

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

APPEAL NO. 441/ATMCD/2021

**Manjeet Kaur
D/o Late Rajinder
CB-357, Ring Road
Nariana, Delhi**

..... Appellant

Versus

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

..... Respondent

Date of Filing of Appeal	:	06.12.2021
Date of Judgment	:	23.09.2026

ORDER

1. Vide this order I will dispose of the application seeking condonation of delay in filing this appeal.
2. This is an appeal challenging the show cause notice dated 26.02.2010 issued under section 344/343 of DMC Act in respect of unauthorized construction at third floor, front portion, by way of covering by T-iron and Agra stone in property no. E-69, South Extension, Part-I, New Delhi. The present appeal was filed on 06.12.2021 after a delay of more than 11 years.
3. The appellant has sought condonation of delay on the ground that she became the owner of the property, by virtue of a Will, only after the death of his brother late Sh. G.S. Bawa who passed away on 17.12.2016. The appellant is a senior citizen and she was not guided properly to approach this Tribunal and later could not file appeal because of restrictions imposed during Covid-2019 and therefore, the delay should be condoned.
4. The same has been opposed by the respondent stating that the appeal against show cause notice in itself is not maintainable. It was further argued

that late Sh. G.S. Bawa was duly served with the show cause notice dated 26.02.2010 and the demolition order dated 08.03.2010. He even applied for regularization subsequent to the show cause notice and the demolition order and therefore, the appellant is required to explain delay from 08.03.2010 and not from the date of the death of Sh. G.S. Bawa and the inordinate delay should not be condoned.

5. I have perused the record. The appellant claims that she became owner after the death of late Sh. G.S. Bawa by virtue of his will. Mr. G.S. Bawa passed away on 17.12.2016 but he was duly served with the show cause notice as well as the demolition order in 2010 itself. The appellant is required to explain delay since 2010 as she cannot claim a right better than Mr. G.S. Bawa, who was duly served in 2010.
6. Even if it is presumed only for the sake of argument that the appellant has to explain the delay only from the date when she became owner, the delay even from 17.12.2016 is inordinate and unexplained. The plea of the appellant that she is 70 years old and was not properly guided to file this appeal cannot be a reasonable or plausible explanation to condone the enormous delay from 17.12.2016 till 06.12.2021.
7. Though it is correct that the period of limitation from 15.03.2020 to 06.12.2021 is to be excluded for the purpose of limitation in view of the judgment of Hon'ble Supreme Court Passed in Suo moto writ petition no. 3/2020, yet the appellant has failed to explain the delay even up to 15.03.2020.
8. The delay is not only inordinate but is unexplained. The Hon'ble Supreme Court in the case titled as "*P.K. Ramchandran Vs. State of Kerala & Ors. reported as 1997 (7) SCC 556*" held that:

“when the statute prescribes a particular time limit to file an appeal, the said limit cannot be simply extended on equitable grounds when the party concerned is not providing any satisfactory, reasonable or even a proper explanation for not filing the appeal at the appropriate time”.

9. Further, the Hon'ble Supreme Court in the case titled as "*Bahiru Govardhane etc. Vs. Land Acquisition Officer reported as 2013 (10) SCC 765*" held that:

“the court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same”.

10. In the facts and circumstances of present appeal, the appellant has failed to explain the inordinate delay since 08.03.2010 when the impugned demolition order was duly served upon late Sh. G.S. Bawa and also from the date of his death on 17.12.2016 and the delay being unexplained cannot be condoned. The appeal therefore is barred by limitation and the application under consideration is dismissed. As a result, the appeal is also dismissed. Even otherwise this appeal is also not maintainable as a show cause notice under section 344/343 DMC Act is not appealable.
11. Records 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 23.09.2026**

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