

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

APPEAL NO. 825/ATMCD/2024

1. Smt. Shalini Arora
W/o Sh. Chandan Arora
Available at : 1/777, Nicholson Road,
Kashmere Gate, Delhi -110006

2. Smt. Suman Arora
W/o Sh. Rajesh Arora
Available at : 1/777, Nicholson Road,
Kashmere Gate, Delhi -110006

..... Appellants

Versus

Municipal Corporation of Delhi
(Through its Commissioner)
17th Floor, Civic Centre, Minto Road,
New Delhi-110002.

..... Respondent

Date of Filing of Appeal: 23.09.2024

Date of Judgment : 27.05.2025

JUDGMENT

1. The present appeal has been filed by the appellants impugning the order dated 22.04.2024 by which regularization application moved by the appellants was rejected in respect of property bearing no. 1/777, Nicholson Road, Kashmere Gate, Delhi -110006.
2. It is submitted by Ld. Counsel for the appellants that the property in question was constructed after obtaining a sanctioned building plan. He submits that despite having the sanctioned building plan the demolition and sealing orders were passed by the MCD ignoring the sanctioned building plan. He submits that in order to cut short the controversy, appellants applied for regularization of property which was

rejected by the MCD without passing any order on merits. He submits that thereafter MCD also revoked the sanctioned building plan on 11.06.2024 and in case the regulation proceedings are not revived, the appellants will become remediless.

3. Ld. Counsel for the MCD submits that the regularization application was rejected by the MCD due to non-compliance of I/N dated 11.03.2024. He submits that MCD is willing to re-open the regularization application and consider the same as per law. Statement of Ld. Counsel for the MCD was recorded in this regard on 13.05.2025.
4. I have heard Ld. Counsel for the parties and perused the record. A perusal of the impugned order shows that regularization application was not decided on merits and was rejected due to non-compliance of I/N dated 11.03.2024. MCD has agreed to re-open the regularization application and to consider the same afresh as per law.
5. In view of the statement given by Ld. Counsel for the MCD in the Tribunal, the impugned order dated 22.04.2024 is set aside with directions to the MCD to re-open the regularization application and consider the same as per law after providing opportunity of hearing to the appellants.
6. The appellants shall appear before the Quasi Judicial Authority of MCD on **10.06.2025 at 12.30 PM**. The Quasi Judicial Authority shall provide an opportunity to appellants to submit reply and also grant them personal hearing.
7. The Quasi-Judicial Authority thereafter shall pass a speaking order after dealing with all the submissions, pleas and defenses raised by appellants and shall communicate the said order to appellants. The appellants shall however not raise any unauthorized construction in the said property.

8. The file of the respondent be send back along with copy of this order. Appeal file be consigned to record room after due compliance.

**Announced in the open Court
today i.e. on 27.05.2025 (s)**

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