A.No. 283/24 Imran Khan & Ors Vs MCD & Ors.

03.05.2024

Present: Sh. Babu Lal, Ld counsel for the appellant.

Sh. Avishek Kumar, Ld counsel for the respondent. Memo of Appearance filed. Same is taken on record.

Status report filed. Copy supplied.

The record has been produced. It be deposited with

Registry and tagged with the file.

Arguments on appeal heard.

Vide separate order of even date, dictated and announced in the open Court, the appeal filed by

appellants is dismissed.

Record of the respondent be returned along with copy of this order. File be consigned to Record Room after

due compliance.

A.No. 768/23

03.05.2024

Present:

Sh. Dalip Rastogi, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Sh. Bhuvneshwar Tyagi, Ld. counsel for the intervener

Sh. Sunil Kumar, joined through V.C. File application

under Order I Rule 10 CPC, copy of which has not

been supplied.

Intervener is directed to supply copy of application under Order I Rule 10 CPC to Ld. counsel of appellant during the course of the day, who shall file reply to the same before the next date of hearing.

Put up for filing reply and disposal of application under Order I Rule 10 CPC as well as appeal on 15.05.2024.

A.No. 767/23

03.05.2024

Present: Sh. Dalip Rastogi, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report filed. Copy supplied.

Put up for disposal of this appeal on 15.05.2024.

A.No. 151/23

03.05.2024

Present: Ms. Parul Aggarwal, Ld counsel for the appellant.

Ms. Renu Soni, Nodal Officer on behalf of the

respondent.

Sh. Prabh Simar Singh, Ld. proxy counsel for Sh.

Varun Gulia, Ld. counsel for the intervener.

Appellant has filed reply to the application filed under

Order I Rule 10 CPC. Copy supplied.

Ld. counsel for the intervener is not available today.

One opportunity is granted.

Put up for disposal of application under Order I Rule

10 CPC on 02.08.2024.

A.No. 326/23

03.05.2024

Present: Sh. Gaurav Kumar, Ld counsel for the appellant.

Ms. Renu Soni, Nodal Officer on behalf of the

respondent.

Respondent has not filed reply to the application for

amendment despite opportunity.

One last and final opportunity is granted to the

respondent to file reply to the application for

amendment.

Put up for filing reply and disposal of application on

02.08.2024.

A.No. 663/23

03.05.2024

Present: Sh. Harsh Gulia, Ld counsel for the appellant.

Sh. V.K. Aggarwal, Ld counsel for the respondent.

An application under Order VI Rule 17 CPC has been

filed. Copy supplied.

Previous cost has not been deposited.

One last opportunity is granted to the appellant to

deposit the previous cost.

Re-notify for filing reply and disposal of application on

02.08.2024.

A.No. 355/21 & 356/21 **03.05.2024**

Present: Sh. Dalip Rastogi, Ld counsel for the appellant.

Vakalatnama filed. Same is take on record.

Sh. H.R. Aggarwal, Ld counsel for the respondent.

Put up with connected case on 05.08.2024.

A.No. 435/21

03.05.2024

Present:

Sh. Dalip Rastogi, Ld counsel for the appellant.

Vakalatnama filed. Same is take on record.

Ms. Renu Soni, Nodal Officer on behalf of the

respondent.

Ld. counsel of the respondent is not available.

Respondent is directed to bring the documents uploaded by the appellant while getting the building plan sanctioned through online mode, on the next date

of hearing.

Put up for filing documents and disposal of this appeal

on 05.08.2024.

A.No. 748/23

03.05.2024

Present:

Sh. Ashish Pandey, Ld counsel for the appellant,

joined through V.C.

Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Pritish

Sabharwal, Ld. counsel for the respondent.

Neither appellant has deposited the previous cost nor

Ld. counsel of appellant is available for advancing

arguments in the Court.

