

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

**APPEAL NO. 3/ATMCD/2025**  
**APPEAL NO. 11/ATMCD/2025**  
**APPEAL NO. 12/ATMCD/2025**

**Kamlesh**  
**W/o Ashardeen**  
**R/o 101, First Floor, RZ-228/2**  
**Gali No. 05, Near Ram Chowk, Sadh Nagar**  
**Palam Village, South-West District**  
**New Delhi** ..... **Appellant**

**Versus**

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

**Date of Filing of Appeals** : **03.01.2025, 08.01.2025**  
**& 08.01.2025**  
**Date of Judgment** : **23.04.2026**

**JUDGMENT**

1. These are the three appeals challenging the demolition order dated 19.07.2024 in appeal no. 12/25, sealing order dated 25.07.2024 in appeal no. 11/25 and refusal of sanction order dated 18.09.2024 in appeal no. 3/25 in respect of Property No. RZ-36/37, third floor, Palam Colony, Village Palam, New Delhi.
2. The brief facts necessary for disposal of these three appeals are that the appellant purchased the entire third floor which was the roof of the second floor having only one room having covered area of 10 sq. meter and remaining terrace vide Sale Deed dated 03.07.2024 from one Smt. Snehlata. The appellant thereafter raised construction at third and fourth floor without previous sanction and the same was booked under Section 344 (1) read with 343 of DMC Act vide show cause notice dated 08.07.2024 and later the impugned demolition order dated 19.07.2024 was passed in respect of unauthorized construction in the shape of entire fourth floor. Thereafter

another show cause notice under Section 345-A of DMC Act dated 25.07.2024 was issued which was duly replied and the impugned sealing order dated 31.07.2024 was passed. The appellant also applied for regularization of this unauthorized construction vide her application dated 18.07.2024 and the same was rejected vide letter dated 18.09.2024 for non-compliance of invalid notice dated 23.08.2024 and its reminder dated 06.09.2024.

3. These three orders have been challenged by the appellant on the ground that the respondent wrongly rejected the regularization application despite compliance of invalid notice. The non-compoundable deviations can be removed only when the property is de-sealed and the rejection on this ground is not proper. It was stated that appellant has every right to get the construction regularized as per rules and the rejection dated 18.09.2024 is non-speaking order without providing opportunity of being heard and therefore, the impugned orders should be set-aside and all the appeals should be allowed.
4. Ld. counsel for the respondent on the other hand argued that the appellant admittedly raised construction without sanction after purchasing the terrace and roof right above second floor. It was argued that in these facts the construction being unauthorized is liable to be demolished and sealed. Further, the appellant failed to comply with the invalid notice dated 23.08.2024 and the reminder dated 06.09.2024 and therefore, the regularization application was rightly rejected and the appeals should be dismissed.
5. I have perused the record. The appellant purchased the entire third floor having only a room and open terrace on 05.02.2024 and thereafter, constructed the third and the fourth floor without any sanction building plan. It is sufficient to hold that the construction booked by the respondent is unauthorized and actionable. The appellant could not give satisfactory reply to any of the show cause notices and the demolition and sealing orders were passed. It was for the appellant to show that the construction raised by her after purchasing the property on 05.02.2024 is either as per sanction building plan or to get it regularized as per building bye laws.
6. Admittedly, there is no sanction building plan and the construction is new and not protected under any law and is liable to be booked, demolished and

sealed as per rules. The show cause notices were duly served and even replied and therefore, there are no reasons to set-aside the demolition and sealing orders and as such the appeals no. 11/25 and 12/25 are liable to be dismissed as the entire construction is unauthorized.

7. Coming to the appeal no. 3/25 challenging the rejection of regularization. The appellant applied for regularization on 18.07.2024 and an invalid notice dated 23.08.2024 was issued by the respondent seeking compliance of about 20 requirements. Same was followed by reminder dated 06.09.2024. The appellant did not respond to these two letters and submitted a reply on 24.09.2024 stating that he has now received the rejection letter dated 18.09.2024 and the requisite documents have been submitted on 20.09.2024. However, by that date the respondent had already rejected the regularization application for non-compliance of the invalid notice and its reminder. The appellant did not respond to the invalid notice dated 23.08.2024 and reminder dated 06.09.24 and the regularization application was rightly rejected. It is not the case of the appellant that the refusal of regularization was not proper. His grievance was basically that the invalid notice could not be replied in time and was replied only on 20.09.2024 and by that time the regularization application was already rejected. The appellant herself did not reply the invalid notice and its reminder in time and now cannot be permitted to take benefit of her own wrong. She is required to apply afresh for regularization as per rules.
8. In these facts there are no merits even in this appeal challenging the refusal of regularization letter dated 18.09.2024 and therefore, the appeal no. 3/25 is also dismissed. The appellant can seek regularization by applying afresh as per rules.
9. All the three appeals are devoid of merits and are dismissed.
10. Record of the respondent, if any, be returned along with copy of this order. Appeal files be consigned to record room.

**Announced in the open Court  
today i.e. on 23.04.2026**

**(AMIT KUMAR)**  
**Addl. District & Sessions Judge-cum-P.O.**  
**Appellate Tribunal, MCD, Delhi**