

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

**APPEAL NO. 285/ATMCD/2022**

**Smt. Om Kanta  
W/o Shri Prem Chandra  
R/o Flat No. 4432, Block B-5&6  
Vasant Kunj  
New Delhi-110070**

..... **Appellant**

**Versus**

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

..... **Respondent**

**Date of Filing of Appeal : 30.05.2022**  
**Date of Judgment : 27.04.2026**

**JUDGMENT**

1. This is an appeal challenging the revocation order dated 24.03.2022 of sanction building plan dated 19.01.2021 in respect of property bearing no. 5-B/1, Krishna Nagar, Safdarjung Enclave, New Delhi (here in after referred as subject-property).
2. The brief facts necessary for disposal of this appeal are that the appellant is the owner of subject-property measuring 196.59 sq. yards forming part of khasra no. 488/40/2 situated in revenue estate of village Humayunpur New Delhi now known as Colony Krishna Nagar by virtue of sale deed dated 28.12.2012. As per appeal, a plot measuring 607 sq. yards was recorded in the revenue records in the names of Mr. Chotan and Mr. Jagdev who sold this plot to Mr. Deepak Bali on 08.04.1981. Subsequently, the colony Krishna Nagar was approved on 25.06.1981 and its layout plan was also approved recording this plot measuring 607 sq. yards as Plot no. 5. Mr. Deepak Bali transferred the subject-property to the appellant vide transfer documents

dated 07.07.1990 and was numbered as 5-B/1 and the portion with Mr. Deepak Bali was numbered as 5-B. The subject-property which was subdivided part of plot no. 5 was mutated in the name of the mother of the appellant Smt. Hoshiari Devi and electricity bills, water bills and house tax receipts are in her name. The appellant in order to perfect her title got the sale deed registered in her name dated 28.12.2012. The appellant in order to have a separate single entity of the subject-property in the layout plan of Krishna Nagar applied for incorporation of the subject property in the layout plan on 22.01.2015 with the Town Planning Department and as per appeal was recognized and incorporated as separate legal entity. The appellant applied for sanction of building plan with proportionate FAR of the subject-property and the building plan of her property was sanctioned on 19.01.2021. The appellant however received a show cause notice dated 04.02.2022 under Section 338 of the DMC Act seeking revocation of her sanctioned building plan. The same was replied by her on 11.02.2022. Yet the respondent revoked the sanction building plan vide order dated 24.03.2022 which is under challenge in this appeal.

3. It was argued for the appellant that the MCD mutated the subject-property in the property tax records mentioning the address as 5-B/1, Krishna Nagar, Safdarjung Enclave, New Delhi. The sub-division of the plot took place prior to 08.02.2007 which has to be recognized as approved sub-division as per notification dated 17.01.2011. Under the ease off doing business, MCD vide circular dated 15.10.2019 has allowed to sanction the building plan up to 500 sq. meters through Architect / Engineers. The building plan of the subject-property was approved in accordance to UBBL-2016, MPD-2021 and as per notification dated 17.01.2011 for unauthorized regularized colony. The layout plan uploaded by the town planning department on its website under Colour Coded Zonal Map (here in after referred as CCZM) incorporates the subject-property as part of Krishna Nagar and on that basis, the sanction building plan was approved on 19.01.2021. After this approval of building plan, the appellant started the construction and also received two notices from respondents for speedy construction due to bad weather. The respondent on the basis of one complaint from Mr. Jaideep Singh, issued the show cause notice dated 04.02.2022 and the appellant in her reply dated 11.02.2022

clarified all the aspects, but the respondent did not consider. It was argued the plot in question is in existence since 1990 and is approved sub-division as per notification dated 17.01.2011. It was argued that there is no property mentioned as 5-B in the layout plan as claimed in the status report dated 14.07.2022. The plot no. 5 was sub-divided in plot no. 5-B and 5-B/1 in the year 1990. The ground of revocation that the subject-property falls outside the scheme boundary of approved layout plan of Krishna Nagar is not only beyond the scope of show cause notice but also is factually incorrect. CCZM has been approved by the govt. and under CCZM heading layout plan duly mentions the property numbers and the subject-property is mentioned in the layout plan available under CCZM. It was argued that the subject-property is a part of plot no. 5 and as such is a part of approved layout plan. The MCD has amended the layout plan by approving the building plan of plot no. 5-A and 7-A by changing the location in the approved layout plan and same has been incorporated in the CCZM map. It was argued that there is no concealment or material misrepresentation and fraudulent statement on the part of appellant and therefore, the sanction building plan dated 19.01.2021 has been wrongly revoked vide order dated 24.03.2022 and therefore, the appeal should be allowed and the impugned order should be set-aside.

