

A.No. 713/26

17.08.2026

Fresh appeal received. It be checked and registered.

Present : Ms. Narayani Sepaha, 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.

Status quo be maintained in respect of ground to third floor of the subject property till the next date of hearing. However, it is made clear that there is no protection to the fourth floor of the property.

Put up for arguments on interim application(s) and appeal on **31.08.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 714/26 & 715/26

17.08.2026

Fresh appeal received. It be checked and registered.

Present : Sh. Kailash Sharma, 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
17.08.2026

A.No. 717/26
Shakuntla Devi Vs. MCD

17.08.2026
Fresh appeal received. It be checked and registered.

Present : Sh. Manoj Kumar, 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 **25.08.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant i.e property bearing no. B-2/58, Gali no. 5, Raja Puri, New Delhi in pursuance of the demolition order dated 30.07.2026. 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
17.08.2026

A.No. 718/26
Bimla Yadav vs. MCD

17.08.2026

Fresh appeal received. It be checked and registered.

Present : Sh. Arun Dhiman and Sh. Jitin Sahni, Ld counsels 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 **07.09.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant i.e. property bearing no. C-4H/82, Janak Puri, New Delhi, in pursuance of the demolition order dated 29.07.2026. 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
17.08.2026

A.No. 719/26
Dr. Kapil Dev Vs. MCD

17.08.2026

Fresh appeal received. It be checked and registered.

Present : Sh. Deepesh Kasana, Ld counsel for the appellant joined through VC.
Sh. Kunal Kalra, Id counsel for the proposed applicant/intervener joined through VC.

Submissions heard. File perused.

An application under Order I rule 10 CPC filed on behalf of the intervener. Let the copy of the same be supplied.

Reply, if desired, to this application be filed with advance copy to the other side.

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 **08.09.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant i.e. DDA Flat no G-36, Pkt. G, Sarita Vihar, New Delhi in pursuance of the

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demolition order dated 31.07.2026. 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
17.08.2026

A.No. 721/26
Anuj Mehta and Anr. vs. MCD

17.08.2026

Fresh appeal received. It be checked and registered.

Present : Sh. Jatin Chaudhary, Ms. Priyanka Bhardwaj, Sh. Mayank and Sh. Arun Maan, Ld counsels for the appellant.

Submissions heard. File perused.

Issue notice of interim application(s) as well as appeal to the respondent/MCD through concerned Chief Law officer and also to the private respondent(s), if any.

The Executive Engineer (B) is directed to ensure the presence of the concerned AE(B), who shall appear in person along with the record of the proceedings, status report and reply on next date of hearing.

Put up for arguments on interim application(s) and appeal on **09.09.2026**.

Till next date of hearing, no coercive action be taken against the property of appellant i.e. first and second floor of the property bearing no. 74-B, Shahpur Jaat, New Delhi, in pursuance of the demolition order dated 31.07.2026. 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

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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
17.08.2026

A.No. 318/26

17.08.2026

Present : Sh. Armaan Monga, Ld counsel for the appellant. Memo of appearance filed.
Ms. Dhvani Katyal, Ld counsel for the respondent joined through VC. along with Sh. B. Srinivas, AE(B). Fresh Vakalatnama filed, same is taken on record

Status report is filed by the MCD, copy supplied.

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

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

At request, put up for arguments on **07.10.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 330/26

17.08.2026

Present : Sh. Imran Ahmad, Ld counsel for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent joined through VC along with Sh. Vaibhav Sanwal, Adv. Fresh Vakalatnama filed, same is taken on record

Status report is filed by the MCD, copy supplied.

Record has not been submitted.

Let the same be filed within 2 weeks from today. It can be inspected by the counsel for the appellant.

At request, put up for arguments on **05.11.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 349/26

17.08.2026

Present : Sh. Divya Kumar Kaushik and Sh. Kumar Srijit, Ld
counsels for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld counsel for the respondent seeks pass-over as the
concerned MCD official is on his way.

Ld counsel for the appellant requests that matter be listed
at 2.00 pm as he has a matter before Hon'ble High Court.

Ld counsel for the respondent submits that he is not
available at 2.00 pm.

