

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

APPEAL NO. 416/ATMCD/26

**1. Darshan Singh
S/o Nazar Singh,
R/o Flat No. 101, Ground Floor,
Mausam Apartments, West Enclave,
VTC, Pitam Pura, North-West Delhi,
Delhi-110034.**

**2. Sandhay Jain
W/o Sanjeev Jain
R/o Flat No. 105, Ground Floor,
Mausam Apartments, West enclave,
VTC, Pitam Pura, North-West Delhi,
Delhi-110034.**

..... Appellants

Vs

**1. Municipal Corporation of Delhi
Through its Commissioner,
Civic Centre, Minto Raod,
New Delhi-110002.**

**2. Mausam Cooperative Groups Housing Society,
At Plot No. 8, West Enclave, Pitam Pura,
New Delhi.
Through its President/Secretary**

**3. Gobini Chabra
Owner of Flat No. 103,
Mausam Cooperative Groups Housing Society,
At Plot No. 8, West Enclave, Pitampura,
New Delhi.**

**4. Alka Miglani
Gobini Chabra
Owner of Flat No. 104,
Mausam Cooperative Groups Housing Society,
At Plot No. 8, West Enclave, Pitampura,
New Delhi.**

**5. Abhijit Sarkar
Gobini Chabra
Owner of Flat No. 108,
Mausam Cooperative Groups Housing Society,
At Plot No. 8, West Enclave, Pitampura,
New Delhi.**

**6. Anuja Thukral
Gobini Chabra
Owner of Flat No. 108,
Mausam Cooperative Groups Housing Society,
At Plot No. 8, West Enclave, Pitampura,
New Delhi.**

**7. Renu Kumari
Gobini Chabra
Owner of Flat No. 107,
Mausam Cooperative Groups Housing Society,
At Plot No. 8, West Enclave, Pitampura,
New Delhi.**

.....Respondents

Date of Filing of Appeal	:	19.05.2026
Date of Order	:	29.07.2026

ORDER

1. This is an appeal seeking revocation of the NOC dated 12.03.2026 for installation of lift in flats no. 101 to 108, Mausam, CGHS Limited, Plot No. 8, West Enclave, Pitam Pura, New Delhi.
2. The appellants who are the residents of the two ground flats no. 101 and 105 have challenged this NOC primarily on the ground that the site of proposed lift shall obstruct the passage to their flats as same is the only way in an out for the appellants. The construction of lift will completely block the common passage built directly in the walking path. The only source of cross ventilation and day light of the flats of the appellants shall be obstructed. By construction of lift the living area shall be suffocating and dark and there will be health hazard. The proposed site is immediately adjacent to the wall and window of the drawing room of appellant no. 1 and is likely to cause damage to the air-conditioning unit

of the appellant no. 1. The NOC violates the policy pertaining to the lifts dated 07.07.2022 as the natural lights and ventilation of the appellants shall be affected and therefore the same should be revoked.

3. Ld counsel for the respondent/MCD on the other hand argued that the sanction has been accorded as per office order relating to grant of NOC for lift and all the mandatory requirements have been fulfilled by the private respondents and the appeal is without merits.
4. Ld. counsels for the private respondents on the other hand argued that the appellants have mislead this Court by stating that this is the only way for the appellants to approach their flats. The lift is being installed in the rear side passage of the block and the appellants have full access to their flats not only from the front side of the flats but also from the rear side where separate entrance have been provided for the ground floor flats in this society. It was also argued that there is no other alternate site where the lift can be installed in this block. Already two lifts in the other blocks at the same site are functional and the ground floor residents of those blocks did not raise any objection. Otherwise also the lift shall have two openings and the appellants can use the lift to access their flats even from rear side. It was further stated that the lift shall be installed on a blind wall and not on the existing structure and will not cause any damage to the flats of the appellants and therefore the appeal should be dismissed for which reliance has been placed on the judgment of Hon'ble High Court passed in the case of '**Shaik Abdul Hameed Vs. Delhi Development Authority & Ors., 2013, SCC OnLine Del 4354.**'
5. I have perused the record. The appellants did not approach this Court with clean hands. In para 13 of the appeal it is mentioned that the site where lift is being installed will permanently blocked the only way for the residents of the ground floor. The private respondent has placed on record the site map which shows that the passage where the lift is being installed is on the rear side of the block and the appellants have full access to their flats from the front side. Further, their flats have doors at ground floor at the rear side and the appellants can access their flat from those doors. Further, the proposed lift shall have two doors and

the lift itself can be used as a passage for going to the flats from the rear side. The appellants deliberately concealed the fact that they can approach their flats not only from the front side but also from the two doors on the rear side of their flats.

6. Further, there is no alternate site in this block where the lift can be installed and two lifts are already functional in other blocks of the society at the same site and has not caused any inconvenience to the ground floor residents of those blocks.
7. The lift is being installed on a blind wall as per the lift policy and shall not cause any damage to the flats of the appellants as alleged. Further, there is no window in the flats of the appellants towards the site where the proposed lift is being installed and shall not affect any easementary rights of the appellants as alleged.
8. It is now settled law that lift is an essential amenity and not a luxury. The ground floor flat owners may face some inconvenience but that cannot be a reason to deny the residents of the upper floors to have the benefit of lift which is essential for them not only for movement but also for availing medical facilities in old age.
9. The Hon'ble High Court in the judgment of Shaik Abdul Hameed (Supra), held that liberal interpretation should be given to the clauses of procedure of issuance of NOC for installation of lift so that the aged and sick can enjoy their flats to the fullest extent. More than 50% of the residents of the block excluding ground floor flats have given their consent and the Managing Society has also no objection for installation of lift. The appellants may suffer some inconvenience like shifting the air-conditioning unit but that cannot be a ground to revoke the NOC for installation of lift. The lift is now a necessity and not a luxury and the upper floor residents cannot be deprived of this necessity.
10. In these facts, the appeal is without merits and is dismissed.
11. 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 29.07.2026**

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