One last and final opportunity is granted to the

appellant for advancing arguments, subject to further

cost of Rs.5,000/- to be deposited with the Registry of

this Tribunal. '

It is made clear that no further opportunity shall be

granted.

Re-notify for depositing the costs and disposal of this

appeal on 05.08.2024.

(PITAMBER DUTT)
P.O : Appellate Tribunal:MCD

A.No. 461/15

03.05.2024

Present:

Ms. Parul Aggarwal, Ld counsel for the appellant.

Vakalatnama filed. Same is taken on record.

Sh. Dharamvir Gupta, Ld counsel for the respondent.

Matter is listed for disposal of this appeal but Ld.

counsel of the appellant again requests for an

adjournment on the ground that she has recently been

engaged.

One last and final opportunity is granted to the

appellant for advancing arguments.

Re-notify for disposal of this appeal on 05.08.2024.

(PITAMBER DUTT) P.O : Appellate Tribunal:MCD

A.No. 431/22

03.05.2024

Present:

Sh. O.P. Aggarwal, Ld counsel for the appellant.

Sh. Shantanu Aggarwal, Ld counsel for the

respondent.

Previous cost has been deposited.

Respondent is directed to carry out inspection in the

property in question and file status report whether

amalgamation is still existing or has been done away

by the appellant?

It shall also be mentioned in the status report as to

what is the extent of construction existing in the

property in question as on date?

Put up for filing status report and disposal of this

appeal on 09.08.2024.

(PITAMBER DUTT)
P.O : Appellate Tribunal:MCD

A.No. 336/22

03.05.2024

Present: None for the appellant.

Sh. H.R. Aggarwal, Ld counsel for the respondent.

Appellant was directed to bring the original partition deed along with the site plan but none is present on

behalf of appellant.

One last and final opportunity is granted.

Re-notify for disposal of this appeal on 05.08.2024.

A.No. 222/2023 **03.05.2024**

Present: Sh. Rishabh Jain, Ld. counsel of the appellant.

Sh. Sanjeet Kumar, Ld. Proxy counsel for Sh. Pritish

Sabharwal, Ld. counsel for the respondent.

Sh. Rohit Goel, Ld. counsel for the intervener.

Matter is listed for disposal of this appeal but main counsel of the appellant is not available today. He was not available on the last date of hearing as well.

One last and final opportunity is granted to the appellant for advancing arguments, subject to cost of Rs. 2,000/- to be deposited with the Registry of this Tribunal.

Re-notify for depositing the cost and disposal of this appeal on 05.08.2024.

A.No. 80/2023 **03.05.2024**

Present: Sh. Ashish Chauhan, Ld. counsel of the appellant.

Ms. Praveen Sharma, Ld. counsel for the respondent.

Matter is listed for disposal of this appeal but Ld. counsel for the appellant requests for an adjournment. One last and final opportunity is granted to the appellant to place on record whatever documents he has to show that the loft in question is old one, failing which, no further opportunity shall be granted.

Put up for disposal of this appeal on 09.08.2024.

A.No. 92/24(M)

03.05.2024

File taken up today on an application for seeking recalling of order dated 19.04.2024.

Present: Sh. Bharat Garg, Ld counsel for the applicant / appellant.

Issue notice of this application upon the non-applicant / respondent for the next date of hearing.

Re-notify on 16.05.2024.

A.No. 292/24

03.05.2024

Present:

Sh.S.B.Sharma, Ld counsel for the appellant joined through VC.

Sh. Anupam Sharma, Ld counsel for the respondent joined through VC.

Ld. counsel of respondent seeks some time for filing status report and record, same be filed before the next date of hearing.

Put up for filing status report and record on 14.05.2024.

A.No. 277/24

03.05.2024

Present:

Ms. Sujata, proxy counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent along with Sh. Sharad Gupta, EE(B), Sh. Jitender Pandey, A.E.(B) and Sh. Rajaram Meena, A.E.(B).

Status report filed, copy supplied.