4. Ld. counsel for the respondent on the other hand argued that the sanction building plan was applied by the appellant under Saral Scheme and same was approved on the undertakings submitted by the Architect of the appellant. Later, it was found that the subject-property is not a part of layout plan of Krishna Nagar. The show cause notice thereafter was issued and after considering the reply of the appellant, sanction building plan was revoked. The colour coded zonal plan is not layout plan as alleged by the appellant. The CCZM is meant for identifying the property in respect of no objection certificates required from different authorities before constructing the property and is different from layout plan. The appellant through her architect deliberately selected the CCZM portal and wrongly claimed that the subject-property is a part of layout plan. It was argued that there is altogether different portal for approved layout plans which was deliberately avoided. The appellant herself applied thrice with town planning dept. for incorporating the subject-property in the layout plan and was well aware that the subject

property is not a part of layout plan and therefore, the act of going to CCZM sub-head was deliberate act to wrongly claim that the subject-property is a part of layout plan. The appellant deliberately concealed the fact of rejection of her applications to include the subject-property in layout plan. She did not file any appeal against rejection of her application to include the subject-property in the layout plan of Krishna Nagar and without the property being a part of approved layout plan of Krishna Nagar, the building plan cannot be sanctioned and therefore there are no merits in this appeal.

5. I have perused the record. Admittedly the appellant obtained the sanction building plan under the Saral Scheme and there was no physical verification nor verification whether the subject-property is a part of layout plan or not. The respondent issued the show cause notice dated 04.02.2022 seeking reply of the appellant to show cause as to why the sanction plan should not be revoked. The show cause notice was on following grounds :

- 1) The complete chain of ownership documents has not been submitted.
- 2) The plot under reference does not form part of approved layout plan of the area.
- 3) The sale deed show land use as residential whereas the complaint received claims it to be meant for park.
- 4) The issue of sub-division is not specifically clear as per notification dated 17.01.2011.

6. In view of these grounds of the show cause notice, the argument of the Id. Counsel for the appellant that it was never mentioned in the show cause notice that the subject property does not form part of the approved layout plan of the area is meritless. It was specifically mentioned in ground no. 2 that the subject-property does not form part of layout plan.

7. Further, the appellant admittedly applied before town planning dept. for incorporation of the subject-property in layout plan thrice and her applications were rejected vide letters dated 08.05.2017, 30.10.2018 and 08.04.2019. The appellant as such was well aware that the subject-property does not fall within the boundaries of Krishna Nagar and falls outside the scheme boundary. The appellant did not mention this fact in the appeal for unexplained reasons.

8. The appellant however has claimed that the subject-property was included in layout plan of Krishna Nagar as same was so shown on online portal of MCD

under approved layout plan under the sub heading CCZM. Record show that on the website of the respondent while applying for online sanction plan, there are several sub-heads having sub-headings of about us / circulars / user's manual / downloads / MPD & UBBL / CCZM / approved layout plans / contact us. The appellant instead of searching the layout plan of Krishna Nagar under the sub-head "approved layout plan", clicked the sub-head CCZM and intentionally claims that the subject-property is shown as part of layout plan under CCZM. The sub-head CCZM does not contain the layout plan of a particular colony but under the Ease of Doing Business provides the colour coded zonal map to help the applicant to identify the authorities from whom no objection certificate is required prior to applying for sanction building plan. This CCZM provides the list of authorities like Delhi Metro, Archaeological Survey Authority etc. from whom no objection certificates are required for that particular colour coded zone. CCZM cannot be said to be an appropriate sub head to look for layout plans and since the subject-property, even to the knowledge of the appellant was never a part of layout plan of Krishna Nagar, the sanction building plan was obtained by the appellant on misrepresentation of the facts.

9. The argument for learned counsel for the appellant that property no. 5-A and 7-A have been subsequently included in the layout plan by modification is factually incorrect. The respondent has already issued show cause notice to the owner of property no. 7-A as to how the said property was constructed and as far as plot no. 5-A is concerned, the same is within the scheme of boundary of Krishna Nagar. Plot No. 5-B and the subject-property no. 5-B/1 are not in the scheme boundary wall of Krishna Nagar and therefore, the subject-property not being part of scheme boundary of Krishna Nagar is not entitled to sanction building plan.
10. The appellant admittedly did not challenge the three rejection letters of the respondent vide which her applications to include the subject-property in layout plan of Krishna Nagar were rejected and now cannot be permitted to get the revocation order set-aside on the ground that the subject-property is a part of layout plan of Krishna Nagar.
11. The appellant has also claimed that the sub-division of the plot took place prior to 08.02.2007 and should be recognized as per notification of

17.01.2011. There is no dispute with this aspect that if the sub-division of the bigger plot in unauthorized regularized colony took place prior to 08.02.2007, the same is to be recognized but inclusion of the subject-property in layout plan of Krishna Nagar is must, even if the sub-division took place prior to 08.02.2007 and therefore, this argument of sub division prior to 08.02.2007 is not of much aid to the appellants.

12. Since the subject-property is not a part of layout plan of Krishna Nagar, the sanction building plan obtained on this premise by relying upon a plan shown under the sub-head CCZM is liable to be revoked and was rightly revoked.
13. The appeal therefore is meritless and is dismissed.
14. Record of the respondent, if any, be returned along with copy of this order and appeal files be consigned to record room.

**Announced in the open Court  
today i.e. on 27.04.2026**

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