

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

APPEAL NO. 66/ATMCD/2022

**Abhishek Singh
S/o Shri Satpal Singh
R/o 1713, Pratap Gali,
Chuna Mandi, Pahar Ganj,
New Delhi-110055**

..... Appellant

Versus

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

..... Respondent

Date of Filing of Appeal	:	08.02.2022
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 Sealing order dated 11.01.2011 issued under section 345-A of DMC Act passed 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 08.02.2022 after a delay of more than 11 years.
3. The appellant has sought condonation of delay on the ground that respondent never passed any demolition order nor it was served upon the Late Shri G.S.Bawa. The said G.S.Bawa pursued the matter with MCD for desealing the property and for regularization, however he sold the third floor of the property in the year 2012 to Smt. Pramod Bhardwaj and appellant purchased the entire third from her in 2020 and approached the respondent to deseal the

third floor and property was desealed twice. However on frivolous complaints it was resealed and therefore the delay should be condoned. Reliance has been placed on the judgment of Hon'ble Delhi High Court passed in "RSA 383/2016 dated 4th July 2018 titled as Chander Dutt Sharma vs. Prem Chand & Ors."

4. The same has been opposed by the respondent stating that the delay is inordinate and unexplained. It was further argued that late Sh. G.S. Bawa was duly served with the show cause notice dated 15.12.2010 and the sealing order dated 11.01.2011. He even applied for regularization subsequent to the show cause notice and the sealing order order and also prayed for desealing and therefore, the appellant is required to explain delay from 11.01.2011 and not from the date of the purchasing the property and the inordinate delay should not be condoned.
5. I have perused the record. The appellant claims that he became owner of the third floor of the property on 28.07.2020 by virtue of GPA, Agreement to Sell etc. All the documents in his favour are unregistered documents and it is not specified that how a person can become owner of an immovable property through unregistered documents. Though this Tribunal is not competent to adjudicate the issue of ownership but it is settled law that right, title and interest in an immovable property cannot be created by unregistered documents.
6. Be that as it may, the appellant has to explain the delay only from the date when Late Sh.G.S.Bawa had knowledge of this sealing order and not from the date when he allegedly purchased the property. Sh. G.S.Bawa, after sealing action on 30.03.2011 applied for desealing the property as well as for regularization. He had knowledge of the sealing order and sealing action. Appellant cannot have a right better than that of late Sh. G.S.Bawa. The delay has been explained from 11.01.2011 till 08.02.2022. The appellant purchased the third floor property which was lying sealed and cannot claim that he was not aware about sealing action on the date of alleged purchase. He also applied for temporary desealing and as such had knowledge of sealing order.
7. Though it is correct that the period of limitation from 15.03.2020 to 08.02.2022 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 from sealing order dated 11.01.2011.

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. The judgment relied by Id. Counsel for the appellant is not applicable to facts of this appeal.
11. In the facts and circumstances of present appeal, the appellant has failed to explain the inordinate delay since 11.01.2011 when the impugned sealing order was duly served upon late Sh. G.S. Bawa and since when the property was sealed on 30.03.2011 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.
12. 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**