

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

APPEAL NO. 125/ATMCD/2026

Bagla Tecvision Private Ltd.
Through its Director
Mr. Dhruv Bagla
S/o Madhusudan Bagla
Having its Registered Office At :
B-217, F/F, Africa Avenue,
Safdarjung Enclave,
New Delhi-110029.

..... **Appellants**

Versus

1. Municipal Corporation of Delhi
Through its Dy. Commissioner
Dr. S.P.M. Civic Centre, Minto Road
New Delhi-110002.

..... **Respondent**

Date of Filing of Appeal	:	16.02.2026
Date of Judgment	:	06.03.2026

JUDGMENT

1. This is an appeal challenging the demolition order dated 08.12.2025 passed in respect of unauthorized construction in the shape of tin shed on the ground floor of property Institute of Home Economics, I-Block, NDSE-I, New Delhi.
2. It was argued by the Ld counsel for the appellant that this property is managed by the appellant vide an Operation Agreement dated 01.09.2025. The appellant is authorized to manage an open land measuring 2293.7 sq. meters for sports facility. The appellant constructed pickleball/paddle courts to promote sports yet the respondent unlawfully booked the property for unauthorized construction and thereafter without considering the reply and documents of the appellant passed the impugned orders. It was argued that the constructions raised by the appellant is temporary, portable, non-permanent and removable and does not fall in the definition of building and therefore the appeal should be allowed. Ld. counsel placed reliance upon.

The judgment of Hon'ble Supreme Court of India passed in the case of ***M/s Bharti Airtel Ltd. Vs. the Commissioner of Central Excise, Pune, 2024 INSC 880.***

3. Ld counsel for the respondent on the other hand argued that the construction raised by the appellant is unauthorized in the shape of tin shed at the ground floor level and the same is without any sanction building plan and is unauthorized. The appellant itself agreed before Hon'ble High Court in writ petition no. 19074/25 to remove the offending tin roof but failed to remove the same and therefore the appeal should be dismissed.
4. I have perused the record. The said unauthorized construction was booked vide show cause notice dated 19.11.2025. Same was duly replied by the appellant and thereafter the impugned demolition order dated 08.12.2025 was passed. The appellant preferred Writ Petition before Hon'ble High Court bearing W.P.(C) no. 19074/25. This Writ Petition (C) was disposed of on 16.12.2025 on the submissions of the appellant that they are ready to remove the offending tin roof by themselves. The same however was not done. The appellant thereafter filed miscellaneous application no. 9000/26 in that writ which was disposed on 07.02.2026 giving liberty to the appellant to file this appeal.
5. Admittedly, the appellant did not remove the tin roofs despite submissions recorded in para 7 of order dated 16.12.2025 of Hon'ble High Court. The appellant before this Tribunal has raised the contention that the said construction is not a building as defined under UBBL-2016. A perusal of the judgment of Hon'ble Supreme Court of India passed in M/s Bharti Airtel Ltd. (Supra) will show that the issue involved before Hon'ble Supreme Court of India in that case was whether the pre-fabricated building which is not rooted in the earth is immovable or movable properties for the purpose of tax. It was not an issue before Hon'ble Supreme Court of India whether the pre-fabricated structure is a building or not. The Hon'ble Supreme Court of India in para 11.2.7 and 11.3 of this judgment stated the pre-fabricated structure as building. This clearly shows that a pre-fabricated structure can be a building.
6. The Hon'ble High Court of Delhi in W.P.(C) 3267 of 2010 in case titled as Cellular Operators Association of India and Ors. Vs. MCD dated 29.04.2011

in para 53A held that temporary structure are building within the meaning of municipal acts. In that case the mobile towers installed by cellular companies were held to be a building.

7. In the case before me the appellant has constructed structures which are embedded in earth. Only because the roof is tin shed, it cannot be said the same is not building. The definition of building under Clause 1.4.15 of UBBL-2016 includes any structure of whatsoever material for whatsoever purpose. The subject property therefore is a building as defined under this clause. The appellant did not obtained any sanctioned building plan for raising this construction. The construction admittedly is newly raised after the Operations Agreement dated 01.09.2025. It is also relevant that the appellant itself agreed to remove tin roofs before Hon'ble High Court but did not comply with its own submissions.
8. The appeal is devoid of merits. Same is dismissed. Demolition order 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 06.03.2026**

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