

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

**APPEAL NO. 636/ATMCD/23**

**1. Sh. Adesh Bhardwaj  
S/o Sh. Arvind Kumar Bhardwaj,  
R/o H.No. 464, Chirag Delhi,  
New Delhi-110017.**

**2. Mrs. Garima Bhardwaj  
W/o Sh. Rohit Sharma  
R/o 613, Chirag Delhi,  
New Delhi-110017.**

**..... 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>27.09.2023</b> |
| <b>Date of Order</b>            | <b>:</b> | <b>01.09.2026</b> |

**ORDER**

1. This is an appeal challenging the revocation order dated 29.08.2022 vide which the sanctioned building plan obtained by the appellant no. 1 dated 27.10.2020 in respect of plot No. 464, Khasra No. 740/496 in the abadi of Lal Dora of Village Chirag Delhi, New Delhi was revoked. The appellants have challenged this revocation order on several grounds including non-service of show cause notice issued u/s 338 of the DMC Act dated 04.07.2022.

2. As per appellant this show cause notice was never received by him and the appellant only received the impugned order dated 29.08.2022 and approached his Architect who informed the appellant that he has received a show cause notice and is preparing reply for the same and before the reply could have been filed, the said Architect passed away and as such the appellant had no opportunity to reply the show cause notice nor the opportunity of personal hearing was provided and therefore, the impugned order should be set aside.
3. Ld. counsel for the MCD on the other hand argued that the show cause notice was sent to the appellant as well as his Architect through speed post on 04.07.2022 and it believed to be served under Section 27 of the General Clauses Act. Since, no reply was received from the appellant and his Architect, the revocation order was passed.
4. I have perused the record. The respondent has filed the photocopy of its dispatch register to show that the impugned show cause notice was sent to the appellant and his Architect on 04.07.2022. The respondent also filed the photocopy of the postal receipt but there is no track consignment report nor the original postal receipts have been filed. There can be presumption of service under Section 27 of the General Clauses Act only if the envelop has been sent at the correct address and the original of the postal receipt is produced and it will be better if the track consignment report is filed along with. In the absence of original postal receipt and the track consignment report, there cannot be a presumption of service of the show cause notice.
5. In these facts, the revocation order dated 29.08.2022 is 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 21.09.2026 at 2.00 pm with his reply and documents and the speaking order be passed within 6 weeks of conclusion of the hearing.

6. 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 01.09.2026**

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