The Dy. Commissioner concerned is not present due to personal reason. One last opportunity is granted to the concerned Dy. Commissioner to remain present in person and explain what action needs to be taken against the erring official who allowed the unauthorized construction to continue unchecked.

Put up for presence of the Dy. Commissioner and disposal of this appeal on 28.05.2024.

A.No. 381/22

03.05.2024

Present: Ms. Prachi Gupta, Ld counsel for the appellant.

Sh. V.K. Aggarwal, Ld counsel for the respondent.

The present appeal has been filed on 12.07.2022 whereas demolition order itself was passed on 15.07.2022 i.e. after filing of the present appeal.

Ld. counsel for appellant submits that she may be allowed to withdraw the present appeal with the liberty to file fresh appeal against the demolition order as per law.

Separate statement of the Ld. counsel of appellant has been recorded in this regard.

In view of the above facts and circumstances, the appeal filed by the appellant is dismissed as withdrawn with the liberty as prayed for.

Record of the respondent, if any, be returned alongwith copy of this order. Appeal file be consigned to record room.

A.No. 265/24

03.05.2024

Present: Ms. Neha Kapur, Proxy counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Respondent has not placed on record tracking report of the show cause notice and the demolition order,

same be placed on the next date of hearing.

Ld. counsel for respondent stated that respondent shall not take any demolition action qua the property in question till next date of hearing.

Put up for filing tracking report and disposal of the appeal on 15.05.2024.

A.No. 269/24

03.05.2024

Present: Sh. V.S.Rana, Ld counsel for the appellant.

Ms. Bhavya Chauhan, Ld counsel for the respondent. Fresh V/N filed by Ld counsel for respondent. It be

taken on record.

Status report has been filed, copy supplied.

Appellant has filed an application for condonation of delay, copy of which has already been supplied to Ld. counsel of respondent, who has also filed reply of the same, copy supplied.

Renotify for disposal of application as well as appeal on 02.08.2024.

Interim order, if any, to continue till next date of hearing.

A.No. 17/24, 637/18, 636/18, 638/18, 176/18, 373/17 & 372/17

03.05.2024

Present: Sh. Dalip Rastogi, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld. counsel for respondent in

appeal No.17/24.

Sh. V.K. Aggarwal, Ld counsel for the respondent in

appeal No. 373/17 & 372/17.

Sh. Dharamvir Gupta, Ld. counsel for respondent in

appeal No. 637/18, 636/18, 638/18 & 176/18.

Ms. Srishti Aggarwal, proxy counsel for Sh. Febin M.

Verghese, Ld. counsel of Heritage Conservation

Committee.

Arguments heard.

Parties are directed to file bullet point of their submissions alongwith status report upon which they

wish to place reliance in support of their case.

Renotify for 06.05.2024.

A.No. 246/24

03.05.2024

Present:

Ms. N. Sehar, proxy counsel for the appellant alongwith attorney of the appellant Sh. Mehtabuddin. Sh. V.K. Aggarwal, Ld counsel for the respondent.

Attorney of the appellant submits that he may be allowed to withdraw the present appeal.

Separate statement of the attorney of appellant has been recorded in this regard.

In view of the above facts and circumstances, the appeal filed by the appellant through her attorney is dismissed as withdrawn.

Record of the respondent, if any, be returned alongwith copy of this order. Appeal file be consigned to record room.

A.No. 245/24

03.05.2024

Present:

Ms. N. Sehar proxy counsel for the appellant

alongwith attorney of the appellant in person.

Sh. V.K. Aggarwal, Ld counsel for the respondent.

Matter is listed for disposal of the appeal but Ld counsel for appellant is not available. A request for an adjournment is prayed.

One last opportunity is granted to the appellant to advance the arguments subject to cost of Rs.2,000/-to be deposited with the Registry of this Tribunal.

Put up for disposal of this appeal on 05.08.2024.

