

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

APPEAL NO. 654/ATMCD/14

**Sh. Rakesh Sharma
S/o Late Sh. Dharambir Sharma,
R/o EA-110, Inderpuri,
New Delhi.**

..... Appellant

Vs

**1. North Delhi Municipal Corporation.
Through its Commissioner,
Civic Centre, ,New Delhi**

**2. Anil Sharma
S/o Sh. M.L. Sharma,
R/o T-708, Faiz Road, Karol Bagh
New Delhi-110008.**

**3. Sanjeev Puri
S/o Late Sh. Y.P. Puri
R/o EA-9, Third Floor, Inderpuri,
Delhi.**

**4. Balraj Narang & Asha Narang
Both R/o EA-109, First floor,
Inderpuri, Delhi.**

**5. Manish Vijay
Resident of EA-109, Second Floor,
Inderpuri, Delhi.**

**6. Kailash Chand Jain and Anil Kumar Jain
R/o EA-109, Third Floor, Inderpuri,
Delhi.**

**7. Sanjay Singh & Anu Singh
R/o EA-109, Fourth Floor, Inderpuri,
Delhi.**

.....Respondent

Date of Filing of Appeal : **04.09.2014**
Date of Order : **30.01.2026**

JUDGEMENT

1. This is an appeal challenging the regularization of construction of property EA-109, Inderpuri, New Delhi of respondents no. 2 to 7. The appellant in this appeal has sought quashing of regularization dated 01.02.2013 vide which the respondent/MCD regularized the construction in this property.
2. It was argued for the appellant that regularization of the unauthorized construction in the subject property was granted by the respondent in violation of building-by-laws. The property was booked for deviations in the year 2012, but the same was subsequently illegally regularized on 01.02.2013 and therefore the same should be quashed. It was stated that Sh. B.S. Bali who is an expert Architect has given his technical report that the thickness of outer wall should be 9 inch but the respondents have constructed only 4 ½ inch wall. The construction of toilet and kitchen has obstructed and affected the water supply and sewerage lines of adjoining property no. EA-110, the covered area of the property has been increased, rear open space has been covered with iron grills. The FAR has been increased beyond permissible 300%. A portion property no. EA-110 has been encroached. The construction is not in plumb and will weakened strength of adjoining building and the basic material used is sub-standard. It was argued that during pendency of this case, the respondent again regularized the construction in 2017 which is not permissible as was done during pendency of this appeal and therefore this appeal is maintainable and the impugned regularization should be quashed.
3. Ld counsel for the respondent on other hand argued that the property was regularized in 2013 which has been challenged in this appeal and subsequently respondents again applied for regularization of the deviations which was regularized in 2017 and same has not been challenged till date. Even the sanctioned building plan has not challenged by the appellant and therefore the appeal should be dismissed.

4. I have perused the record. Vide order dated 06.10.2017, it has been recorded that after this appeal the private respondents have applied fresh regularization plan under self-assessment scheme and the same was granted on 01.08.2017. The appellant chose not to challenge this subsequent regularization plan granted on 01.08.2017 on the ground that the same could not have been granted as this appeal is pending.
5. Ld counsel for the appellant, however could not produce any law which requires permission of this Court to regularize the plan during pendency of this appeal. The respondent/MCD is authorized to regularize a building plan as per building-bye-laws even the matter was subjudiced before this Tribunal. Further, vide order dated 21.08.2018, the respondent filed status report where it was stated that the property was inspected after regularization dated 01.08.2017 and the construction is within the ambit of UBBL-2016 and no action is warranted on the part of the respondent.
6. Admittedly, there is a regularize plan of property no. EA-109, Inderpuri granted on 01.08.2017 and the same has never been challenged despite knowledge by the appellant. The appeal challenging the regularization dated 01.02.2013 has become infructuous after regularization dated 01.08.2017. There is no restriction imposed under law or by this Tribunal to not to regularize the building plan during pendency of this appeal. The appellant admittedly has not challenged the sanctioned building plan till date. The technical report of Sh. B.S. Bali, Architect is of no help to the appellant as admittedly no such irregularity has been reported by the MCD in the subject property. The appeal is devoid of merits same 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 30.01.2026**

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