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

APPEAL NO. 361/ATMCD/23

1. Geeta Bambani
D/o Late Sh. Bhavnesh Kumar,
R/o 11/411, Lalita Park,
Laxmi Nagar, Delhi-110092.

2. Chirag Bambani
D/o Late Sh. Bhavnesh Kumar,
R/o 11/411, Lalita Park,
Laxmi Nagar, Delhi-110092.

3. Ritu
D/o Late Sh. Bhavnesh Kumar,
R/o 11/411, Lalita Park,
Laxmi Nagar, Delhi-110092. …….. Appellants

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 : 07.06.2023
Date of Order : 22.10.2026

ORDER

1. This is an appeal challenging the demolition order dated 15.05.2023 passed in respect of unauthorized construction in the shape of ground to third floor in property No.J-1, J-Block, Laxmi Nagar, Delhi-110092. The appellants are concerned only about the ground floor of the property.

2. The brief facts necessary for disposal of this appeal are that the appellants purchased the ground floor of the property vide sale deed dated 29.11.2018. The respondent booked the unauthorized construction in the shape of entire ground to third floor vide show cause notice dated 31.01.2023. The appellants who are owners of the ground floor duly replied the show cause notice along with other owners of the other floors. The respondent after providing opportunity of being heard passed the impugned demolition order stating that none of the occupants have furnished any document to show that the construction of the property is prior to the cut-off date of protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 i.e. 08.02.2007 and therefore is liable to be demolished.
3. The appellants have challenged this order for the ground floor only on the ground that the construction is old and prior to 08.02.2007 and is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 for which reliance was placed on chain of title documents and the electricity bill for the ground floor.
4. On behalf of the respondent it was argued that none of the document relied by the appellants is prior to the cut-off date for protection. There is no sanctioned building plan of the property and since same was constructed after 08.02.2007 the protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 is not available and the appeal is liable to be dismissed.
5. I have perused the record. Admittedly, the property was not booked at the time of construction and same was booked after the property was already constructed. The title documents relied by the appellants show that the ground floor was in existence at least since 20.05.2008 when one Neetu Jain sold the property to Rajeev Gupta. As per this sale deed this property at that time was consisting of three storeyed i.e. ground, first and second floor. The appellants thus have shown that the ground floor is in existence at least since then.

6. Further, the electricity bill of the ground floor shows date of energization as 11.12.2008. The predecessor in interest of the appellants got the electricity connection after purchasing the property and thus it was for the respondent to show at least the approximate date of unauthorized construction at least for the ground floor.
7. Once, the appellants have shown that the ground floor was there way back in May, 2008, the MCD record should have something to show that this construction was raised between 08.02.2007 but before May, 2008. The MCD booked the unauthorized construction after about 15 years in January, 2023 whereas the appellants have shown that the ground floor was in existence at least since 20.05.2008. There is no material on record to even reflect that any fresh construction has been raised, as far as ground floor is concerned. The ground floor therefore is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.
8. Hence, the impugned order is kept in abeyance in respect of ground floor property of the appellants till this Act is in force. The respondent is at liberty to take action once the Act ceases to be in force. Appeal stands disposed of.
9. 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 22.10.2026

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