appellant is prior in time, acted on the frivolous complaint made by the owner of the basement and the ground floor and came to the conclusion that there is dispute regarding the distribution of shares amongst the three owners of the property and further directed them to take up the matter before Civil Court.
8. Further, it is relevant to mention that the proportionate share in the land underneath can be used only when there is a situation when the plot is sold without any construction. An owner of a particular floor cannot sell the plot alone without selling the floor. There is no likelihood that the super structure shall be demolished and the proportionate share of the land underneath shall be sold. The respondent cannot refuse a

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sanction building plan on the ground that the person is not owning the proportionate share in the land underneath.

9. Further, there is no provision under the DMC Act to keep a sanction building plan under abeyance. It can only be revoked under the grounds referred in section 338 of the DMC Act. The appellant did not make any misrepresentation nor a fraudulent statement while obtaining the sanctioned building plan. There is no justification with MCD to keep the sanctioned building plan in abeyance and the impugned order is not sustainable.
10. In these facts, the appeal is allowed. The impugned order dated 04.10.2024 is set-aside and the sanctioned building plan dated 12.01.2024 is restored to the original position.
11. 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
13.08.2026

A.No. 171/26

Gaurav Sharma and Anr. Vs. MCD

13.08.2026

Present : None for the appellant.

Ms. Vasu Singh, Ld counsel for the respondent joined 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/13.8.26

At 2.45 pm

Present : None for the appellant.

Sh. Vasu Singh, Id counsel for the respondent joined through VC.

None has appeared on behalf of appellant since morning in the Tribunal or through VC despite various calls. None had appeared on behalf of the appellant on the previous date as well.

It is already 2.45 PM. It appears that the appellant is not interested in pursuing the appeal. The present appeal is dismissed in default as well as non-prosecution.

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

13.08.2026

A.No. 223/26 & 224/26

M/s Anand Infra Heights Pvt. Ltd. Vs. MCD

13.08.2026

Present : Sh. Narender Bhandari, counsel for the appellant.
None for the Ld counsel for the respondent/MCD.

Arguments on the maintainability of the appeal heard.

1. Ld. counsel for the appellant has argued that the two appeals challenging the revocation of sanctioned building plan were remanded back by this Tribunal on 01.07.2026 and the matter is still pending for reconsideration before Quasi Judicial Authority and therefore these two appeals challenging the refusal of alteration/additional plan are maintainable.
2. I have perused the record. The appellant in this case has challenged the order dated 18.02.2026 vide which the application of the appellant seeking addition/alteration in the sanctioned building plan was rejected on the ground that the sanctioned building plan has already expired. Since, the original sanctioned building plan in which the appellant sought addition/alteration has already expired, an appeal challenging its refusal is not maintainable since for seeking addition/alteration there must be an existing sanctioned building plan. It is not a case where the regularization application has been rejected. Once,

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the original sanctioned building plan has expired, addition and alteration in the same cannot be sought nor challenged by way of these appeals. Only because the two other appeals challenging the rejection of sanctioned building plan were remanded back, these appeals shall not be maintainable.

3. In these facts, these appeals are dismissed being not maintainable.
4. 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
13.08.2026

A.No. 236/26

13.08.2026

Present : Ms. Diksha Sawhney, Ld. counsel for the appellant.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as main arguing counsel Sh. Mayank Arora has met with an accident.

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

Put up for arguments on **07.12.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 249/07

13.08.2026

Present : Sh. Manoj Sharma, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for the respondent seeks some time to argue.

At request, put up for arguments on **31.08.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
13.08.2026

A.No. 739/22

13.08.2026

Present : None for the appellant.
 Sh. Sh. V.K. Aggarwal , Ld counsel for the respondent
 no. 1.
 Sh. Dishant Sharma, Sh. Abhishek Kumar, Sh. Jayesh
 Chauhan, Ms. Aanchal Kumari and Sh. Harish Kumar, Id
 counsels for the respondents no. 2 to 4.

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
13.08.2026