A.No. 258/SCM/14 & 261/SCM/14,

03.05.2024

Present: Sh. Deepak Vuttstya, Ld counsel for the appellant.

Sh. Ravi Ranjan, Ld counsel for the respondent.

Respondent filed status report in compliance of the

last order, copy supplied.

Ld. counsel for appellant seeks some time to file an

affidavit as directed vide last order. One opportunity is

granted to file the affidavit.

Put up for filing affidavit and disposal of the appeal on

30.05.2024.

A.No. 259/SCM/14 & 260/SCM/14

03.05.2024

Present: Sh. Deepak Vuttstya, Ld counsel for the appellant.

Sh. Ravi Ranjan, Ld counsel for the respondent.

Respondent filed status report in compliance of the

last order, copy supplied.

Appellant has also filed affidavit.

Put up for disposal with connected appeal on

30.05.2024.

A.No. 601/16

03.05.2024

Present:

Sh. Davesh Pratap Singh, Ld counsel for the appellant.

Sh. Ashutosh Gupta & Sh. Dharamvir Gupta, Ld counsel for the respondent along with Sh. Arvind Choudhary, A.E.(B) /HQ.

Ld. Counsel of respondent seeks some time to file details report in terms of last order.

Let the respondent file detail report along with documents by the next date of hearing.

Put up for filing report and disposal of this appeal on 05.08.2024.

A.No. 25/21(M)

03.05.2024

Present: Sh. Sadre Alam, Ld counsel for the appellant.

Sh. R.K. Jain, Ld counsel for the respondent No.1.

None for respondent No.2 & 3.

This application has been filed for restoration of the appeal, which was dismissed in default on 05.10.2021 on the ground that Ld. counsel for appellant could not appear in this case as he was before the NCLT. He prayed that the application for restoration may be allowed.

Reply of the application has been filed by respondent No.1.

Respondent No.2 & 3 have not filed any reply.

The present application has been filed within 30 days of passing of the order. Copy of the order dated 05.10.2021 passed by the NCLT has been filed, which shows that Sh. Davesh Bhatia was there before the NCLT on 05.10.2021.

Considering the above facts and circumstances, the application for seeking restoration of appeal is allowed. The order dated 05.10.2021 is recalled. Appeal is restored to its original number and position. Renotify for disposal of the appeal on 02.08.2024.

A.No. 589/23, 590/23, 591/23 & 592/23

03.05.2024

Present: Sh. Sanjeev Nasiar with Sh. Dalip Rastogi, Ld counsel

for the appellant.

Sh. V.K. Aggarwal, Ld counsel for the respondent.

Appellant is directed to file all the documents regarding the proceedings initiated by the DUSIB

against the appellant by the next date of hearing.

Put up for placing on record documents and disposal

of this appeal on 02.08.2024.

A.No. 75/24, 76/24 & 25/24

03.05.2024

Present: Sh. Dalip Rastogi, Ld counsel for the appellant.

Ms. Renu Soni, Nodal Officer, MCD in appeal

no.25/24.

Sh. H. R.Aggarwal, Ld. counsel for the respondent in

appeal nos. 75/24 & 76/24.

Status report filed, copy supplied.

Respondent is directed to file fresh status report stating in it as to how the demolition order and sealing order were served upon the occupants of the property

along with proof?

Concerned A.E.(B) is also directed to remain present

in person on the next date of hearing.

Put up for filing status report and disposal of

application as well as appeal on 02.08.2024.

Interim order, if any, to continue till next date of

hearing.

Copy of order be given dasti.

A.No. 100/24

03.05.2024

Present:

Appellant in person.

Sh. Lalit Mohan, Ld counsel for the respondent. Fresh V/N filed by Ld counsel for respondent. It be taken on

record.

Appellant has not filed any application for amendment

as requested on the last date of hearing.

