

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

**APPEAL NO. 34/ATMCD/2025.**

**1. Sh. Krishan Chander Gupta  
S/o Sh. Ram Swarup Gupta  
R/o A-11, New India Co-operative Group  
Housing Society Limited,  
Plot No. 6, Sector 9, Rohini Delhi-110085.**

**2. Sh. Dinesh Arya  
S/o Sh. N.P.S. Arya,  
R/o A-24, New India Co-operative Group  
Housing Society Limited,  
Plot No. 6, Sector 9, Rohini Delhi-110085.**

**3. Sh. Ajit Kumar Sharma  
S/o Sh. O.P. Sharma  
R/o A-10, New India Co-operative Group  
Housing Society Limited,  
Plot No. 6, Sector 9, Rohini Delhi-110085.**

**4. Sh. Lalit Mohan Arya  
S/o Sh. Dharam Dev,  
R/o A-26, New India Co-operative Group  
Housing Society Limited,  
Plot No. 6, Sector 9, Rohini Delhi-110085.**

**.....Appellants**

**Vs.**

**1. Municipal Corporation of Delhi  
Through its Commissioner  
17<sup>th</sup> Floor, Civic Center, Minto Road, Delhi**

**2. Sh. Shyam Sunder Pahwa,  
R/o A-27, New India Co-operative Group  
Housing Society Limited,  
Plot No. 6, Sector 9, Rohini Delhi-110085.**

**3. Sh. Abhishek Bali  
R/o A-28, New India Co-operative Group  
Housing Society Limited,  
Plot No. 6, Sector 9, Rohini Delhi-110085.**

**4. Smt. Veena Bansal  
R/o A-29, New India Co-operative Group  
Housing Society Limited,  
Plot No. 6, Sector 9, Rohini Delhi-110085.**

**5. Sh. Madan Mohan Sharma**

R/o A-30, New India Co-operative Group  
Housing Society Limited,  
Plot No. 6, Sector 9, Rohini Delhi-110085

..... Respondent

Date of Filing of Appeal : 16.01.2025  
Date of Order : 23.12.2025

### **ORDER**

1. The appellants have challenged the sanction accorded by respondent No.1 for installation of lift to the private respondent 2 to 5 in New India CGHS Society, Sector-9, Rohini. The respondents 2 to 5 are the occupiers of flats in A-Block where the lift has been installed. The same has been challenged by the appellants on the ground that due to this lift the access to the flat of the appellants and natural light and ventilation has been hindered. The respondents have violated the rules framed for installation of lift. No NOC was obtained from the Managing Committee of the society nor any approval was given by the General Body of the society. No approval was taken from Delhi Jal Board. There is encroachment on public land. The lift is attached to the staircase of the building and there is no gap between the staircase and lift. The entry door of the lift is contrary to the plan approved by the MCD. There is clear violation of the policy dated 07.07.2022 and therefore, the sanction for lift should be revoked.
2. Ld. counsel for MCD argued that sanction was accorded as per rules and violation of the policy if any shall be considered while granting complete certificate and the appeal is without merits.
1. Ld. counsel for private respondents argued that lift has been installed as per Building Bye-laws as well as in accordance to the sanction accorded by the respondent MCD. The appeal is barred by limitation and is liable to be rejected on this ground alone. The appellant himself has encroached on the back portion of his flat by raising a garden and the appeal should be dismissed. Reliance was placed on the judgment of Hon'ble Division Bench of our own Hon'ble High Court titled as '**Shaik Abdul Hameed Vs. Delhi Development Authority & Ors., 2013, SCC OnLine Del 4354.**'

3. I have perused the record. As far as limitation is concerned, the appellant earlier filed a civil suit challenging the sanction which was rejected under Order VII Rule 11 CPC on 16.12.2024. This appeal was filed on 16.01.2025. The appellants are entitled to benefit of section 14 of the Limitation Act and therefore, the delay, if any is condoned.
4. Coming to the merits of the case, the photographs filed by the appellants are of the stage when the lift was under construction. The photographs filed by the private respondents are of later stage when the lift has been installed. There appears to no violation of the sanction accorded by MCD except that the opening of the lift is towards different side as compare to the NOC granted. The respondent/MCD shall consider this aspect while granting the completion certificate and if this opening on the other side is permissible as per rules, the same shall be permitted. In the judgment relied upon by Ld. counsel for the respondents the Hon'ble High Court observed that the policy for installation of lift is for the benefits of the upper floors who at that time did not have provisions of access to their flats by lift.
5. In the present case the lift has been installed in a common area where no one can claim any right. The lift has already been installed and there appears to be no cause of action to revoke the sanction unless the respondent/MCD consider that there is violation of any rules while granting the completion certificate.
6. The appeal is accordingly 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 23.12.2025**

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