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

APPEAL NO. 680/ATMCD/2024
APPEAL NO. 707/ATMCD/2024

Sh. Ashok Kumar Sharma
S/o Late Sh. Babu Ram Sharma
R/o F-52 (East Side), Gali No. 10
Brahmpuri
Delhi - 110053

…….. Appellant

Versus

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

…… Respondent

Date of Filing of Appeal	**:**	**27.08.2024 & 02.09.2024**
Date of Judgment	**:**	**22.10.2026**

JUDGMENT

1. These are the two appeals challenging the demolition order dated 16.08.2024 in appeal no. 680/24 and the sealing order dated 16.08.2024 in appeal no. 707/24 passed in respect of unauthorized construction carried out in Property No. F-52, (East Side), Gali No. 10, Brahmpuri, Delhi - 110053 (hereinafter referred as subject property) in the shape of Ground Floor, First Floor with projections on the municipal land.
2. The brief facts necessary for disposal of these appeals are that the respondent booked the unauthorized construction in the shape of ground floor and first floor vide show cause notice dated 29.04.2019 on complaint received from Public Grievances Commission. The same was followed by the demolition order dated 07.05.2019 and sealing order dated 15.07.2019. The appellant challenged this demolition order in appeal no. 389/19 and the

sealing order in appeal no. 549/19. These appeals were allowed on 21.03.2024 by this Tribunal and the matter was remanded back with directions to the respondent to pass fresh speaking order(s) after dealing with submissions, pleas and defenses raised by the appellant. The respondent in pursuance to these directions, gave personal hearing to the appellant and passed the impugned orders after considering the reply given by the appellant on 01.04.2024.

3. The appellant has challenged these orders primarily on the ground that these orders are non-speaking orders and have been passed without application of mind. The demolition order passed by the AE and the sealing order passed by the Dy. Commissioner are verbatim same and show that none of these authorities followed the directions given by this Tribunal on 21.03.2024 directing the respondent to pass order(s) after dealing with submissions, pleas and defenses of the appellant.
4. Ld. counsel for the respondent on the other hand argued that reasoned and speaking order has been passed by the Quasi Judicial Authority after considering the documents and reply of the appellant who failed to show that the construction is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 or there is a sanction building plan and the appeals are liable to be dismissed.
5. I have perused the record. This Court while passing orders in the previous appeals, in para 12 specifically directed the Quasi Judicial Authority to pass speaking order(s) after dealing with the submissions, pleas and defenses of the appellant. The respondent in pursuance to these directions passed the impugned orders which though passed by two different Quasi Judicial Authority, are verbatim the same. Further, the first two pages of the impugned order contains facts and only the contentions raised by the appellant and the law and in the last paragraph of the second page, the impugned order(s) states:

"I have perused the reply and documents submitted by the appellant as well as submissions made by him during the personal hearing. It revealed from the documents that the property in question falls under the urbanized

village known as Village Ghonda Chauhan Banger. No lal dora certificate is provided by Ashok Kumar Sharma".

6. After this paragraph, the impugned orders were passed stating that the earlier demolition and sealing orders are upheld. The impugned order(s) are non-speaking, cryptic and do not deal with the contentions, defenses and documents of the appellant nor state as to why the protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 is not available. It only says that property falls under urbanized village and no Lal dora certificate is provided. The impugned orders are verbatim and are mechanical.
7. In these facts both the appeals are allowed and the impugned orders are set aside with directions to the Quasi Judicial Authority(s) to pass fresh speaking order(s) dealing with contentions, pleas and defenses raised by the appellant in his reply and after providing personal hearing to him. The impugned orders shall specify as to whether protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 is available or not and reasons thereof.
8. The appellant shall appear before the Quasi Judicial Authority for personal hearing on 06.11.2026 at 3.00 PM and fresh orders be passed within six weeks of conclusion of the personal hearing.
9. The appeals stand disposed of. 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)
Addl. District & Sessions Judge-cum-P.O.
Appellate Tribunal, MCD, Delhi