

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

APPEAL NO. 124/ATMCD/2020.

**1. Sh. Chandra Shekhar Shastri
S/o Sh. Dukalu Ram
R/o C-1, Poorti Apartments,
Vikas Puri, New Delhi-110018.
2. Sh. S. Pushpinder Singh
S/o Sh. Chet Singh
R/o C-4, Poorti Apartments,
Vikas Puri, New Delhi-110018.**

..... Appellant

Vs

**1. D.D.A. Through
Director, Building Section (L&I)
C-Block, Vikas Sadan, I.N.A,
New Delhi.
2. Mrs. Kamini Singhal
W/o Sh. Ashish Singhal
R/o C-7, First Floor, Poorti Apartments,
Vikas Puri, New Delhi-110018.
3. Mrs. Abha Singhal
W/o Late Sh. H.M. Singhal
R/o C-8, 1st Floor, Poorti Apartments,
Vikas Puri, New Delhi-110018.
4. Sh. V.B. Lal
S/o Sh. G.B. Lal
R/o C-9, 1st Floor, Poorti Apartments,
Vikas Puri, New Delhi-110018.
5. Sh. V.K. Sharma
S/o Sh. O.P. Sharma
R/o C-10, 1st Floor, Poorti Apartments,
Vikas Puri, New Delhi-110018.
6. Mrs. Rajeshwari Kanojia
W/o Sh. J.L. Kanojia
R/o C-11, 2nd Floor, Poorti Apartments,
Vikas Puri, New Delhi-110018.**

**7. Mrs. Sudesh Sehgal
W/o Sh. Lalit Kumar Sehgal
R/o C-13, 3rd Floor, Poorti Apartments,
Vikas Puri, New Delhi-110018.**

**8. Sh. Lalit Kumar Sehga
S/o Sh. P.C. Sehgal
R/o C-14, 3rd Floor, Poorti Apartments,
Vikas Puri, New Delhi-110018.**

**9. Mrs. Jolly Chacko
W/o Sh. P.C. Sunny
R/o C-15, 3rd Floor, Poorti Apartments,
Vikas Puri, New Delhi-110018.**

**10. Sh. T.R. Ramchandran
S/o Sh. T.R. Raman
R/o C-16, 3rd Floor, Poorti Apartments,
Vikas Puri, New Delhi-110018.**

**11. Management Committee
Poorti Co-Op. Group Housing Society
Through Sh. S.K. Jatav (President)
Poorti Apartments,
Vikas Puri, New Delhi-110018.**

..... Respondent

**Date of Filing of Appeal: 11.03.2020
Date of Order : 28.11.2025**

ORDER

1. This is an appeal challenging the grant of permission to construct lift in Block-C of Poorti CGHS Apartments, Vikas Puri, New Delhi-110018 of properties no. 1 to 16. The respondent no. 1 DDA granted permission to respondents 2 to 10 for construction of lift vide NOC dated 11.03.2019. The appellants who are the residents of grand floor of Block-C have challenged this sanction on the ground that this NOC has been granted in violation of building bye-laws and infringers the easementary rights of the appellant. The NOC has been issued without considering that the minimum required width of 1800 MM shall be reduced to 1350 MM and the respondents have further reduced the same to 950 MM. The respondents have almost covered the corridor by constructing the platform of more than 1200 MM and the same does not let the exit open to sky area and the

corridor will become absolutely dark. Even the ventilation to the bathroom and rooms of the appellants shall be badly affected. The lift structure will totally obstruct the exit of the corridor. The NOC has been given for installation of lifts, but not on a blind wall which is essential. The entrance of the flat of the appellant no. 1 shall be badly obstructed. It was argued that the easementary right of way, air and natural light of the appellants shall be affected and therefore the NOC for lift should be revoked.

2. Lt counsel for the DDA on the other hand argued that respondents 2 to 10 are the residents of the upper floors of the same block. The MCD vide office order dated 15.02.2016 has simplified the procedure for compliances for installation of lift for the convenience of the residents of the upper floors. The NOC has been granted for installation of lift with pre-requisite that all the policies, regulations shall be followed while installing the lift. The lift has been sanctioned to be raised at the blind wall and is far away from the main entrance and windows of the houses of the appellants. The windows are opening in existence 1.85 meter vide open to sky area through access of 1.35 meter which is more than required 1.25 meter and does not affect the main entrance or free flow of light and air of the appellants. The passage between the houses is not exclusive to the appellants and is common to all and therefore there is no question of infringement of easementary rights of the appellants nor interfere in their privacy. The structure stability has to be provided by the registered engineer/architect and therefore the appeal is devoid of merits.

3. Ld counsel for the respondents 2 to 10 argued that similar NOC was given by respondent no. 1 to the residents of other blocks in the society and lift has been successfully installed in those blocks and are operational. The NOC has been granted as per policy and except of the appellants there is no other resident who is objecting to the lift. The area of the lift is just 8X8 sq feet and will be in the common area which does not belong exclusively to the appellants. The space for lift was selected by consulting an architect and the appeal is devoid of merits.

4. A perusal of the record shows that permission to install lift was earlier also granted to the respondents on 02.08.2018 but the same was cancelled on 15.10.2018 being in contravention of UBBL 2016 (infringement of set-back). This mistake was rectified by the respondents 2 to 10 and they obtained fresh NOC dated 11.03.2019. After filing this appeal, the DDA filed the status report which is

clearly says that the NOC for lift is as per policy of MCD. It is also noted by the DDA that as per approved plan the windows of the appellants are existing in open to sky area through access of 1.35 meters which is more than 1.25 meters. The site plan of the society shows that the place where the lift is to be installed is on the rear portion of the flats of the appellants and respondents 2 to 10 and they have access to their flats from the main door existing on the other side. The site of the proposed lift is not causing any hindrance to their entrance existing on the front as well as on the rear side. Even the windows of their property shall not be affected by the construction of lift. Admittedly, several other lift are existing in the other blocks of these apartments and are not causing any hindrance or in convenience to the ground floor residents of those blocks. The land where lift is to be erected is in common area and no particular person can claim his proprietary right in the common area. The conveyance of all the residents of multistoried building is to be considered and not alone of the ground floor residents. The apprehension of the appellants that their easementary rights shall be infringed is baseless. As per DDA report they will access to the open sky area through 1.25 meter passage and nor their entrance shall be hindered. The respondents 2 to 10 are bound to follow all the policy regulations while erecting the lift which shall be erected on a blind wall. The apprehension of the appellants are based on whims and fancies and has no basis. The ground floor residents may have to bear to some inconvenience but that should not be a reason to revoke the NOC for installation of lift. The appeal is devoid of merits and is dismissed.

5. The appellants shall have liberty to challenge the installation of lift once it is erected, if it violates any policy regulations.

6. The appeal is 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 28.11.2025**

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