

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

**APPEA NO. 62/ATMCD/2020**  
**APPEAL NO. 63/ATMCD/2020**

**Sh. Kapoor Chand**  
**S/o Sh. Tara Chand Gupta**  
**R/o 64, Second Floor Vasudha Enclave,**  
**Pitam Pura, Delhi.**

**Through its attorney Sh. Navneet Singh**  
**S/o Sh. N.K. Singh**

..... **Appellant**

**Versus**

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

.....**Respondent**

**Date of Filing of Appeal : 03.02.2020**  
**Date of Judgment : 18.02.2026**

**JUDGMENT**

1. These are two appeals challenging the demolition order dated 20.06.2019 in appeal No.63/20 and sealing order dated 06.06.2019 in appeal No.62/20 passed in respect of unauthorized construction in the shape of entire ground, first, second and third floor of property No.2269-70, Maid Ganj, Bahadur Garh Road, Sadar Bazar Delhi-110006.
2. The appellant Mr. Kapoor Chand has challenged these two orders on several ground including that show cause notice was not issued in his name but the demolition order was passed in his name and the same itself is a sufficient ground to allow these appeal for which reliance has been placed on the judgment of Hon'ble High Court titled as **Mahinder Singh & Ors Vs MCD, 34 (1988) DLT 118.**

3. Ld. counsel for the respondent on the other hand argued that the show cause notice was duly replied by the appellant and after considering the reply the two orders were passed and therefore this argument of the appellant is meritless and the judgment relied upon is not applicable.
4. I have perused the record. The show cause notice dated 02.05.2019 under section 343 of the DMC Act was issued in the name of owner/builder/Kamran. The same was sent by speed post to Mr. Kamran. The appellant herein submitted his reply dated 08.05.2019 to this show cause notice and after providing hearing to him the demolition order dated 20.06.2019 was passed.
5. Similarly, the show cause notice under section 345-A of the DMC Act dated 03.05.2019 was issued in the name of owner/builder/Kamran and was sent to Mr. Kamran by speed post. The same was duly replied by the appellant on 08.05.2019 and 24.05.2019 and thereafter the sealing order dated 06.06.2019 was passed.
6. In the case of Mahinder Singh (Supra) the facts were almost similar as compared to these appeals. In that case the show cause notice was issued in the name of Mr. Khem Chand who was the father of the owners of the property namely Mr. Rajinder Singh and Mahinder Singh. The said Mahinder Singh appeared before the Quasi Judicial Authority for himself and other co-owners and claimed that no new construction has been raised except their tenant Suresh Chand had placed few sheets adjoining his shop. Thereafter the demolition order was passed which was challenged before the Appellate Authority and the appeal was dismissed. The said Rajinder Singh and Mahinder Singh challenged the same before the Hon'ble High Court and the Hon'ble High Court was pleased to set aside the demolition order for the reason that the show cause notice was issued in the name of Khem Chand but the demolition order was passed in the name of the petitioners before the Hon'ble High Court.
7. In the case before me the show cause notice was issued in the name of Kamran but was replied by the appellant. It is similar to the case of Mahinder Singh (Supra) where the notice was issued to Khem Chand but was replied by Mahinder Singh and Rajinder Singh. Similarly in the present

case the demolition order was passed in the name of appellant despite the show cause notice was not in his name.

8. Considering the law laid down by the Hon'ble High Court, both the appeals are allowed and the two impugned orders are set aside. The matters are remanded back with the directions to the appellant to appear before the Quasi Judicial Authority with reply and documents with directions to the respondents to pass a speaking order after considering the reply documents to be submitted by the appellant and after giving personal hearing to the appellant. The appellant shall appear before the Quasi Judicial Authority on **09.03.2026 at 2.00 pm** and the speaking order be passed within 6 weeks of conclusion of the hearing. The respondent/MCD is directed to desal the property in question, if lying sealed within 2 weeks from today. The appeals stand disposed of.
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 18.02.2026**

**(AMIT KUMAR)**  
**Addl. District & Sessions Judge**  
**PO: Appellate Tribunal, MCD<sub>1</sub> Delhi**