

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

APPEAL NO. 407/ATMCD/2019

1. Smt. Anju Bansal,
W/o Shri Manoj Kumar Bansal,

2. Shri Manoj Kumar Bansal,
S/o Late Shri Ghanshyam Dass Mittal,
R/o C-9/107, Sector 8, Rohini,
Delhi-110085

.....Appellants

Vs

North Delhi Municipal Corporation
(Through its Commissioner)
Civic Centre, Minto Road,
New Delhi-110002

..... Respondent

Date of Filing of Appeal : 09.07.2019
Date of Order : 31.10.2025

APPEAL NO. 408/ATMCD/2019

Shri Prem Chand Goyal,
S/o Shri Roop Ram Goyal,
R/o HD-18, Pitampura,
Delhi-110034
Through attorney Shri Parvesh Geol
S/o Shri Prem Goel, R/o HD-18, Pitampura,
Delhi-110034

.....Appellants

Vs

North Delhi Municipal Corporation
(Through its Commissioner)
Civic Centre, Minto Road,

New Delhi-110002

..... Respondent

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JUDGEMENT

1. Ld. counsel for the appellant has stated that personal hearing was given to the appellant by an officer, who did not pass the impugned order and the impugned order was passed by the officer, who did not hear the Appellant. On this technical ground, the impugned order has been challenged and the reliance has been placed on the judgment dated 22.12.2020 of the Hon'ble High Court in CM (M) No. 500/2020 titled as '***Sudesh Kumar Vs. South Delhi Municipal Corporation***'.

2. I have gone through the official record.

3. The personal hearing was given to the appellant by one Sh. Purushottam Meena, the then AE(B), who closed the hearing on 30.07.2018. Thereafter, the respondent sought some clarifications from the DDA and thereafter the impugned order was passed by Sh. O.S. Rana, the subsequent AE(B). The same was in violation of the directions of the Hon'ble High Court given in judgment of Sudesh Kumar (supra) as relied upon by the appellant. The Hon'ble High Court in para 4 of the said judgment observed that the order passed by an officer who did not hear the petitioner, is prima-facie not sustainable.

4. For this reason, the impugned demolition order dated 26.11.2018 passed in respect of the shops no. 5 and 6 along with courtyard and stalls, of JD Block Market, Pitam Pura, is set aside.

5. The respondent is directed to give personal hearing to the appellant and thereafter, are required to ensure that the order be passed by the same officer, who gave personal hearing as required under law.

6. The appellant shall appear before the respondent on 26.11.2025 at 2.00 pm and after giving opportunity of personal hearing and file reply/documents if any, the Quasi Judicial Authority shall pass orders within 4 weeks from the date of conclusion of the hearing.

Both the appeals are allowed.

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 31.10.2025**

**(AMIT KUMAR)
Addl. District & Sessions Judge
P.O.: Appellate Tribunal, MCD**