

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

APPEAL NO. 1078/ATMCD/24

In the matter of :-

**Mr. Sachin Tyagi
S/o Lt. Sh. Hans Tyagi
R/o H. No. 612, Near Patwar Ghar,
Burari Village,
Delhi-110084.**

..... Appellant

Vs

**Municipal Corporation of Delhi
Through its Commissioner,
17th Floor, Civic Centre,
Minto Road, Delhi-110002.**

.....Respondent

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| Date of Filing of Appeal | : | 17.12.2024 |
| Date of Order | : | 31.10.2025 |

ORDER

1. This is an appeal challenging the demolition order dated 05.12.2024 passed in respect of property bearing Khasra no. 5/22, 100 foota Road, Burari Road, Nathupura, Delhi-110084. The brief facts necessary for disposal of this appeal are that a show cause notice dated 18.09.2024 was issued against this property followed by demolition order dated 25.09.2024. This order was challenged by the appellant in Writ Petition before the Hon'ble High Court and the writ petition was allowed on 01.10.2024 with directions to the respondent to pass fresh order after considering the reply of the appellant.

The respondent thereafter provided personal hearing to the appellant and passed the impugned demolition order dated 05.12.2024. This order has been challenged on the ground that there is no justification in the impugned order as to why the property is not protected National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. The respondent failed to appreciate the property tax receipts and the receipts issued by the appellant to its customers which show that there is no fresh construction in the property and therefore, the demolition order is to be set aside.

2. The appellant also filed an application under Order XI rule 14 CPC to place on record fresh documents on 07.02.2025 and also similar application on 29.10.2025. It was argued that these documents were not available when the representation of the appellant was decided on 05.12.2024 and therefore, should be considered and taken on record.
3. Ld. counsel for the respondent on the other hand had argued that this is an appeal and appellant cannot be permitted to place on record documents which were not produced before the respondent and further there is no infirmity in the order dated 05.12.2024 which was passed after considering all the material produced by the appellant and the appeal is liable to be rejected.
4. I have heard the submissions.
5. The documents filed by the appellant along with the appeal as Annexure-A-2 is relevant. This is an assessment order dated 01.10.2021 passed under Amnesty Scheme. In this Assessment Order, the appellant filed his response stating that the total area of the property is 4882 sq. yards and is lying vacant from 2004-05 to 2015-16 and during the year 2015-16, semi-pucca structure for commercial use on the ground floor was carried out in an area measuring 150.49 sq. mtrs. In view of this specific averment by the appellant himself, the appellant cannot claim that the construction is old and is protected under National Capital Territory of Delhi Laws (Special

Provision) Second Amendment Act, 2011. The burden was on the appellant to show that the construction existed prior to the cut-off date.

6. Ld. counsel for the appellant today tried to place on record a letter of the respondent dated 05.09.2012 recording that there exists tin shed in 1600 sq. yards and about 2700 sq. yards is open area. It is claimed that the records of the period between 2004-05 to 2011-12 were sought by the respondent and the same proves that the construction is old. Though, this document cannot be taken on record filed on 29.10.2025, yet even if the same is considered, the same does not support the case of the appellant since this letter says that no record for this period filed by the appellant has been found and the appellant was required to produce evidence and documents within 15 days. It is not the case of the appellant that such documents were produced. Be that as it may, as already noted that the Assessment order dated 01.10.2021 filed by the appellant himself is fatal to his case of old construction. In this Assessment order which has never been challenged, the appellant himself stated that the property was lying vacant upto 2015-16 and only semi-pucca construction on 150.49 sq. mtrs was raised in 2015-16. Coming to the documents sought to be placed on record on 07.02.2025, these documents were never filed before the respondent and even if are considered, none of these documents prove the extent of construction existing prior to cut-off date 01.06.2014. Thus, order dated 05.12.2024 is a well reasoned order and does not suffer from any infirmity and has been passed after giving due hearing to the appellant. The appeal is devoid of merit and is hereby dismissed.
7. 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 Judge-cum-P.O.
Appellate Tribunal : MCD Delhi**