

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

APPEAL NO. 442/ATMCD/2013

M/s Vasundhara Celebrations Private Limited
(Acting through its Director Sh. Subhash Kumar Nagpal)
Plot No. 87-88 (Part), NH-10,
Mundka Udyog Nagar, Main Rohtak Road
Delhi Appellant

Versus

Municipal Corporation of Delhi
Through its Commissioner
Civic Centre, Minto Road
New Delhi Respondent

Date of Filing of Appeal : **08.08.2013**
Date of Judgment : **23.12.2025**

JUDGMENT

1. This is an appeal challenging the sealing order dated 26.06.2010 vide which the property of the appellant having Plot No. 87-88, NH-10, Mundka Udyog Nagar, Main Rohtak Road, Delhi was sealed. As per appellant, the appellant company is the owner of this property measuring more than 2.5 acres and is situated in 200 feet wide main road which does not have dead end. It is a semi-constructed single storey and permanent structure on the ground floor covers around 100 sq meters and temporary tin structure is constructed in approximately 600 sq. meters and the remaining portion is open green, parking and road etc. The said property complies with the guidelines issued by Govt. of NCT, Delhi regarding commercial use of lawn for social functions, wedding etc. as approved by Hon'ble High Court in case of Bharashtachar Virodhi Sangthan Vs. Lt. Governor & Others. The Suit Property exists since 2004 and first function was held in 2005. The appellant is registered with MCD and has also paid registration and other charges. The area of Mundka stood notified as Industrial Area under Master Plan-2021 and was treated as Industrial Area by the respondent who started issuing Municipal Licenses. However, the appellant received a show cause notice dated 25.01.2010

alleging that basement/ground/first/second/third/fourth floor is being used for commercial purposes in violation of Master Plan-2021. The appellant gave reply to this show cause notice but the same was not considered and sealing order dated 26.06.2010 was passed and the property was sealed. It was argued for the appellant that this show cause notice and sealing order are liable to be set-aside. The property consists only of a small portion being covered on the ground floor and the show cause notice mentioning ground to fourth floor is without any basis and material. After MPD-2021 and as per the notification of 2006, the activity of running social functions is permitted in the industrial area and therefore, the sealing order be set-aside.

2. It was argued that the appellant is not liable to pay misuser charges or penalty for uncovered area and the demand of the respondent to pay penalty for the entire area is unlawful. The reply of the appellant to show cause notice was not even considered and therefore, the impugned order should be set-aside and the property should be de-sealed. Otherwise it was argued that property falls in 'H' category area and no misuse charges are payable.
3. Ld. counsel for the respondent on the other hand argued that there is no sanction building plan of this property and therefore, running of farmhouse for holding social functions cannot be permitted. Agricultural land cannot be used for social functions in violation of MPD-2021. The property cannot be de-sealed without payment of penalty. The reply of the appellant was a joint reply and therefore, could not be considered. This Court dismissed appeal of other farmhouse holder namely Mr. Avinash and therefore, this appeal should be dismissed.
4. I have perused the record. The show cause notice issued by the respondent dated 25.01.2010 was replied by the appellant on 02.02.2010. Though, it was a joint reply given by the appellant, by Abhinandan Vatika and Shubham Vatika but certainly the reply was given. The office noting dated 22.06.2010 records that no reply has been received from the appellant and therefore, sealing order be signed. The respondent, if was of the opinion that a joint reply cannot be given, should have noted that a joint reply was received to the show cause notice and the same being a joint reply cannot be considered. It however noted that no reply has been received. It was never brought to the

notice of the then Dy. Commissioner who passed the sealing order that a joint reply has been received. It was only reported to him by the JE(B) that no reply has been received which resulted in passing the impugned order without considering the reply. The same is sufficient to set-aside the sealing order dated 26.06.2010.

5. It is also relevant to note that the owner of Abhinandan Vatika along with whom the appellant gave the joint reply to the show cause notice, preferred appeal no. 679 of 2010 titled as "Avinash Bansal Vs. MCD". That appeal was allowed on 04.02.2011. In that appeal, it was noted by the then Presiding Officer, ATMCD that the respondent is required to deal with each and every contention raised by the appellant in the replies dated 02.02.2010 and 24.04.2010. It is undisputed that the reply dated 02.02.2010 was a joint reply given by the appellant herein along with the appellant of appeal no. 679 of 2010. Since the respondent did not consider this reply even in the case of appellant, it is a fit case that the impugned sealing order should be set-aside with directions to the respondent to pass speaking order after dealing with each and every contention of the appellant raised in his joint reply dated 02.02.2010. The appellant shall be entitled to file fresh reply and documents. The respondent, after giving the opportunity of personal hearing, shall pass a fresh speaking order and shall supply the copy of the same to the appellant.
6. The sealing order, if any passed, shall not be enforced for two weeks after giving the copy of the same to the appellant. The property be de-sealed within two weeks from today. The appellant shall appear before the Quasi Judicial Authority on 08.01.2026 at 02.00 PM and after giving the opportunity of personal hearing, the speaking order be passed within six weeks from the date of conclusion of the proceedings.
7. The appeal is allowed.
8. 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)
Addl. District & Sessions Judge
PO: Appellate Tribunal, MCD, Delhi**