

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

APPEAL NO. 787/ATMCD/25

**Sh. Subhash Chand Jian
S/o Shri Suji Ram Jain
R/o K-59, Ground Floor,
B.K. Dutt Colony,
New Delhi.**

..... Appellant

Vs

**New Delhi Municipal Council,
Through its Chairperson,
Pragati Bhawan, Second Floor,
Jai Singh Road, New Delhi.**

.....Respondent

Date of Filing of Appeal : 19.11.2025
Date of Order : 29.05.2026

ORDER

1. This is an appeal challenging the demolition order dated 14.11.2025 passed in respect of unauthorized construction in shape of covering open courtyard and creating a roof with the help of fiber sheets and false ceiling of 10X8 feet with Aluminum Window at front side and wooden partition walls in premise No.59, K-Block, B.K. Dutt Colony, New Delhi. The appellant has challenged this order on the ground that show cause notice was not served amongst other grounds.
2. Ld. counsel for the respondent on the other hand has argued that show cause notice was duly served through pasting when the premises was found locked and therefore, the arguments on the appellant in this regard is factually incorrect.
3. I have perused the record. Without going into the aspect of service of the show cause notice, the impugned demolition order is liable to be set as the show cause notice did not provide sufficient time to the appellant as directed by the

Hon'ble Supreme Court of India in IN RE... directions in the matter of demolition of structures (2025) 5 Supreme Court Cases 1.

4. The Hon'ble Supreme Court of India in this judgment in para-91 (A)(i) provided as under : -

“No demolition should be carried out without a prior show cause notice returnable either in accordance with the time provided by the local municipal laws or within 15 days’ time from the date of service of such notice, whichever is later.”

5. As per this direction of the Hon'ble Supreme Court of India minimum 15 days time is to be provided before passing the demolition order.
6. Further as per Section 247 of NDMC Act, 1994 a reasonable opportunity of showing cause is to be provided.
7. In the present case the show cause notice was issued on 06.11.2025 providing only 7 days time to the appellant to reply to this notice. The demolition order was passed on 14.11.2025. Not only that 15 days time was not provided after service of show cause notice, even the demolition order was passed on the 9th day from the date of show cause notice. The directions of Hon'ble Supreme Court of India were violated by the respondent, reasonable opportunity as contemplated under Section 247 of the NDMC Act was not provided and further the principles of natural justice of opportunity of being heard was also not provided.
8. In these facts, the demolition order dated 14.11.2025 is set aside with directions to the respondents to pass a speaking order after considering the reply and documents to be submitted by the appellant and after giving personal hearing to the appellant. The appellant shall appear before the Quasi Judicial Authority on 15.06.2026 at 2.00 pm with his reply and documents and the speaking order be passed within 6 weeks of conclusion of the hearing.

**Announced in the Open Court,
Today i.e. on 29.05.2026**

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