Infacts, put up for arguments on **09.10.2026**. Record be
submitted by the respondent in the meantime.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 552/26 & 425/26

17.08.2026

Present : Sh. Aagam Jain, Ld counsel for the appellant.
Sh. Paras Aggarwal, Ld counsel for the respondent in appeal no. 552/26. Fresh Vakalatnama filed, same is taken on record.
Sh. Ashutosh Gupta, Id counsel for the respondent in appeal no. 435/26.
Sh. M.M. Aggarwal, Id counsel for the intervener in appeal no. 425/26.

Arguments on maintainability of the application under order 1 Rule 10 CPC heard in appeal no. 425/26.. 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
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dismissed. However, the applicant is permitted to file the documents, if any and to orally argue the matter at the final arguments stage.

At request made by the counsel for the appellant as senior counsel is not available today due to ill-health, 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
17.08.2026

A.No. 558/26

17.08.2026

Present : Sh. J.M. Kalia, Ld counsel for the appellant.
Sh. Varun Sharma, Ld counsel for the respondent. Fresh Vakalatnama filed, same is taken on record/

Status report is filed by the MCD, copy supplied.

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

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

At request, 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
17.08.2026

A.No. 593/26

17.08.2026

Present : Sh. Ankush Chauhan, Ld. proxy counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent along
with Ms. Mithlesh Kumar, AE(B).

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.

Ld. proxy counsel for the appellant seeks time to go
through the status report and to inspect the record and to
argue the matter.

The respondent was directed to inspect the property and
to file rough map showing the exact construction at site.
The status report along with photographs and rough
estimate construction at site, show that the ground floor
and the first floor are in complete variation to the
construction shown by the appellants in their affidavits
filed along with the appeal.

At ground and first floor, there exists only one hall on the
entire floor and contrary to it, the appellants have
mentioned the construction of dwelling units at the ground
and first floor. The appellants are directed to explain why
the complaint for perjury should not be initiated against

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them before the concerned criminal court and for filing a false affidavit in the court, the interim protection dated 14.07.2026 should not be vacated.

Main counsel is stated to be not available today.

Put up for arguments on the aforesaid two aspects 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
17.08.2026

A.No. 656/26 & 160/26

17.08.2026

Present : Sh. Kislaya Parashar, Ms. Sonu Gautam and Sh. Ankit Kumar, Ld counsels for the appellant.
Sh. Atul Tanwar, Ld counsel for the respondent in appeal no. 656/26 joined through VC. Fresh Vakalatnama filed, same is taken on record.
Sh. Ashutosh Gupta, Id. counsel for the respondent in appeal no. 160/26.

Status report is filed by the MCD in appeal no. 656/26, copy supplied.

It is stated by the Id counsel for the respondent that record of both the proceedings has already been attached with appeal no. 160/26.

Part arguments heard.

Let the MCD to produce the proof of service of the show cause notice dated 11.03.2025 stated to be served through pasting, on the next date of hearing.

Appellant is also directed to file the affidavit whether there is any family member, relative or a tenant occupant namely Kiran, on the next date of hearing. The appellant is also directed to bring the electricity bills from February to April 2025 on the next date of hearing.

At request, put up for further arguments on **22.09.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 35/26 (M)

17.08.2026

Present : Sh. Ankit Gupta, Ld counsel for the appellant.

This is an application under Order IX rule 9 CPC seeking restoration of the appeal.

Let notice of this application be issued to the respondent for **01.10.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 117/20
Delhi Nagrik Sehkari Bank Ltd. vs. MCD

17.08.2026

Present : Sh. Anil Kumar, Ld counsel for the appellant along with
Sh. Ravinder Krishan, Supervisor of the Bank.
Sh. Pritish Sabharwal, Id counsel for the respondent/MCD
through VC.
Sh. Anupam Sharma , Ld counsel for the DDA.

Original Authority letter in favour of Sh. Ravinder Krishan
filed.

Ld. counsel for the appellants submits that appellant bank
wants to withdraw the aforesaid appeal and the bank may
be permitted to withdraw the aforesaid appeal with liberty
to approach the MCD for regularization of the
construction in question.

Statement of Sh. Ravinder Krishan, Supervisor of the
appellant bank recorded separately to this effect.

In view of the statement made by the Supervisor/AR of
the appellant bank, the aforesaid appeal stands disposed
off as withdrawn with liberty as per law.