In the interest of justice one last and final opportunity is granted to the appellant to do the needful subject to cost of Rs.2000/- to be deposited with the Registry of this Tribunal. It is made clear that no further

opportunity shall be granted.

Put up for deposit of cost and disposal of appeal on

02.08.2024.

A.No. 38/22 & 45/22

03.05.2024

Present: None for the appellant.

Sh.Ankur Gupta , Ld counsel for the respondent. Sh. J.K.Tripathi, Ld. counsel for the Intervener.

Respondent has not filed reply to the application under Order 6 Rule 17 CPC.

One last opportunity is granted to the respondent to file reply to the application by the next date of hearing. Put up for filing reply and disposal of application as well as appeal on 02.08.2024.

A.No. 196/15

03.05.2024

Present: Sh.B.D.Sharma, Ld counsel for the appellant.

Sh. V.K.Aggarwal, Ld counsel for the respondent.

Appellant is directed to file the proof to show that the construction in question has been in existence prior

01.06.2014.

Put up for filing proof and disposal of this appeal on

02.08.2024.

A.No. 555/23

03.05.2024

Present: Sh. N.K.Jha, Ld counsel for the appellant.

Ms. Bhavya Chauhan, Ld counsel for the respondent

along with Sh. Md. Firoz Khan, A.E.(B).

Respondent has filed some photographs but the appellant dispute the identity of properties.

There are two different properties, one is owned by the appellant and another is owned by her husband.

The concerned A.E.(B) is directed to carry out a joint inspection in the presence of the appellant on 20.05.2024 at 12.00 O'Clock. He shall ascertain in the presence of the appellant that qua which property demolition proceedings have been initiated.

The appellant shall identify both their properties and A.E.(B) concerned shall apprise the appellant qua which property demolition order has been passed.

Rough proceedings of the inspection shall also be prepared by A.E.(B) at site and he shall obtain the signature of the appellant on rough proceedings.

The proceedings shall be videographed and photographed.

If any hindrance is created by any person, the concerned A.E.(B) is at liberty to take police help. If any such request is made, the SHO, PS: Wazirabad is directed to provide the police protection for carrying out inspection.

Put up for filing status report and disposal of the appeal on 08.08.2024.

Copy of the order be given dasti.

A.No. 302/21

03.05.2024

Present: Sh. Md. Azmal, Proxy counsel for the appellant.

Sh. V.K.Aggarwal, Ld counsel for the respondent.

Ld. counsel of appellant is not available.

One last and final opportunity is granted.

Put up for disposal of this appeal on 05.08.2024.

A.No. 381/17 & 434/17

03.05.2024

Present: Sh. Piyush Pahuja, Ld counsel for the appellant.

Sh. Dharamvir Gupta, Ld counsel for the respondent.

Previous cost has not been deposited.

One last and final opportunity is granted to the appellant to deposit the previous cost subject to further cost of Rs.3,000/- to be deposited with the Registry of this Tribunal. The cost be deposited before the next date of hearing failing which no further opportunity shall be granted.

Put up for deposit of cost and disposal of appeal on 05.08.2024.

A.No. 367/19

03.05.2024

Present: Sh. R.N.Singh, Ld counsel for the appellant.

Sh. Avishek Kumar, Ld. counsel for respondent.

Appellant has filed documents in compliance of the last order. Copy of the documents be supplied to the

Ld. counsel for respondent.

Put up for disposal of the appeal on 06.08.2024.

A.No. 350/22

03.05.2024

Present: Sh. R.N.Singh, Ld counsel for the appellant.

Sh. Sanjeet Kumar, proxy counsel for Sh. Pritish

Sabharwal, Ld. Counsel for respondent.

Put up with connected appeal on 06.08.2024.

A.No. 152/21

03.05.2024

Present: Sh. Harsh Vardhan, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ld. counsel for appellant submits that appellant wish to withdraw the present appeal as the appellant is pursuing regularization of his property before the MCD.

