

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

APPEAL NO. 162/ATMCD/2026

**M/s Superior Exim Pvt. Ltd.
Registered Office at 25-Bazar Lane
Bengali Market
New Delhi-110001**

..... **Appellant**

Versus

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

..... **Respondent**

Date of Filing of Appeal : 23.02.2026
Date of Judgment : 16.04.2026

JUDGMENT

1. This is an appeal challenging the order dated 16.01.2026 rejecting the application/proposal for sanction of Layout Plan for group housing on Plot No. 2, Under Hill Road, Civil Lines, Delhi. The brief facts necessary for disposal of this appeal are that the appellant company purchased the plot of land measuring 11800 sq yards bearing No. 2, Under Hill Road, Civil Lines, Delhi (here in after referred as subject property) vide sale deed dated 10.09.2004. The property thereafter was duly mutated in the name of the appellant in the property tax records. Delhi Development Authority (DDA) prepared a Zonal Development Plan of Civil Lines Zone, Delhi (Zone C) duly approved by the Ministry of Urban Development on 08.03.2010 and development norms were framed as per DDA Resolution dated 24.12.1980 and 23.03.1993. The appellant as per prescribed procedure filed an application seeking sanction/approval of layout plan for group housing at the subject-property. This proposal was considered by Layout Oversight Scrutiny Committee (here

in after referred as LOSC) vide item no. 33/21 dated 24.08.2021 and was sent to Standing Committee (here in after referred SC) for consideration. The SC rejected the proposal vide resolution no. 259 dated 18.02.2020. The appellant thereafter filed fresh application for sanction of layout plan which was approved for proposal by LOSC and was placed before SC vide proposal no. 77 of 20.08.2025. SC however again rejected the application which was communicated to the appellant vide letter dated 16.01.2026 received on 25.02.2026 stating that the proposal be treated as rejected and hence this appeal challenging the said rejection by SC.

2. It was argued for the appellant that the impugned order of rejection is liable to be set-aside as the same does not mention any violation of Master Plan, Zonal Plan, UBBL-2016, Development Control Regulations or any provision of DMC Act specially Section 312-313 of the Act. The respondent is required to mention specific grounds for rejection and not even a single violation has been pointed out. The impugned rejection is only on the pretext of difference of opinion amongst the members of SC. The LOSC comprises of technical members/authorities who are heads of different departments and all of them found the proposal fully compliant and the members of SC are non-technical members and their rejections due to difference of opinion is arbitrary, illegal and contrary to settled Principles of Law. It was argued that difference of opinion cannot be a ground of rejection being beyond the scope of Section 312-313 of DMC Act and therefore, the rejection order should be set-aside and proposal of LOSC should be approved and directions be issued to sanction layout plan for the subject-property.
3. Ld. counsel for MCD on the other hand argued that the appellant did not file its Memorandum of Association (MOA) to show whether the appellant company is competent to develop group housing. Further, the resolution filed by the company in favour of Sh. R. S. Oberoi is not proper as it shows that the corporate office of the company at the address of the subject-property where no building exist and the details of the directors are not mentioned in the resolution and therefore, this appeal is not maintainable. No arguments however were advanced on the merits of the case except that SC is competent to reject the proposal of LOSC.

4. I have heard the submissions and perused the record. It is undisputed that the appellant is the exclusive owner of the subject-property by virtue of registered Sale Deed. It is also undisputed that the appellant company applied for approval of group housing layout plan for the subject-property as per rules and procedures approved by DDA. The LOSC which is a Technical Committee comprising of technical members/authorites of various heads of the respondent like Law Department, Town Planning Department, Land & Estate Department, Building Department, DDA, DUAC, Planning Assistant, Assistant Commissioner, Addl. Commissioner etc. approved the proposal of the appellant twice. The same was sent to the Standing Committee and on both the occasions it was rejected. The recommendations of LOSC which are based after considering the aspects of area, location, land use, ownership, site report, development control norms, street width, set-backs etc. was rejected by the Standing Committee for no reasons. The Standing Committee admittedly comprises of non-technical members from the political parties (Members of Legislative Assembly) having no knowledge of the technical details of land use, development norms etc. Contrary to it, the LOSC consists of technical members and heads of various offices of the respondent including the Addl. Commissioner (Town Planning) as the Chairperson.
5. The letter of the respondent rejecting the proposal by SC dated 16.01.2026 mentions the reasons of rejection by SC as under:

“Consequent upon consideration of difference of opinion expressed by some of members resolved that the decision taken on proposal of Commissioner be treated as rejected”. Admittedly the rejection was only because of difference of opinion.

6. Section 312 & 313 relates to the sanction of layout plans of a particular land. The Commissioner has powers to refuse the sanction under sub-section 4 of Section 313 of the DMC Act only on grounds prescribed under the said provision. The same is reproduced for the sake of convenience:

Section 313(4):

“Such sanction shall be refused-

- (a) if the particulars shown in the lay-out plan would conflict with any arrangements which have been made or

which are in the opinion of the Standing Committee likely to be made for carrying out any general scheme of development of Delhi whether contained in the master plan or a zonal development plan prepared for Delhi or not; or

(b) if the said lay-out plan does not conform to the provisions of this Act and bye-laws made thereunder; or

(c) if any street proposed in the plan is not designed so as to connect at one end with a street which is already open.”

7. It shows that the layout plan can be validly refused, if the same would conflict any arrangements which have been made or which in the opinion of SC likely to be made for carrying out development scheme of Delhi or if it does not confirm to DMC Act and bye laws or if any street proposed is not designed as to connect at one end with already open street. The ground of rejection by the SC is not only without any reasons but also beyond the scope of Section 313(4) of the DMC Act. The SC in arbitrary manner rejected the layout plan duly considered and approved by LOSEC, who considered all aspects of the application seeking sanction filed by the appellant.
8. Further, the office record shows that one of the members of the SC wrote a letter to Commissioner, MCD on 17.11.2025 stating that the layout plan of the subject-property was unanimously passed by SC on 20.08.2025 and the minutes were confirmed on the same day but were put on hold by Office Secretary and in the subsequent meeting of SC on 09.10.2025, the then Mayor who was also a member of SC informed that the layout plan of the subject-property be treated as rejected. This show that not only there were no cogent reasons with the SC to refuse the proposal of LOSEC for sanction of layout plan of the subject-property, even the minutes of the meeting were changed.
9. Coming to the arguments of Ld. Counsel for MCD restricted to the technical grounds, it is sufficient to mention that the appellant company is the owner of the subject-property and has every right to raise construction on the property irrespective of the fact whether the MOA of the company provides to be in the business of group housing or not. It is not a case where the appellant is seeking permission to construct on a land owned by someone else. Every

person has a right to raise construction on a land owned by it, subject to required sanction. The other objection was in respect of Board Resolution authorizing Sh. R. S. Oberoi to file this appeal. The Board Resolution clearly states that the Board of Directors in the meeting dated 10.02.2026 held at the registered office of the company at Bengali Market, New Delhi authorized Sh. R S. Oberoi to file this appeal. There is no reason to disbelief this resolution nor it was the ground for rejection by the SC.

10. In these facts, the impugned rejection of sanction in the meeting held on 17.11.2025 by the SC communicated to the appellant vide letter dated 16.01.2026 is set-aside and respondent/MCD is directed to sanction/approve the layout plan for group housing on Plot No. 2 , Under Hill Road, Civil Lines as per rules after deposit of necessary amount by the appellant. The same be done in eight weeks from today.
11. The appeal is allowed.
12. 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)
Addl. District & Sessions Judge-cum-P.O.
Appellate Tribunal, MCD, Delhi