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
17.08.2026

A.No. 290/20, 291/20 & 394/20

17.08.2026

Present : Sh. I.S. Chouhan, Ms. Vandana and Sh. Deepak Grover,
Ld counsel for the appellant along with AR of the
appellant.
Sh. Pritish Sabharwal, Ld counsel for the respondent
through VC.

Appellant has moved three separate applications in these
three appeals to place on record the additional
documents under Order VII rule 14 CPC.

Ld counsel for the respondent submits that he has not
been supplied the advance copy of the said application.

Extra copies of the applications be placed on record in
appeal no. 290/20. Let the same be collected.

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

Put up for reply and arguments on the aforesaid
applications as well as appeal 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
17.08.2026

A.No. 580/22

17.08.2026

Present : Sh. Dushyant, husband of the appellant in person.
Sh. V.K. Aggarwal, Ld counsel for the respondent.

It is stated for the appellant that the previous counsel has handed over the brief yesterday and the appellant seeks some time to engage a new counsel.

At request, put up for arguments on **28.10.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 187/23

17.08.2026

Present : Sh. R.N. Dubey, Ld counsel for the appellant joined through VC along with appellant in person.
None for the respondent.
None 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.

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

No adverse order is being passed today.

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

Put up for arguments on the appeal on **04.11.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 192/23, 193/23, 528/24, 680/24 & 707/24

17.08.2026

Present : Sh. G.R. Verma, Sh. H.K. Sharma and Ms. Sonu Lohia, Ld counsels for the appellant along with some of the appellants.
Sh. Subham Mishra, Ld. Proxy counsel for Sh. Jai Subhash Thakuar, in appeal no. 193/23.
Sh. V.K. Aggarwal, Ld counsel for the respondent in appeal no. 192/23 & 193/23.
Ms. Vasu Singh, Id. counsel for the respondent in appeal no. 528/24 through VC.
Sh. Ashutosh Gupta, Id. counsel for the respondent in appeal no. 680/24 & 707/24.
Intervener Ms. Sangita Tyagi in person.
Sh. Praduman Tomar, JCA, from Assessment and Collection Department in appeal no. 707/24 along with record.

Arguments heard 192/23, 193/23, 528/24 and concluded.

Part arguments heard in appeal 680/24 & 707/24.

At request made by the Id counsel for the appellant, put up for arguments in these two appeals bearing no. 680/24 & 707/24, 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
17.08.2026

A.No. 386/23

17.08.2026

Present : Ms. Anchal Upadhyay, Ld. Proxy counsel for the appellant.
Sh. Pritish Sabharwal and Sh. Sanjeet Kumar, Ld counsels for the respondent joined through VC.

An adjournment is sought on behalf of the appellant as main counsel Sh. Sanjay Sharma is held up before Hon'ble High 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 **16.11.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 589/23, 590/23, 591/23 & 592/23
Mohinder Kumar Chadha & Ors. Vs. MCD

17.08.2026

Present : Sh. Sanjeev Nasiar, Ld. counsel for the appellant joined through VC along with Sh. Dalip Rastogi, Advocate in person.
Sh. V.K. Aggarwal , Ld counsel for the respondent.

Arguments heard at length.

1. The appellants who are the successor of Late Smt. Chander Prabha Chadha have challenged the demolition order dated 22.07.2020 in appeal no. 589/23, the demolition order dated 18.03.2020 in appeal no. 591/23, the sealing order dated 22.07.2020 in appeal no. 590/23 and the sealing order dated 26.08.2020 in appeal 592/23 in respect of unauthorized construction in the properties no. 13/18, 13/19, 13/20 and 13/21, Dakshin Puri Extension, New Delhi.
2. The appellants have challenged these orders primarily on the ground that none of the show cause notices nor the impugned orders were served upon the appellants. It is also claimed that the construction is old and is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.

