

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

**APPEAL NO. 436/ATMCD/2023**

Sh. Jagmohan Singh  
(Senior Citizen, Aged about 73 yrs.)  
S/o Mr. Puran Singh Bhatia  
R/o A-705, Ground Floor,  
Sarita Vihar, New Delhi-110076.  
9958812622-M

.....**Appellant**

**Vs**

Municipal Corporation of Delhi  
(Through its Commissioner)  
Dr. S.P.M. Marg, Civil Centre,  
Minto Road, Delhi.

..... **Respondent**

**Date of Filing of Appeal : 12.07.2023**

**Date of Order : 16.07.2025**

**JUDGEMENT**

1. The present case is filed against the demolition order dated 19.06.2023 passed under Section 343 of The Delhi Municipal Corporation Act, 1957 (hereinafter referred as DMC Act, 1957) in respect of property bearing no. A-705 (Ground Floor), Pocket-A, DDA Flat, Sarita Vihar, New Delhi wherein booking of unauthorized construction in the shape of extension of roof on front courtyard till corner of living room and store room in rear open area.
2. It is the case of the appellant that MCD has wrongly alleged the unauthorized construction in his property i.e. DDA flat at ground floor. He submits that the present proceedings are offshoot of the complaint and writ petition which was filed by the appellant against owner of flat at first floor. He submits that the courtyard in

question was covered when the appellant purchased the property and the structure is old and protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.

3. In respect of the application under Section 5 of Limitation Act, it is submitted that impugned order was received by appellant on 20.06.2023 and thereafter on the directions of Hon'ble High Court of Delhi vide order dated 28.06.2023 in WP(C) No. 8632/2023 appellant filed the present appeal.
4. Ld counsel for MCD submitted that appeal suffers from delay and is time barred. He submits that the impugned order is passed after following due process of law. He submits that appellant has failed to place on record any concrete documents to show that the structure is old and protected. He submits that MCD record contains the copy of DDA standard plan which shows that the courtyard is open and is unauthorized is covered by the appellant.
5. I have heard Ld counsel for both the parties and perused the record. So far as the question of limitation period is concerned, it is clear from the record that appellant was initially seeking the relief from the Hon'ble High Court of Delhi and by order dated 28.06.2023 in WP(C) 8632/2023, the Hon'ble High Court of Delhi disposed off the writ petition with liberty to the appellant to approach this Tribunal and thereafter the present appeal was filed on 13.07.2023. The appellant has been able to tender sufficient reasons explaining the delay and accordingly the application is allowed and the delay is condoned.
6. It is the case of the MCD that appellant has extended the roof on front courtyard till corner of living room and store room in rear area. The DDA standard plan is available in the MCD record which shows that the courtyard is an open space. The photograph filed by the appellant at (Page-37) clearly shows that the courtyard is covered. Appellant has placed on record the water bill and electricity bill etc. which does not reflect on the nature of construction and no documents is filed by the appellant to show that the structure is old and protected. It is clear that the structure in question is not sanctioned and constructed in violation of DDA standard plan and unauthorized.

7. In view of the aforesaid facts and circumstances the present appeal is dismissed and demolition order dated 19.06.2023 is upheld. The record of the respondent be send back alongwith copy of this order. Appeal file be consigned to record room after due compliance.

**Announced in the open Court  
today i.e. on 16.07.2025 (V)**

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