

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

**APPEAL NO. 31/ATMCD/2025**

**Sh. Ashish Jain,  
S/o Sh. Satish Jain,  
R/o G-126, Gali No.26,  
Main Raja Puri Road, Raja Puri,  
Uttam Nagar New Delhi-110059**

**..... Appellant**

**Vs**

**Municipal Corporation of Delhi  
(Through its Commissioner)  
17<sup>th</sup> Floor, Civic Centre,  
Minto Road, New Delhi-110002**

**..... Respondent**

<b>Date of Filing of Appeal</b>	<b>:</b>	<b>14.01.2025</b>
<b>Date of judgment</b>	<b>:</b>	<b>02.05.2025</b>

**JUDGMENT**

1. The present appeal is filed by the appellant impugning the demolition as well as sealing proceedings. On 01.05.2025, the appellant gave a statement that he is pressing the appeal only in respect of demolition proceedings. The appellant has impugned demolition order dated 01.01.2025 passed in respect of unauthorized construction in the shape of ground floor, first floor, second floor, third floor and fourth floor in property Number Adjacent to K-1, 07, Gali No.34, Raja Puri, New Delhi-110059.
2. It is the case of the appellant that the demolition order was not served upon him and he was not provided any opportunity of hearing. It is submitted that the property in question is an old structure and the

appellant is relied upon the documentary evidence including the electricity bill to show that the property is old construction.

3. Ld. counsel for MCD submits that the property is situated in unauthorized colony and there is no sanctioned building plan. He submits that show cause notice as well as demolition order was served by way of affixation as well as by post. Appellant failed to appear despite service and due process of law was followed before passing the order. He submits that the electricity bill relied upon by the appellant is of no relevance as the energization date is after the cutoff date. He submits that the entire structure is new and no documentary evidence of old structure can be relied upon. He submits that the sale deed dated 14.11.2023 filed by the appellant shows that in the year 2023 only the upper ground floor with roof / terrace rights were bought by the appellant. He submits that from the said sale deed it becomes clear that the structure above the upper ground floor has come into picture only after November 2023.
4. I have heard the arguments and perused the record. It is the case of the appellant that the impugned order has been passed without providing an opportunity of hearing to the appellant. Perusal of MCD record shows that the show cause notice as well as demolition order were sent through post and were affixed also. The postal tracking report of the show cause notice is available at page 18 of MCD record which shows that the postal article was delivered. In addition, the photographs of affixation also show the time span as well as geographical coordinates of the property which rules out any ambiguity in respect of service. From the MCD record it is clear that the appellant was served in the matter but choose not to appear before the MCD and therefore, appellant cannot take plea of non-hearing at this juncture in the appeal proceedings.
5. The appellant is relying upon the electricity bill and the other documents to show that the structure is old. The said documents are belied by the

sale deed which was filed by the appellant on record. sale deed dated 14.11.2023 shows that in November 2023 only one floor was there in the property i.e. upper ground floor with terrace. From the sale deed it becomes amply clear that the structure above the upper ground floor has come into picture only after November 2023. The said structure had been erected without any sanctioned building plan and does not fall within the bracket of protection as it has been constructed after the cutoff date.

6. From the aforesaid it is clear that there is no merit in the appeal. Accordingly, the impugned demolition order does not suffer from any infirmity and is upheld. The appeal is dismissed.
7. 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 02.05.2025 (J)**

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