

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

**APPEAL NO. 451/ATMCD/25**

**APPEAL NO. 476/ATMCD/25**

**Sh. Chandan Lal  
S/o Late Ram Parsad Yadav  
R/o WZ-92-B-1  
(In Khasra No.434 Min),  
Village Todapur,  
New Delhi-110012.**

**..... Appellant**

**Vs**

- 1. Municipal Corporation of Delhi.  
Through its Commissioner,  
Civic Centre, Minto Road,  
New Delhi.**
- 2. The Asstt. Engineer (Building)  
Office of the Assistant Engineer (Building),  
Municipal Corporation of Delhi,  
Karol Bagh Zone, Anand Parbat,  
New Delhi: 110005.**

**.....Respondent**

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|---------------------------------|----------|--|
| <b>Date of Filing of Appeal</b> | <b>:</b> | <b>10.07.2025<br/>&amp; 18.07.2025</b> |
| <b>Date of Order</b>            | <b>:</b> | <b>28.10.2025</b>                      |

**ORDER**

1. Vide this order I will dispose of the applications filed by the appellant seeking condonation of delay of 1000 days in appeal No.451/25 and of 1186 days in appeal No.476/25.
2. The brief facts necessary for disposal of these two applications are that in appeal No.451/25 the appellant has challenged the demolition order dated 29.09.2022

whereas in appeal No.476/25 the demolition order dated 07.07.2021 has been challenged. It is stated in these applications that the appellant is entitled to exclude the period from 15.03.2020 to 28.02.2022 from the period of limitation in view of the judgment of the Hon'ble Supreme Court of India passed in suo-moto writ petition No.3/2020. Further the appellant was advised by Assistant Engineer that since the construction is of 76.5 sq.yds. only, the same is duly covered under unified building bye-laws 2016 and there is no need to challenge the demolition order and also because one Om Parkash Yadav had filed a suit against the appellant which was withdrawn on 22.05.2025 and also therefore, the delay should be condoned. Reliance was also placed on the judgment of Hon'ble High Court passed in **Jubeda Begum Vs MCD 2024 SCC Online, Delhi 4890**.

3. Ld. counsel for the respondent on the other hand argued that the delay in both the cases is substantial. The grounds raised by the appellant are flimsy and the judgment relied upon is on different facts.
4. Record shows that in both the cases the appellant has not challenged the service of notices. The appellant therefore, was well aware since passing of the demolition orders on 07.07.2021 and 29.09.2022. The appellant claims that the concerned AE(B) asked him not to file the appeal. This ground is without any basis since the demolition order was passed by the respondent itself and an officer of the respondent advised the appellant to not to file the appeal is unbelievable. Further one Om Parkash filed a suit against the appellant on 16.03.2022. By that time the demolition order dated 29.09.2022 and its show cause notice dated 06.09.2022 were not even in existence and the explanation furnished by the appellant that because of that suit, he did not file appeal is meritless. Filing of civil suit by one Om Parkash Yadav against the appellant has no relation with the demolition order under challenge. In that suit it was prayed that an area of 20X36 feet adjacent to the house of the parties be declared as public street and the encroachment by the appellant in the public street be demolished. That has nothing to do with these two demolition orders which are in respect of unauthorized construction on ground, first, second and third floor. The delay in both the cases admittedly is of more than 1000 days. In the

judgment relied upon by the appellant passed in Jubeda Begum (Supra) is on different facts. In that case the appellant claimed that her son was harassing her and the said son even appeared in the court and opposed the application of his mother. In those facts the Hon'ble High Court was pleased to condone the delay of 173 days in filing the appeal. The facts before this court are different. Here a neighbour of the appellant Om Parkash Yadav filed suit that too after the demolition order dated 29.09.2022 and that too in respect of some alleged encroachment on the public land. How that litigation can affect the non filing of the appeal in these two cases is beyond comprehension. In these facts I do not find any reason to condone the delay in both the appeals, both the applications are dismissed. Accordingly, both the appeals are dismissed.

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 Judge-cum-P.O.  
Appellate Tribunal : MCD Delhi**