

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

APPEAL NO. 874/ATMCD/2014

**Sh. Raghbir Lal Anand
S/o Late Sh. Malik Chand Anand
R/o WZ-365/1, Sarla Market
Lane No. 2, Sri Nagar, Rani Bagh
New Delhi-110034.**

..... **Appellant**

Versus

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

..... **Respondent**

**Date of Filing of Appeal : 14.11.2014
Date of Judgment : 23.01.2026**

JUDGMENT

1. This is an appeal challenging the demolition order dated 10.11.2014 passed in respect of property no. WZ-365/1, Sarla Market, Srinagar, Rani Bagh, New Delhi-110034. The brief facts necessary for disposal of this appeal are that the subject property was booked for unauthorized construction in the shape of ground to third floor with projections on municipal land vide show cause notice dated 29.08.2014. The same was replied by the appellant on 02.09.2014 and after considering the documents and the reply of the appellant and after giving him personal hearing, the impugned order was passed protecting the ground and the first floor under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 being in existence prior to 07.02.2007 and the second and third floor were directed to be demolished.

2. This order has been challenged on the ground that the entire property is old and occupied as mentioned even in the show cause notice. The documents furnished by the appellant were not appreciated and the respondent did not consider the property tax returns showing existence on second and third floor as well much prior to 07.02.2007. The appellant has also placed on record rent agreement to show existence of second and third floor even in June, 2006 and the rent was received through cheque and therefore the entire property is protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.
3. Ld counsel for the respondent on the other hand has argued that the impugned order is a speaking order dealing with all the contentions of the appellant. The extent of construction as on date in the subject property do not tally with construction shown in the PTR and therefore the construction on the second and the third floor were raised after 07.02.2007 and there are no merits in the appeal.
4. I have perused the record. The appellant filed his PTR along with the reply to the show cause notice as available in the office record. These PTRs show that in the year 2006-2007, the property had only ground and first floor with total covered area of 340 sq. meter. The PTR of the year 2005-2006 reflects the same covered area. However, the PTR of 2007-2008 shows that those second and third floors were added in this PTR and covered area increased to 590 sq. meter. Though in this PTR, the year of construction of second and third floor is mentioned of 2006 but in the PTR for the year 2006-2007, the second and third floor were not added. If the appellant constructed second and third floor in 2006 as mentioned in the PTR of 2007-2008, the same

should have been added in the PTR of 2006-2007. This show that second and third floor were added after 31.03.2007.

5. Further, even, if it is believed that the second and third floor were constructed in the year 2006 as mentioned in PTR of 2007-2008, the site plan filed by the appellant with the appeal demolishes the story of the appellant that no construction were raised after 07.02.2007. The site plan filed with the appeal show that the construction is same on ground, first, second and third floor. There is only a room WC and toilet on the fourth floor. If the construction of the property as per site plan is same on the ground to third floor, the total constructed/covered area on the third floor should be 170 sq. meter as is on the ground, first and second floor. The PTR of 2007-2008 show covered area on ground, first and second floor of 170 sq. meter each and on the third floor of only 80 sq. meter. It means that in 2007-2008, the third floor was not totally covered was having covered area approximately in half of the third floor i.e. only 80 sq. meter. Contrary to it, the site plan filed by the appellant show that the entire third floor i.e. almost 170 sq. meter is covered. It ex-facie show that the further construction on the third floor was raised much after 07.02.2007.
6. As already discussed, the appellant has failed to show that second and third floor are in existence prior to 07.02.2007. The PTR show that even the second floor was added after 31.03.2007.
7. In these facts, there are no merits in this appeal. The second, third and fourth floor are not protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. Admittedly there is no sanctioned plan.
8. The appeal is dismissed. The demolition order dated 10.11.2014 is upheld.

9. 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 23.01.2026**

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