

order was passed. The appellant has no documents to show that the construction is as per law or is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 and therefore there are no merits in the submissions that reply of the appellant was not considered.

4. I have perused the record. The sealing show cause notice dated 11.01.2019 was never served upon the appellant as the office record does not contain any proof that this show cause notice was even sent to the appellant. The sealing order was passed without service of show cause notice and sealing action was taken. The sealing order therefore is liable to be set-aside for violation of principles of natural justice.
5. Coming to the other appeal challenging the demolition order. The show cause notice dated 19.12.2018 was replied by the appellant on 28.12.2018. The demolition order was passed on 02.01.2019 which records that no reply to the show cause notice has been received. Not only that the reply was not considered, the opportunity of personal hearing was not provided and principles of natural justice were violated.
6. Whether there are any merits in the reply or not, cannot be a ground to not to consider the reply. The respondent even did not mention about the reply in the demolition order and same is liable to be set-aside.
7. In these facts, the demolition order dated 02.01.2019 and sealing order dated 19.03.2019 pass in respect of property no. WZ-92, Village Budhela, Vikas Puri, New Delhi are 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 29.06.2026 at 2.00 pm before AE(B) and at 3.00 pm before Dy. Commissioner, MCD and the speaking order be passed within 6 weeks of conclusion of the hearing. The subject property be desealed within two weeks.

8. 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 04.06.2026**

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