

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

**APPEAL NO. 893/ATMCD/24**  
**APPEAL NO. 894/ATMCD/24**

**Sh. Pankaj Goyal**  
**S/o Sh. Mukesh Goyal,**  
**R/o B-28, Swasthya Vihar,**  
**Laxmi Nagar, Delhi-110092.**

**..... Appellant**

**Vs**

**Municipal Corporation of Delhi.**  
**Through its Commissioner,**  
**Civic Centre, 17<sup>th</sup> floor, Minto Road,**  
**New Delhi-110002.**

**.....Respondent**

**Date of Filing of Appeal : 07.12.2024**  
**Date of Order : 05.06.2026**

**ORDER**

1. These are two appeals challenging the demolition order dated 25.04.2024 in appeal No.894/24 and the sealing order dated 20.06.2024 in appeal No.893/24 passed in respect of unauthorized construction in the shape of lowering of ground level and erection of mezzanine floor in property No.1171 (part), ground floor, Kucha Mahajani, Chandni Chowk, Delhi-110006.
2. The brief facts necessary for disposal of these two appeals are that the appellant purchased half undivided share of a portion of ground floor measuring 29 sq.yds. from his mother vide sale deed dated 02.03.2020. The remaining portion of the shop is owned by the paternal uncle of the appellant. As per the appellant this property was partitioned in 2009 and appellant is the exclusive owner of the booked property. The mezzanine floor was constructed in the year 2003-04 and is old constructed. The appellant was carrying out some repairs in March, 2024 as permissible under Building Bye-laws yet the respondent sealed the premises

on 23.09.2024. The appellant was provided the sealing and the demolition order later on and the show cause notices u/s 343 and 345-A DMC Act were never served upon the appellant.

3. It was argued for the appellant that since the show cause notices were not served upon the appellant and the appellant was not given any opportunity of reply and personal hearing, the two orders should be set aside. On merits, it was argued that the construction is old since 2003-04 and similar mezzanine floor is existing in the remaining portion of the shop owned by the paternal uncle of the appellant yet the respondent did not take any action against the other portion of the shop and booked the property of the appellant without appreciating that it is old construction and is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.
4. Ld. counsel for the MCD on the other hand argued that the show cause notices in both the appeals were duly served through speed post as well as the two orders. The appellant lowered the floor level and raised unauthorized construction of mezzanine floor which can be seen from the photographs available in the office record and the construction being fresh and without any sanction plan was rightly booked and the two orders were passed and the appeals should be dismissed.
5. I have perused the record. The property was booked for unauthorized construction vide show cause notice dated 16.04.2024 issued u/s 344 (1) read with Section 343 of the DMC Act in the shape of lowering of ground level and erection of mezzanine floor. The show cause notice was sent through speed post on 18.04.2024 and as per track consignment report at page 5/C of the office record was delivered to the appellant. The demolition order dated 25.04.2024 was sent through speed post on 01.05.2024 and as per track consignment report at page 10/C was delivered on 02.05.2024.
6. Similarly, the show cause notice dated 04.06.2024 u/s 345-A of the DMC Act was posted on 05.06.2024 and was delivered on 06.06.2024 as per track consignment report at page 4/C of the record. Thereafter, the sealing order dated 20.06.2024 was passed and served upon the appellant in person on 23.09.2024 and the mezzanine floor was sealed at one point on the same day. In

these facts there is no force or merits in the contention of the appellant that the show cause notices and the two impugned orders were not served upon the appellant.

7. Coming to the merits of the appeal regarding the construction being old prior to 08.02.2007, the appellant has not filed any document to show that the mezzanine floor existed prior to 08.02.2007. The electricity energization date for the mezzanine floor is 27.01.2009 which shows that it was constructed after 08.02.2007. The office record also has the photograph showing raising of mezzanine floor during inspection on 05.04.2024. The property was booked thereafter on 16.04.2024. The respondent has shown that the mezzanine floor was constructed after 08.02.2007 whereas the appellant failed to show that it was raised in 2003-04 and is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.
8. In these facts there is no merits in these two appeals and same are dismissed. The impugned demolition order and sealing order are upheld.
9. 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 05.06.2026**

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