

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

APPEAL NO. 749/ATMCD/2025

**Sh. Chander Kant Sood
R/o Sector no. 97, Kadambari, Plot no. 19,
Rohini, Delhi-110085**

..... Appellant

Versus

**1. MCD (Municipal Corporation of Delhi)
Through its Commissioner
17th Floor, Civic Centre, Minto Road
Delhi.**

**2. Delhi Fire Service
At – Head Quarter Office, 205, 1205,
New Barakhamba Road, Connaught Line,
New Delhi, Delhi-110001.**

**3. Delhi Police
Through SHO, PS Prashant Vihar,
Shaheed Colonel Guru Veer Singh Sarna Marg,
Sector-9, Rohini, New Delhi-110085.**

**4. Resident Welfare Association of ‘Kadambari’
(Delhi University Staff Co-operative Group Housing Society Ltd.)
Through its Secretary,
At Plot no. 19, Sector-9, Rohini,
New Delhi-110085.**

**5. Sh. Suresh Kumar Dhingra
At – Kadambari, Flat no. 99, Plot no. 19,
Sector-9, Rohini, New Delhi-110085.**

**6. Sh. Ramesh Chandra Vashishtha
At – Kadambari, Flat no. 100, Plot no. 19,
Sector-9, Rohini, New Delhi-110085.**

..... Respondents

Date of Filing of Appeal : 06.11.2025
Date of Judgment : 05.02.2026

JUDGMENT

1. This is an appeal challenging the permission dated 20.02.2024 regarding installation of lift and connecting bridges in respect of Delhi University Staff CGHS Limited known as Kadambari Apartment for flat No. 95, 99 to 104 of plot 19, Sector-9 Rohini, Delhi -110085.
2. The brief facts necessary for disposal of this appeal are that this permission was accorded to the occupants of these flats on their application. The lift has already been installed and is functional. The appellant who is the residents of flat No. 97 on the first floor initially filed W.P.(C) 9486/2024 before Hon'ble High Court challenging the said permission. That writ petition was disposed of on 28.03.2025 with the observation that the petitioner is at liberty to seek legal remedy, if aggrieved by the installation and operation of the lift. The appellant filed LPA against the order dated 28.03.2025. Vide order dated 09.03.2025 passed in LPA No.560/25, the order dated 28.03.2025 of the Hon'ble Single Bench was affirmed and the appellant was directed to approach this Tribunal.
3. The appellant has challenged the installation of lift on the ground that no site inspection was done by the MCD before granting permission. The NOC given by the wife of the appellant was only in respect of installation of lift but not for the place or spot where the lift has been installed. The location of the lift is merely at a distance of about 4 feet on both sides from the kitchen of the appellant fitted with PNG connection and any accident may happen and because of narrow space, the fire services may not reach and help. The design of the Architect is flawed without ensuring the safety from all angles. NOC from Delhi Fire Services was not obtained which is a mandatory requirement. The office order dated 15.02.2016 of the MCD clearly provides that in case of any court case the permission for lift shall be kept in abeyance yet the private respondents installed the lift despite the pendency of the writ petition and the LPA. It has therefore, been argued that the said permission should be revoked and operation of the lift should be stayed.
4. Ld. counsel for the respondent on the other hand argued that the site has now been inspected on 01.12.25 and the site inspection shows that there is no compromise with the safety aspects. There is sufficient passage on both

sides of the lift towards the kitchen of the appellant and the appeal is devoid of merits and should be dismissed.

5. I have perused the record. Admittedly, the appellant through his wife gave NOC for installation of lift. The only dispute is at the spot where the same has now been installed. The site plan filed by the appellant as Annexure-A-7 on page -63 of the appeal show that there is distance of 4 feet 11 inch on one side and 4 feet 8 inch on the other side of the lift towards the window of the kitchen on all floors. The same is sufficient distance which is almost 5 feet and not 4 feet as alleged by the appellant. It cannot be said that it is in close proximity to the window of the kitchen and in case of fire by accident, the services of Delhi Fire Services shall not be able to reach. The photographs filed by the MCD alongwith status report clearly shows sufficient passage and distance between the lift and the window of the kitchen.
6. Coming to the aspect of NOC from Delhi Fire Services, the appellant sent the copy of his legal notice dated 02.04.2024 even to Delhi Fire Services. The said department wrote a letter dated 29.04.2024 to MCD stating that there is no fire safety certificate issued to Kadambari Society and fire safety certificate is issued to the buildings/premises on reference from local authority. It shows that the society itself does not have any fire safety certificate and the appellant who is questioning no NOC issued by Delhi Fire Services should be more concerned about this fact that the society itself does not have fire safety certificate. Further there is no provision in Delhi Fire Services Act for granting NOC for construction of lifts. The NOC is granted for the building /society and not for the lift by Delhi Fire Services. Reliance in this regard can be place on paragraph 18 of the judgment dated 27.11.2019 of Hon'ble Delhi High Court passed in W.P.(C) no. 11913/2016 titled as '**Deepak Sharma Vs. Delhi Development Authority & Ors.**'
7. Coming to the aspect that site was not inspected by the MCD prior to sanction, the status report of MCD show that the same has now been inspected and there is no safety issue at the spot where the lift has been installed.

8. Appellant also raised the issue that the permission should have been kept in abeyance when the matter was sub-judice. I have seen the office order dated 15.02.2016 which in clause-7 says that in case of any court case the NOC granted will become inoperative till final outcome of the court case. The appellant filed writ petition some time in last quarter of 2024. The sanction for lift was given on 20.02.2024. As per order dated 28.03.2025 passed by the Hon'ble High Court, the lift was already operational. This shows that the lift was already complete when the writ petition was disposed of. There was no stay order by the court and therefore it cannot be said that the lift was constructed when NOC was inoperative.
9. The appeal appears to be based on assumptions and presumptions of a fire accident in the kitchen of the appellant and the non accessibility of the area to fire services. There is sufficient space of almost 5 feet between the kitchen and the lift on both sides of the lift. The appeal is meritless and the same is dismissed.
10. 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 05.02.2026**

(AMIT KUMAR)
Addl. District & Sessions Judge
PO: Appellate Tribunal, MCD₁ Delhi