

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

**APPEAL NO. 145/ATMCD/15**

**M/s Affinity Beauty Saloon Pvt. Ltd.  
Having its registered office at C-25,  
Green Park Extension, New Delhi  
Through authorized signatory  
Sh. Karan Chadha.**

**..... Appellant**

**Also at  
Shops No. 10-11, Plot No. 4,  
Bengali Market, New Delhi**

**2. Sh. Suhas Chand Gupta  
S/o Late Sh. Tara Chand Gupta  
R/o D-71 Preet Vihar, Delhi-110092**

**Vs**

**New Delhi Municipal Council  
Through its Chair Person  
Palika Kendra, Parliament Street,  
New Delhi-110001.**

**.....Respondent**

**Date of Filing of Appeal : 12.03.2015  
Date of Order : 19.05.2026**

**ORDER**

1. This is an appeal filed by the lessee/tenant who is appellant no. 1 and the lessor/owner appellant no. 2 challenging the work stoppage order dated 26.02.2015 passed by the respondent in respect of shops no. 10-11, plot number 4, Bengali Market, New Delhi. The appellants have challenged this order on the ground that appellant no. 2 who is the owner of plot no 4, Bengali Market has let out these two shops which are part of this plot number 4, to appellant no. 1 and the tenant appellant no. 1 who has taken the shops for running a saloon was

carrying out necessary electric fittings, wiring, wood work in the premises and also opened a small door within the premises which is permissible under BBL-6.4.1 (building bye laws) yet the respondent issued work stoppage order without carrying out any inspection in the property prior to issuing the work stoppage order. The appellants were carrying only permissible renovations and repairs in these two shops and the respondent misconstrued the provision of BBL-6.4.1 and therefore the order should be set-aside.

2. Ld counsel for the respondent on the other hand have argued that unauthorized construction was carried out in the property with ulterior motive of amalgamating the old construction with the new construction and trying to bring it under the protection of Punjab Municipal Act by wrongly seeking protection under BBL-6.4.1 and therefore the work stoppage notice were issued in compliance to the law and appeal should be dismissed.
3. I have perused the record. The respondent issued the impugned stoppage order noticing that the appellants have demolished the internal walls and are amalgamating the old construction with new construction and opened door and partition and unauthorizedly constructed area in shops nos. 10 and 11 without sanction. The appellants have claimed that they were carrying out alterations as permitted under 6.4.1 of Delhi Building Bye-laws 1983.
4. These Delhi Building Bye-laws permits plastering, re-roofing, flooring, opening and closing of windows, ventilators and doors not opening towards others property, replacing column bricks etc. and reconstruction of building damaged by natural calamity. As per respondent the appellants were in the activity of fresh demolition of internal walls. Erection and re-erection of internal partition walls is permitted under Delhi Building Bye-laws. The other reason for this work stoppage order was other internal construction activities but the same are not specified in the impugned order. Renovation and demolition of walls, opening of doors, partition, POP are permitted under Delhi Building Bye-laws subject to not opening towards others property.
5. The impugned order does not specify whether the opening of doors is within the premises or towards the others property. Except of amalgamation of

unauthorized construction with the old construction, which is also unspecified, no other unauthorized construction has been mentioned in this work stoppage order which is beyond the purview of clause 6.4.1. of Delhi Building Bye-Laws. The impugned order is a non-speaking order in respect of alleged unauthorized construction carried out in the two shops, for which previous sanction of the Chair Person, NDMC is required and therefore the same is liable to be set-aside.

6. The appeal is allowed with liberty to the respondent to pass fresh speaking order after specifying the unauthorized construction being raised by the appellants, which are beyond the purview of 6.4.1. of Delhi Building Bye-laws and which requires previous sanction of the respondent. The impugned stoppage order is set aside.
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 19.05.2026**

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

