

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

APPEAL NO. 162/ATMCD/2025

APPEAL NO. 648/ATMCD/2025

**Ravi Singhania
S/o S.K. Singhania
R/o WXZ-313, Gali No. 12
Near Oriental Bank
Lajwanti Garden, Nangal Raya
Delhi - 110046**

..... Appellant

Versus

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

..... Respondent

Date of Filing of Appeal	:	24.03.2025 & 24.09.2025
Date of Judgment	:	06.07.2026

JUDGMENT

1. These are the two appeals challenging the demolition order dated 05.03.2025 in appeal no. 162/25 and the sealing order dated 17.09.2025 in appeal no. 648/25 passed in respect of unauthorized construction in the shape of basement and ground floor carried out in the property no. WZ-415, Nangal Raya, New Delhi.
2. The brief facts necessary for disposal of these appeals are that the appellant is the owner of this property by virtue of sale deed dated 25.07.2022 executed by his brother in his favour. The appellant is running his business from the property situated on a notified commercial road and has paid one time parking fees, conversion charges and registration fees. The unauthorized construction in the property was booked earlier in 2008 and after a demolition order, the projections on municipal land and the basement slab at two places

were punctured on 24.05.2008. The appellant further received show cause notice dated 28.08.2024 in respect of unauthorized construction of the basement and the ground floor which was duly replied and thereafter, the demolition order dated 05.03.2025 has been passed followed by sealing order dated 17.09.2025.

3. The appellant has challenged these two orders on the ground that the construction in the property is old and existing prior to 08.02.2007. The impugned order of demolition itself mentions that the property was inspected on 19.07.2012 and it was reported that property is a shop which is very old and only repairs were carried out in the year 2008. The projections on municipal land were allegedly demolished on 24.05.2008 and the basement slab was also allegedly punctured at two places. The appellant has paid the regularization charges, yet the regularization plan was revoked unlawfully on frivolous complaint and therefore, the appeal should be allowed. It was argued that the respondent itself filed a report before Central Information Commission that no new construction was carried out at site and the allegation of unauthorized construction is wrong. Despite this, the respondent passed the impugned orders which should be set aside.
4. Ld. counsels for the respondent on the other hand argued that even the sale deed of the appellant show only one floor in the property with age factor as one. The regularization was done in 2019 which show that fresh construction was raised by the appellant and that regularization has already been revoked being obtained on misrepresentation of facts and therefore, the appeals are without merit and should be dismissed with cost.
5. I have perused the record. Admittedly the regularization of the construction obtained by the appellant under self assessment regularization scheme has been revoked vide order dated 21.12.2023 and same has not been challenged. That scheme was meant only for residential plotted development properties whereas the property of the appellant is non-residential and for that reason the regularization was revoked and as such, the appellant cannot take any benefit from the revoked regularization building plan.
6. Coming to the merits of these appeals, the appellant has claimed that the construction of the basement and ground floor is prior to 08.02.2007 and is protected under National Capital Territory of Delhi Laws (Special Provision)

Second Amendment Act, 2011. The documents of the appellant is however do not support his case. The property was earlier inspected on 19.07.2012 and at that time, it was found that the construction is very old but there was no basement in the property. The appellant applied for renovation/repair in 2008 and raised unauthorized construction in the shape of projections on municipal land and also constructed basement, which were demolished on 24.05.2008. The appellant later again reconstructed the basement and got it regularized which admittedly has been revoked.

7. The appellant further applied for reconstruction / repairs of the mumty at the first floor on 10.09.2014 vide application available at page no. 45/C of the demolition office file record. In this letter, the appellant himself stated that the building is one storey with mumty covering the staircase made of tin-shed. This letter of appellant dated 10.09.2014 clearly prove that there was no basement in the property as on 10.09.2014 and the earlier basement tugged by appellant in 2008 was demolished by the respondent and was filled with malba making it unusable. The appellant after 10.09.2014 constructed the new basement and got it regularized. There is not even a single document to show that the basement is existing in the property prior to 08.02.2007.
8. Even the sale deed dated 22.07.2022 in favour of the appellant mentions there being only one floor in the property. The appellant raised fresh unauthorized construction and thus violated the status quo in respect of construction and is not entitled to the benefit of protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. There is no sanctioned building plan. The appeals are therefore devoid of merits and are dismissed and the impugned orders are upheld.
9. 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 06.07.2026**

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