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3. Ld counsel for the respondent/MCD on the other hand argued that the appellants have amalgamated 8 residential properties into one commercial property. The actual size of each property is around 20 sq. mtr. and after amalgamating 8 properties a huge commercial property has been built up against the sanction guidelines of DUSIB who allotted 20 sq. mtr. plots for residential purposes and therefore the appeals should be dismissed.
4. I have perused the record. The respondent vide show cause notice dated 06.03.2020 u/s 344/343 of the DMC Act booked the unauthorized construction in these properties in the shape of basement, ground and first floor followed by the demolition order dated 18.03.2020. The appellants did not stop the unauthorized construction and the respondent vide fresh show cause notice dated 14.03.2020 booked unauthorized construction in the shape of second and third floor in continuation of previous booking and passed second demolition order dated 22.07.2020.
5. Similarly, the first show cause notice u/s 345A of the DMC Act dated 10.06.2020 was issued followed by the sealing order dated 22.07.2020 in respect of unauthorized construction of the basement, ground and first floor and subsequently the second show

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cause notice dated 10.08.2020 was issued followed by the sealing order dated 26.08.2020 in respect of second and third floor.

6. However, both the show cause notices u/s 344/343 DMC Act have been reported to be served through pasting but there is no proof of pasting.
7. The Commissioner, MCD in its circular itself has given certain directions for service through pasting vide circular dated 15.04.2010 Which is as under :-

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

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

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

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

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

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

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8. In view of the same, it cannot be believed that the show cause notices were served through pasting as neither there is any photographs nor any witness to the same. Similarly, there is no proof of service of the two notices u/s 345A of the DMC Act. Service of show cause notice is mandatory for sustaining the demolition and the sealing order.
9. The respondent has failed to show that the show cause notices were served and the opportunity of reply and personal hearing was provided to the appellants.
10. In these facts, the four impugned orders are set aside with directions to the respondents to pass fresh speaking orders after considering the reply and documents to be submitted by the appellants and after giving personal hearing to the appellants. The appellants shall appear before the Quasi Judicial Authority on 01.09.2026 at 2.00 pm and will not seek any adjournment and the speaking orders be passed within 6 weeks of conclusion of the hearing. The impugned orders be considered as show cause notices. However considering the fact that 8 residential properties allotted by DUSIB measuring 20 sq. mtr. each have been amalgamated and have been converted into commercial use, the properties shall

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remain sealed during the fresh hearing and shall be desealed only if the respondent chose not to pass any further order for demolition and sealing of the property. The respondent shall decide the matter strictly within 6 weeks as directed hereinabove.

11. All the appeals stand disposed of.

12. 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
17.08.2026

A.No. 637/23

17.08.2026

Present : Sh. Mukesh Sharma, Ld. Proxy counsel for the appellant.
Sh. Harsh, Ld. Proxy counsel for Sh. Mahender, Id counsel for the respondent/MCD.
Sh. C. Mukand and Sh. Gaurav Kumar Singh, Id counsel for the respondent no. 2
Sh. Nagender Yadav, Id counsel for the respondent no. 3 joined through VC.

An adjournment is sought on behalf of the appellant as main counsel Sh. Amit Punj is not well today.

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 **05.11.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 685/24

17.08.2026

Present : Sh. Shahbaz Ahmad Naik, Ld. counsel for the appellant.
Sh. Ashutosh Gupta , Ld counsel for the respondent.

An adjournment is sought on behalf of the appellant as he has to seek instructions from the appellant in respect of second and third floor of the property. .

In the interest of justice one more opportunity is granted to the appellant to do the needful in this regard.

Put up for arguments on **20.11.2026**.

There is no interim protection in the matter.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 36/25

Saurabh Jain and Anr. Vs. MCD

17.08.2026

Present : Sh. Saurabh Jain, Ld counsel for the appellant.
Sh. Ashutosh Gupta, Ld counsel for the respondent.

The appellant submits that he wants to withdraw the aforesaid appeal and he may be permitted to withdraw the aforesaid appeal.

Statement of the appellant recorded separately to this effect.

In view of the statement made by the appellant, the aforesaid appeal is dismissed 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
17.08.2026

A.No. 77/25

17.08.2026

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

None has appeared for the respondent despite calls.
Status report not filed despite directions vide order dated 29.07.2025.

Let the Executive Engineer be present in person with report on the next date of hearing.

Put up for arguments on **30.11.2026**.

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
17.08.2026

A.No. 577/25

17.08.2026

Present : Ms. Geetanjali Sharma, Ld counsel for the appellant joined through VC.
Sh. Sagar Kumar, Ld counsel for the respondent joined through VC along with proxy counsel in person.

