

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

**APPEAL NO. 439/ATMCD/17**

**Sh. Hitesh Dawar,  
S/o Sh. Jai Bhagwan Dawar,  
R/o 841, Mantola, Paharganj  
Delhi-110055.**

**..... Appellant**

**Vs**

- 1. North Delhi Municipal Corporation,  
Through its Commissioner,  
Civic Centre, Delhi 110002**
- 2. Sh. Puran Chand Dawar,  
S/o Late Ram Chander Dawar,  
R/o 839-840, Mantola, Paharganj,  
Delhi-110055**
- 3. Sh. Sumit Dawar,  
S/o Sh. Puran Chand Dawar,  
R/o 839-840, Mantola, Paharganj  
Delhi-110055**
- 4. Sh. Ram Gopal  
S/o Sh. Peshi Ram  
R/o 508/2, Mantola, Paharganj,  
Delhi-110055**
- 5. Smt. Sukeshni Aggarwal  
W/o Sh. Ram Gopal,  
R/o 508/2, Mantola, Paharganj,  
Delhi-110055**

**.....Respondent**

**Date of Filing of Appeal : 02.06.2017**  
**Date of Order : 29.10.2025**

## **ORDER**

1. Ld. counsel for the appellant has filed an application seeking waiver of cost dt. 21.03.2025. It is stated that counsel could not appear because of elections of Delhi Bar Association on 21.03.2025 and the cost should be waived. Record shows that counsel for appellant did not appear despite waiting till 3.35 PM whereas the counsel for appellant and respondent no. 2 waited for him. The counsel for the appellant should have appeared after casting his vote and therefore there is no ground to waive the cost. Let the cost be paid today itself.
2. Arguments heard on the application seeking condonation of delay in filing the appeal as well as locus of the appellant to file this appeal. It is argued for the appellant that copy of the sanction plan in favour of respondent no. 2 was provided to the appellant in March 2017 and this appeal was filed on 31.05.2017 with a delay of about 62 days which occurred as respondent MCD passed a demolition notice against the property of the appellant and because of that the delay occurred and same should be condoned. On the locus aspect it was argued that appellant is residing in adjoining property and his right and interest have been affected because of the sanction building plan issued in favour of respondent no. 2 and the appellant has every right to challenge the same.
3. Ld. counsels for the respondents on the other hand argued that the father of the appellant is the owner of adjoining property and not the appellant. The father of the appellant has no grievance against the sanction building plan issued in favour of respondent no. 2 and appellant has no locus to file this appeal. On the aspect of limitation it was stated that appellant had knowledge since 27.04.2015 about the sanction plan and the appeal is barred by 736 days and there are no grounds to condone the delay.
4. As far as the aspect of limitation is concerned, the appellant himself has filed documents showing that complaint was made by him on 27.04.2015 against the sanction building plan given to respondent no. 2. These

complaints were sent to President of India, Prime Minister of India, Home Minister of India, Lt. Governor of Delhi and to various authorities of MCD. The appellant as such admittedly have knowledge of the sanction plan since 27.04.2015. In the application seeking condonation of delay it has been wrongly claimed that the knowledge was gained only in March 2017. The appellant has not approached the court with true facts. The delay is of 736 days and not 62 days as alleged by the appellant. The delay is unexplained and cannot be condoned.

5. Coming to the locus of the appellant. Record shows that in a dispute between the father of the appellant and respondent no. 2, the matter was settled between the brothers before Hon'ble High Court 98/1977 and property no. 839 – 840, Mantola, Paharganj came to the share of respondent no. 2 whereas property no. 841 came to the share of father of appellant who is owner of 841. The father of the appellant as an owner of property no. 841 has not challenged the sanction building plan given in respect of property no. 839-840 in favour of respondent no. 2.
6. The appellant is not the owner of property no. 841 and cannot have any grievance against sanction building plan of property no. 839 and 840.
7. In view of this discussion, neither the delay can be condoned nor appellant has any locus to file this appeal.
8. The appeal is dismissed being barred by limitation and also because of no locus standi of the appellant.

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 29.10.2025**

**(AMIT KUMAR)  
Addl. District Judge-cum-P.O.  
Appellate Tribunal : MCD Delhi**