

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

**APPEAL NO. 728/ATMCD/25**

**Smt. Shikha Maheshwari  
W/o Sh. Sanjay Maheshwari,  
R/o Flat No. 58, SFS GF,  
Siddhartha Enclave,  
New Delhi-110014.**

**..... Appellant**

**Vs**

**Municipal Corporation of Delhi.  
Through its Commissioner,  
17<sup>th</sup> Floor, Dr. S.P.M. Civic Centre,  
Minto Road, New Delhi.**

**.....Respondent**

|                                 |          |                   |
|---------------------------------|----------|-------------------|
| <b>Date of Filing of Appeal</b> | <b>:</b> | <b>30.10.2025</b> |
| <b>Date of Order</b>            | <b>:</b> | <b>09.07.2026</b> |

**ORDER**

1. This is an appeal challenging the demolition order dated 22.07.2025 passed in respect of unauthorized construction in shape of deviations/excess coverage against Standard Building Plan of ground floor flat bearing No. 58, Siddhartha Enclave, New Delhi. The appellant purchased this flat on 24.03.2023 and as per the appellant she did not raised any construction in the property. The appellant filed a suit bearing CS SCJ No. 130/2025 against unauthorized construction being raised by Mr. Anupam Vibhuti at the first floor flat bearing no. 59 and the said Mr. Anupam Vibhuti filed counter claim in her suit and the MCD on the directions of the Civil Court inspected the property of the appellant and issued the show cause notice dated 17.03.2025 and passed the demolition order on 22.07.2025.

2. This order has been challenged by the appellant on several grounds including that the construction is old and occupied and further the alleged deviations were neither identified nor were brought to the notice of the appellant prior to 30.06.2025 when the proceedings were closed by the Quasi Judicial Authority.
3. Ld counsel for the respondent/MCD on the other hand argued that the show cause notice was duly served and replied by the appellant. Personal hearings were given to her and she was apprised about the deviations and excess coverage in her property and thereafter the speaking order dated 22.07.2025 was passed and there are no merits in the appeal.
4. I have perused the record. The show cause notice dated 17.03.2025 is completely silent in respect of alleged deviations and excess coverage. The Standard Building Plan of the property of the appellant was not with the respondent at the time of issuing show cause notice and therefore the show cause notice did not have the details of the alleged deviations and excess coverage. The Standard Building Plan was collected by MCD from the DDA on 05.06.2025 as recorded in the proceedings dated 05.06.2025 at page 4/N of the record. The copy of the Standard Building Plan was not provided to the appellant.
5. Further, the MCD conducted the physical inspection after receiving the Standard Building Plan on 23.06.2025 and the JE (B) submitted his report in respect of the alleged deviations on 24.06.2025. The personal hearing after 23.06.2025 was scheduled on 30.06.2025 when for the first time the appellant was informed about the said deviations and the proceedings were closed on that day. No opportunity was provided to the appellant to respond to the deviations noted by the JE (B) during inspection and brought to the notice of Quasi Judicial Authority on 24.06.2025.
6. The argument of Ld counsel for the respondent/MCD that appellant was given sufficient opportunity to respond to the deviations is factually incorrect since the deviations noted on 24.06.2025 by JE (B) were informed to the appellant on 30.06.2025 during personal hearing and the personal hearings

were closed recording that the appellant has not filed any supportive document to these deviations. The sufficient opportunity to reply and respond to the alleged deviations noted by the JE during the inspection was not given to the appellant.

7. The Hon'ble Supreme Court of India IN RE... directions in the matter of demolition of structures (2025) 5 Supreme Court Cases 1 has specially directed that the notice should contain the details of specific violation and unauthorized construction and should also mention whether the same is compoundable or not. The impugned notice is silent in respect of the details of the alleged deviations and excess coverage.
8. In these facts, the demolition order dated 22.07.2025 is set-aside and the matter is remanded back with directions to the appellant to file reply and documents in respect of the alleged deviations. The impugned demolition order be considered as show cause notice and after receiving the reply and documents from the appellant, the respondent shall pass fresh speaking order after providing personal hearing to the appellant. The appellant shall appear before the Quasi Judicial Authority on 27.07.2026 at 3.00 pm and the speaking order be passed within 6 weeks after concluding the personal hearing.
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 09.07.2026**

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