

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

APPEAL NO. 338/ATMCD/24

APPEAL NO. 339/ATMCD/24

**Sh. Dinesh Gupta
S/o Sh. Rattan Lal Gupta,
Khasra No. 827/1, 828/2, 829, 829/1,
830 and 833/2, K-2 Block Village
Mahipalpur, Mahipalpur Extension,
New Delhi.**

..... Appellant

Vs

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

.....Respondent

Date of Filing of Appeal	:	10.05.2024
Date of Order	:	21.09.2026

ORDER

1. These are the two appeals challenging the demolition order dated 01.11.2021 in appeal no. 338/24 and the sealing order dated 03.01.2022 in appeal no. 339/24 passed in respect of unauthorized construction in the shape of basement to fourth floor in property falling in Khasra No. 829, Block-K-2, Mahipalpur Extension, New Delhi.
2. Both these appeals were filed on 10.05.2024 and the applications seeking condonation of delay in filing these appeals is pending.

3. The appellant had sought condonation of delay on the ground that the impugned orders were received by him on 23.09.2023 and by that time the demolition and sealing action was already taken and therefore he did not challenged these orders. He filed an appeal no. 159/24 against the vacation notice when he was informed that the appeal against vacation notice is not maintainable and thereafter these appeals were filed and the delay should be condoned.
4. The Id counsel for the respondent/MCD has opposed this application on the ground that even as per the case of the appellant he had knowledge of these two orders since 23.09.2023 and therefore these appeals filed on 10.05.2024 are barred by limitation and there is no ground to condone the delay. It was further stated that part demolition action and sealing action were taken on 05.01.2022 followed by 06.08.2022 and lastly on 02.02.2023 and the appellant had knowledge of these orders from 05.01.2022 when three flats on the fourth floor were sealed after partial demolition action and the limitation has to be calculated at least from 05.01.2022 and there is delay of more than two years in filing these appeals and delay should not be condoned.
5. I have perused the record. The impugned demolition order is reported to be served through pasting and the sealing order dated 03.01.2022 was executed on 05.01.2022 by sealing three flats at the fourth floor. Even if it is believed that the demolition order was not properly served through pasting, admittedly the partial demolition action was taken on 05.01.2022 and three flats on the top floor were sealed. The appellant being the owner of the property was aware about this demolition and sealing action. Further, on 06.08.2022 the property was temporarily desealed and demolition action at top floor was taken making it inhabitable. Further, the demolition action was taken on 02.02.2023.
6. The appellant cannot claim ignorance of these actions taken since 05.01.2022. When the entire top floor was completely sealed on 05.01.2022 after partial demolition, the appellant had knowledge of these two orders and the limitation shall start at least from 05.01.2022.

7. Even as per the application seeking condonation of delay the appellant had knowledge of these two orders from 23.09.2023 whereas the appeals were filed on 10.05.2024. The appellant has not been able to explain the delay even from 23.09.2023. His plea that he filed appeal no. 159/24 against the vacation notice is also no help to him since even that appeal was filed in 2024 after receiving the impugned orders on 23.09.2023.
8. The appellant has not been able to give plausible explanation in respect of the delay since 05.01.2022 and also from 23.09.2023.
9. The delay in filing the appeals being unexplained cannot be condoned.
10. Reliance in this regard can be placed on the judgment of the Hon'ble Supreme Court of India passed in **P.K. Ramchandran Vs. State of Kerala & Ors. 1997 (7) SCC 556**.
11. In these facts the applications seeking condonation of delay in filing these appeals are dismissed and the appeals are also dismissed.
12. 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 21.09.2026**

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