

**IN THE COURT OF SH. ABHILASH MALHOTRA:**  
**ADDL. DISTRICT & SESSIONS JUDGE-CUM-PRESIDING OFFICER,**  
**APPELLATE TRIBUNAL, M.C.D., DELHI.**

**APPEAL NO. 53/ATMCD/2025**

**Smt. Rajwati**  
**S/o Sh. Jagdish**

**Sh. Jagdish**  
**S/o Shri Nathur Singh,**

**Both R/o House No.420, C-Block,**  
**Near MCD School, Begumpur,**  
**Village Begumpur, Delhi.**

**..... Appellant**

**Vs**

**Municipal Corporation of Delhi**  
**(Through its Commissioner)**  
**17<sup>th</sup> Floor, S.P. Mukherjee Civic Centre,**  
**J.L.N. Marg, New Delhi-110002**

**..... Respondent**

<b>Date of Filing of Appeal</b>	<b>:</b>	<b>29.01.2025</b>
<b>Date of judgment</b>	<b>:</b>	<b>01.05.2025</b>

**JUDGMENT**

1. The present appeal has been filed impugning the demolition order dated 13.01.2025 passed in respect of unauthorized construction in the shape of entire ground floor and two rooms at first floor in property bearing Khasra No.462/2, 60 foota Swaroop Nagar Road, Delhi 110084.
2. In the appeal the appellant has taken an objection as to the jurisdiction of the MCD to pass the aforesaid demolition order. In this regard the MCD has filed a detailed status report dated 07.04.2025 before the Tribunal clarifying that the property falls in the extended 'Lal Dora' of Village

Burari and MCD has jurisdiction to take action against any unauthorized construction. Relevant notifications were also filed by the MCD. Upon filing of the said report appellant conceded to the jurisdiction of the MCD and the same is recorded in the ordersheet dated 17.04.2025.

3. It is the case of the appellant that the property in question is an old structure and they were only carrying out repairs in the property. It is submitted that the property has been booked because of the complaint made by Mr. Sunil Khurana against whom the appellants are contesting various other litigations and has also lodged an FIR No.660/22 at PS: Burari. It is submitted that appellants have placed on record title documents as well as electricity bill showing the energization date prior to cutoff date and the said bill is wrongly discarded by the MCD. It is submitted that the order is passed in violation of principles of natural justice.
4. Ld. counsel for MCD submits that the order was passed after following due process of law and considering the reply dated 07.10.2024 filed by the appellant. He submits that the electricity connection / bill relied upon by the appellant was temporary and the said fact is duly mention in the impugned order. He submits that the sale deed dated 02.12.2013 / documents filed by the appellant clearly shows that the appellant bought a piece of land and there was no built up structure which existed on the land. He submits that the structure is entirely new and construction is without any sanction building plan.
5. Arguments heard. Record perused. Perusal of the MCD record shows that MCD issued a show cause notice dated 04.10.2024 to the appellant which was duly replied vide reply dated 09.10.2024. MCD provided hearing to the appellant and thereafter passed a detailed speaking order appreciating all the documents filed by the appellant. Therefore, the

contention that the order has been passed in violation of principles of natural justice is without any merits and rejected.

6. The sale deed dated 02.12.2013 filed by the appellant shows that on the said date appellants have purchased a piece of land. From the documents of appellants it is clear that as on 02.12.2013 no structure existed in the property in question. So far as the electricity bill dated 10.12.2013 is concerned MCD in their impugned demolition order have give a clear finding that said bill is temporary electricity bill. The electricity consumption in bill also shows first bill cycle is from 15.02.2015 to 17.03.2015 i.e. after the cut off date. Apart from that, MCD has placed on record photographs of the property in question showing that a new structure has been raised.
7. From the aforesaid documents on record, it is clear that the appellant had purchased the vacant land and no structure was built up prior to the cut off date. The electricity bill relied upon by the appellant was temporary in nature. The photographs shows that new construction is carried out without obtaining any sanctioned building plan from the MCD.
8. Accordingly, the impugned order does not suffer from any infirmity and upheld. The appeal is dismissed.
9. Record of the respondent, if any, be returned along with copy of this order and appeal file be consigned to record room.

**Announced in the open Court  
today i.e. on 01.05.2025 (J)**

**(ABHILASH MALHOTRA)  
AD&SJ-cum-P.O.  
Appellate Tribunal : MCD Delhi.**