Separate statement of the Ld. counsel of appellant has been recorded in this regard.

In view of the above facts and circumstances, the appeal filed by the appellant is dismissed as withdrawn.

Record of the respondent, if any, be returned alongwith copy of this order. Appeal file be consigned to record room.

A.No. 284/22

03.05.2024

Present:

Sh. G.C.Pandey, Ld counsel for the appellant

alongwith appellant in person.

Sh. V.K. Aggarwal, Ld counsel for the respondent

No.1.

Sh. Amit Jagga, Ld. counsel for respondent Nos.2 to

4.

Part arguments heard.

Ld. counsel for appellant seeks some more time to

show as to how the Special Act is applicable with

respect to the property in question or not?

opportunity is granted.

Put up for disposal of the appeal on 09.08.2024.

(PITAMBER DUTT) P.O: Appellate Tribunal:MCD

A.No. 109/22, 110/22, 111/22, 112/22, 113/22, 114/22, 78/22, 91/22, 115/22, 116/22, 117/22, 118/22, 119/22, 120/22, 106/22, 107/22, 108/22, 130/22, 135/22, 136/22 & 137/22.

03.05.2024

Present:

Sh. Ravi Kapoor, Ld. counsel for the appellant in appeal Nos. 106/22, 107/22, 108/22, 109/22, 110/22, 111/22, 112/22, 113/22, 114/22, 115/22, 116/22, 117/22, 118/22, 119/22, 120/22, 130/22 & 78/22.

None for appellant in appeal No.91/22.

Ms. Bandana Kaur Grover, Ld. counsel for appellant in appeal No. 135/22, 136/22 & 137/22.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Ms. Jyoti Mandel, proxy counsel for Sh. Ajay Gaur, Ld. counsel for respondent in appeal No.111/22.

Ms. Anjali Jaitely, applicant in person in appeal No.78/22.

Ld. counsel for respondent submits that he has been instructed to advance the arguments on merits.

The respondent is directed to file its stands in writing. Ld. counsel for appellant advanced the arguments long back. He is directed to refresh the arguments on the next date of hearing and thereafter Ld. counsel for respondent and intervener shall advance their arguments.

Put up for disposal of the appeal on 07.08.2024.

Interim order, if any, to continue till next date of hearing.

A.No. 85/19, 86/19, 87/19, 88/19 & 89/19

03.05.2024

Present: Sh. Hemant Chaudhary, Ld counsel for the appellant.

Sh. Dharamvir Gupta, Ld counsel for the respondent

in appeal nos. 86/10, 87/19 & 88/19.

Ms. Mithlesh Singh, Ld. counsel for the respondent in

appeal no.89/19.

Sh. Ashutosh Gupta, Ld. Counsel for the respondent

in appeal no.85/19.

Put up for disposal with connected appeal on

05.08.2024.

A.No. 752/23

03.05.2024

Present: Sh. Anmol Ghai, Ld counsel for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent.

Matter is listed for disposal of appeal but Ld. Counsel of appellant is not available. Request for an

adjournment is prayed.

One last and final opportunity is granted.

Put up for disposal of this appeal on 05.08.2024.

A.No. 309/24, 310/24 & 311/24

03.05.2024

Fresh appeal filed. It be checked and registered.

Present: Sh. Lohit Ganguly, Ld counsel for the appellant.

Issue notice of the appeal and application for condonation of delay to the respondents through concerned Chief Law Officer. AE(B) is directed to be present with the record of the proceedings, status report and reply on the next date of hearing.

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Put up for arguments on 14.05.2024.

A.No. 312/24

03.05.2024

Fresh appeal filed. It be checked and registered.

Present:

Sh. Sushil, Ld counsel for the appellant.

Issue notice of the appeal and applications, if any, to the respondents through concerned Chief Law Officer. AE(B) is directed to be present with the record of the proceedings, status report and reply on the next date of hearing.

Put up for arguments on 15.05.2024.