

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

APPEAL NO. 89/ATMCD/26

**1. Smt. Kamlesh Kundra
W/o Late Sh. R.L. Kundra,
R/o Flat No. 101, Vasudha Apartments,
CGHS Ltd., Plot No. 41, Sector-9,
Rohini, New Delhi-110085.**

**2. Smt. Kamlesh
W/o Sh. Shyam Sunder
R/o Flat No. 001, Vasudha Apartments,
CGHS Ltd., Plot No. 41, Sector-9,
Rohini, New Delhi-110085.**

..... Appellants

Vs

**1. Municipal Corporation of Delhi
Through its Commissioner,
at Civic Centre, Minto Road,
New Delhi**

**2. Shri Sudhir Jain
S/o Late Sh. S.S. Jain,
R/o Flat No. 302, Vasudha Apartments,
CGHS Ltd., Plot No. 41, Sector-9,
Rohini, New Delhi-110085.**

**3. Ms. Manju Sundriyal
W/o Sh. Dinesh Sundriyal
R/o Flat No. 209, Vasudha Apartments,
CGHS Ltd., Plot No. 41, Sector-9,
Rohini, New Delhi-110085.**

**4. Mr. Sushil Kumar Jain
S/o Late Sh. S.P. Jain
R/o Flat No. 210, Vasudha Apartments,
CGHS Ltd., Plot No. 41, Sector-9,
Rohini, New Delhi-110085.**

**5. Ms. Chanchal Kalia
W/o Late Sh. Raj Krishna Kalia
R/o Flat No. 301, Vasudha Apartments,
CGHS Ltd., Plot No. 41, Sector-9,
Rohini, New Delhi-110085.**

**6. Mr. Tarun Kumar
S/o Sh. Surinder Kumar
R/o Flat No. 309, Vasudha Apartments,
CGHS Ltd., Plot No. 41, Sector-9,
Rohini, New Delhi-110085.**

**7. Mr. Vikas Aggarwal
S/o Late Sh. Laxmi Narain Aggarwal
R/o Flat No. 301, Vasudha Apartments,
CGHS Ltd., Plot No. 41, Sector-9,
Rohini, New Delhi-110085.**

.....Respondents

**Date of Filing of Appeal : 04.02.2026
Date of Order : 16.04.2026**

ORDER

1. This is an appeal seeking revocation of the sanction dated 02.06.2025 given to the private respondents for installation of lift and connecting bridge in flat Nos. 209, 210, 301, 302, 309 and 310, Vasudha Apartment, CGHS Ltd. Plot No.41, Sector 9, Rohini, Delhi-110085.
2. The appellants who are the residents of ground floor flat Nos. 001 and first floor flat No.101 of the same block have challenged this sanction on the ground that the place where the lift is to be installed was located at the other side opposite to common staircase between flat Nos.2 and 10 on the ground floor but the MCD in connivance with private respondents shifted the location of the lift to flat Nos.001 and 009 and this change of location of the installation of lift shall affect natural light and ventilation of the rooms of the appellants and the passage meant for egress to the flats of the appellants shall be compromised. No NOC has been

taken from the RWA of the society for proposed location of lift nor any prior permission has been taken for shifting essential supplies like electricity lines, sewage, water pipe lines and the proposed lift will require shifting of all these essential services and the private respondents without adhering to the policy guidelines are adamant to install the lift which ideally should be on a blind wall or at an adequate distance from the existing structure. It was argued that the impugned sanction permitting installation of lift between flat No.001 and 009 should be revoked.

3. Ld. counsel for the MCD on the other hand argued that the permission to install lift was granted at the present location between flat Nos.001 and 009 and therefore, the arguments of the appellants that it has been subsequently shifted from flat No. 002 and 010 is incorrect. It was argued that the private respondents are required to ensure that the essential supplies are not affected by installation of lift, which is yet to be installed and therefore the appeal is pre-mature and is liable to be dismissed.
4. Ld. counsel for the private respondents on the other hand argued that the appellants earlier filed a civil suit challenging this sanction and then withdrew that suit and thereafter filed a writ petition and lastly this appeal. It was stated that MCD in the status report filed in the civil suit as well as in the writ petition has always stated that as per the site layout plan the proposed lift is to be installed between flat Nos.1 and 9 and the arguments of the appellant that it was to be initially installed between flat Nos. 2 and 10 is incorrect. It was argued that the respondents are residents of upper floors of the same vertical stack and shall be affected if the essential supplies are allegedly disrupted because of installation of lift and will take every care about these essential supplies while installing the lift. The apprehension of the appellants is baseless. Their easementary rights shall not be infringed as apprehended and their only intention is to deprive the respondents the benefits of lift which now is a basic requirement for ailing Senior Citizens.
5. I have perused the record. It has already been recorded in the order dated 16.03.2026 passed in this appeal that the sanction for installation of lift was

granted between flat Nos.1 and 9 at the ground floor. The contention of the appellants that it was initially accorded at a location between flat Nos.2 and 10 at the ground floor is incorrect. Further the sanction was accorded as per rule and policy governing installation of lift. The private respondents are bound to ensure that the essential services of the flat owners is not disturbed because of installation of lift and if required the same are shifted with prior approval of RWA. The arguments of the appellants that the location of lift has to be approved by the General Body in view of some letter written by Assistant Registrar Co-operative society is meritless as the location of the lift is to be decided by the residents of that particular block where the lift is to be installed and same cannot be questioned even by the residents of other block unless and until their easementary rights are infringed.

6. Needless to say that the residents of the ground floor may have to suffer some inconvenience because of installation of lift but same cannot be a ground to revoke the sanction only on the apprehensions of the ground floor residents. The policy for installation of lift is for the benefit of residents of upper floors and the lift is to be installed in a common area where no individual can claim proprietary rights. Reliance in this regard can be placed on the judgment of our own Hon'ble High Court passed in the case of **Shaik Abdul Hamid Vs DDA and others 2013 SCC online Delhi 4354**. In the present case, the appellants have failed to show that their easementary rights shall be affected through this lift. The arguments of disruption of essential supplies is merely an apprehension not only because the lift is yet to be installed but also for the reason that if same are disrupted, the private respondents themselves will suffer because of disruption of supplies as they are residing in the same block. If they are required to shift any essential supply the permission will be required from RWA. No other permission is required from RWA for installation of lift in that particular block. MCD is required to issue completion certificate only after ensuring that policy for installation of lift is adhered to by the private respondents.

7. In these facts I find no merits in this appeal and the appeal is dismissed.
8. 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 16.04.2026**

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