

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

APPEAL NO. 831/ATMCD/2015

1. Ajay Kumar
S/o Sh. J.C. Goel,
Partner of M/s Shiv Shakti Construction and Developers
108, Second Floor, Patparganj Village,
Delhi-110091.
Also at- 141/2, Patparganj Village, Gharonda,
Neemka Bangar,
Delh-110091.

2. M/S. Shiv Shaktri Construction and Developers (Regd.)
(Registration No.1396),
Registered Office: 108, 2nd Floor,
Patparganj Village,
Delhi-110091.

.....Appellant

Vs

East Delhi Municipal Corporation
(Through its Commissioner)
Shahdara South Zone .

..... Respondent

Date of Filing of Appeal	:	05.10.2015
Date of Order	:	28.10.2025

APPEAL NO. 490/ATMCD/2023

1. Ajay Kumar
S/o Sh. J.C. Goel,
Partner of M/s Shiv Shakti Construction and Developers
108, Second Floor, Patparganj Village,
Delhi-110091.
Also at- 141/2, Patparganj Village, Gharonda,
Neemka Bangar,
Delh-110091.

2. M/S. Shiv Shaktri Construction and Developers (Regd.)
(Registration No.1396),
Registered Office: 108, 2nd Floor,
Patparganj Village,
Delhi-110091.

.....Appellant

Vs

Municipal Corporation of Delhi
(Through its Commissioner)
Civic Centre, Minto Road,
New Delhi.

..... **Respondent**

Date of Filing of Appeal	:	01.08.2023
Date of Order	:	28.10.2025

JUDGEMENT

1. The property of the appellant bearing No.171, Village Patparganj is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 till 31.12.2026 for the construction existing as on 01.06.2014. The property was sealed on 09.01.2014 which order has been challenged in appeal No.831/15. Subsequently the demolition order dated 08.05.2013 was passed which has been challenged after amendment in appeal No.490/23.

2. Ld. counsel for the respondent have strongly contended that both the appeals are barred by limitation and there are no ground to condone the delay.

3. As far as appeal No.831/15 is concerned, as per the condonation application same was filed after coming into force of National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 on 29.12.2014. The appeal was filed on 05.10.2015 and in these facts I am inclined to condone the delay in filing this appeal.

4. As far as the appeal No.490/23 is concerned, the appellant in appeal No.831/15 has sought stay of the operation of the notice issued under section 343 and 344 of the DMC Act. Later these two prayers were deleted on 18.11.2022 when my predecessor was of the opinion that appeal seeking two reliefs is not maintainable and thereafter appeal No 490/23 was filed against the demolition order dated 08.05.2013. Though this appeal was filed on 01.08.2023 after about 8 months and 12 days but considering that efforts should be made to decide the case on merits and in view of the **judgment of Delhi High Court passed in**

Jubeda Begum Vs Municipal Corporation of Delhi 2024 SCC OnLine Del 4890,
I am inclined to condone the delay.

5. Coming to the merits of the case. In view of the notification National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 the property is protected from any action as far as the status of the property on 01.06.2014 is concerned till 31.12.2026 and therefore, the demolition order dated 08.05.2013 is set aside. As far as appeal No.831/15 is concerned the property was booked and sealed for unauthorized construction and the appellant has failed to submit any sanctioned building plan authorizing him to raise the construction. The appellant is also required to maintain the status quo when the property was sealed on 09.01.2014 and it has already been observed in the order dated 06.06.2017 that the property cannot be de-sealed as same is under construction and cannot be used for human habitation and if the same is done it will violate the status quo provided in National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.

6. In view of the same the appeal bearing No.831/15 seeking desealing of the property is dismissed. Parties shall maintain status quo till National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 is in force or till the appellant obtains the sanctioned building of the property. Both the appeals are disposed off.

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 28.10.2025**

**(AMIT KUMAR)
Addl. District & Sessions Judge-cum-P.O.
Appellate Tribunal, Delhi.**