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

An adjournment is sought on behalf of the appellant as main counsel Sh. R.P. Raikwar 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 the next date of hearing.

Put up for arguments on **16.11.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 771/25

17.08.2026

Present : Sh. Shalok, Ld. proxy counsel for the appellant.
Sh. Sagar Kumar, Ld counsel for the respondent joined through VC.

An adjournment is sought on behalf of the appellant as main counsel Sh. Varun Dhingra is not available today due to demise of his grand mother-in-law.

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 **16.11.2026**.

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

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 881/25

17.08.2026

Present : Sh. Neeraj Kumar, Ld counsel for the appellant.
Sh. Sagar Kumar, Ld counsel for the respondent joined through VC alongwith Sh. Rakesh Kumar, JSA, Shahdara North Zone, MCD.

Part arguments heard.

It is stated by the Sh. Rakesh Kumar, JSA that the jurisdiction lies with Judicial Committee appointed by the Hon'ble Supreme Court of India and not before this Tribunal.

The appellant claims that he initially approached the Judicial Committee from where he was directed to file appeal before this Tribunal.

MCD is directed to file status report in this regard.

Put up for awaiting status report for **10.09.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 138/26

17.08.2026

Present : Ms. Priya, Ld. Proxy counsel for the appellant joined through VC.

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

Sh. Narender Chauhan, Id counsel for the respondent no. 3 to 8 joined through VC.

Reply to interim application filed. Copy placed on record
Ld. proxy counsel for the appellant submits that the appellant wants to withdraw the aforesaid appeal.

At request, put up for recording the statement qua withdrawal of the appeal on **21.08.2026**.

(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD
17.08.2026

A.No. 159/26

Ashok Kumar Vs. MCD

17.08.2026

Present : Sh. Lankush Batham, Ld counsel for the appellant along with appellant
Sh. Avishek Kumar, Ld counsel for the respondent joined through VC.

Arguments heard.

1. This is an appeal challenging the demolition order dated 10.09.2025 passed in respect of unauthorized construction in the shape of ground and first floor with projections on municipal land in property No.2146, Gali No.10, Kailash Nagar, Gandhi Nagar, Delhi.
2. The appellant has challenged this order primarily on the ground that the show cause notice was never served and further the construction is old and occupied and prior to 08.02.2007 and is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. The appellant in this regard has relied upon the sale deed and property tax return.
3. Ld. counsel for the respondent on the other hand argued that the appellant joined the proceedings before the Quasi Judicial Authority and was provided the opportunity of personal hearing and the principles of natural justice were duly followed. Further, it was

Contd...2/-

: 2 :

stated that the property tax return of 1996 is not of the subject property. The mother of the appellant sold the remaining portion of the property and was in possession of only 40 sq. yds which has been re-built and therefore, this construction is after 08.02.2007 and is not protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.

4. I have perused the record. Even as per the case of the respondent, the show cause notice was not served upon the appellant and only the notice of personal hearing which was pasted at the property was served. The appellant thereafter appeared before the Quasi Judicial Authority and submitted the sale deed of the property which is in the name of the mother of the appellant and thereafter the impugned order was passed.
5. The office record shows that the property was booked because of a case against the appellant under Narcotics Act and it was not a case of ongoing construction. The house tax record duly verified by the MCD shows that there was a hall each at ground and first floor in the property as on 01.04.1996. The other portion of the property has four rooms and verandah at ground floor and a room at the first floor.

Contd...3/-

: 3 :

6. The second and third floor of the property has a hall each on both the floors. This construction is quite old and much prior to 08.02.2007.
7. In these facts, the appellant has shown that the property is existing prior to 08.02.2007 and is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.
8. In these facts, the demolition order dated 10.09.2025 is upheld but is kept in abeyance in respect of property of the appellant till this Act is in force. The respondent is at liberty to take action once the Act ceases to be in force. Appeal stands disposed of.
9. 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
17.08.2026

A.No. 536/23

17.08.2026

Present : Sh. Abhinav Kumar, Ld counsel for the appellant joined through VC.
Sh. Ashutosh Gupta, Ld counsel for the respondent no. 1.
Ms. Divyanshi Saxena, Id counsel for the respondent no. 2 joined through VC.

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
17.08.2026