

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

APPEAL NO. 298/ATMCD/2021

**Smt. Durga
W/o Sh. Manohar Lal
R/o H.No. 751/A, Ward No. 6,
Jatav Basti, Mehrauli
New Delhi-110030.**

..... Appellant

Versus

**South Delhi Municipal Corporation
Through its Commissioner
4th Floor Civic Centre,
New Delhi.**

..... Respondents

Date of Filing of Appeal : 13.09.2021
Date of Judgment : 12.03.2026

JUDGMENT

1. This is an appeal challenging the sealing order dated 06.09.2021 passed in respect of property no. 751/A, Ward No. 6, Jatav Basti, Mehrauli, New Delhi110030. It was the argument of the appellant amongst other that the show cause notice under section 345-A of the DMC Act was never served upon her and only the sealing order dated 06.09.2021 was pasted at her property.
2. Ld. counsel for the appellant argued that principles of natural justice were violated as she was not given any opportunity of being heard.
3. On behalf of the respondent it was argued that the show cause notice and the sealing order were duly served upon the appellant and she choose not to reply and appear before the Quasi Judicial Authority and therefore, principles of natural justice were not violated.

4. I have perused the office record. A show cause notice u/s 345-A was signed on 30.03.2021 and issued on 01.04.2021. Though it mentions the name of the appellant in the bottom but it is not mentioned that how it was served. The office notes only says that show cause notice may be issued and further it was reported that no reply has been received. There is no proof of service in the office record nor it is mentioned that which mode of service was adhered for service.
5. In the present case the principles of natural justice were violated by not serving the show cause notice. It is also relevant to mention that the sealing order was signed on 01.06.2021 and was initially issued on 15.06.2021 and thereafter the date was changed to 16.09.2021 when it was served by way of affixation at the property of the appellant and the property was sealed at three points. Since show cause notice was not served. The appeal is allowed. The property be desealed within two weeks.
6. In these facts, the sealing order dated 01.06.2021/06.09.2021 is set aside with directions to the respondents to pass a speaking order after considering the reply and 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 01.04.2026 at 2.00 pm and the speaking order be passed within 6 weeks of conclusion of the hearing.
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 12.03.2026**

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