

A.No. 312/24

**15.05.2024**

Present : Sh. N.K. Sharma, Ld counsel for the appellant.  
Ms. Praveen Sharma, Ld counsel for the respondent along with Sh. Rajesh Sharma, AE(B). Memo of Appearance filed. Same is taken on record.

Ld. counsel for the appellant submits that he has filed the present appeal only with respect to shops no. 3 & 4, situated at the ground floor of property bearing no. 9063, Ram Bagh Road, Azad Market, Delhi – 110006. He further contended that the owner of the property has already paid the one time conversion charges of Rs. 12,66,909/- on 14/15.09.2022.

The respondent is directed to file a status report, stating in it whether appellant or the owner of the property in question has already paid the one time conversion charges with respect to whole of the property or not? If any deficiency still remains, same shall also be mentioned in the status report.

Put up for filing status report and disposal of this appeal on 04.06.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 226/20

Air Marshal P.S. Ahluwalia (Retd.) Vs SDMC

**15.05.2024**

Present : Sh. H.L. Dassi, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

This appeal has been filed against impugned demolition order dated 11.09.2020, which was signed by the Quasi Judicial Authority on 10.09.2020. The said demolition order was passed pursuant to the show cause notice dated 09.07.2020, which was issued for raising unauthorized construction of erection of wall and renovation at ground floor, first floor and second floor of property bearing no. A-39, Nizamuddin East, Delhi.

Sh. H.L. Dassi, Ld. counsel for the appellant has contended that the wall in question was erected pursuant to the decree dated 06.12.2019 passed by the Division Bench of the Hon'ble High Court in RFA OS No. 36/2019. He prayed that appeal may be allowed and impugned demolition order may be set aside.

Sh. Ashutosh Gupta, Ld. counsel for the respondent has contended that though the wall was raised pursuant to the order passed by the Hon'ble High Court but the property in question is situated

within 100 Sq. Meter radius of the protected monument, therefore, NOC from the Archaeological Survey of India was required, which was not obtained. He further contended that the property in question was booked on the basis of order dated 16.06.2020, passed by the Hon'ble High Court in W.P. (C) no. 3534/20. He prayed that appeal may be dismissed.

I have heard Ld. counsel for the appellant, Ld counsel for the respondent, and perused the appeal, impugned order as well as the record. Perusal of the above shows that the property bearing no. A-39, Nizamuddin East, Delhi was booked for carrying out repair and erecting the intervening wall at the ground floor, first floor and second floor, without obtaining any NOC from the Archaeological Survey of India, though said wall was raised pursuant to the order dated 06.12.2019 passed by the Division Bench of the Hon'ble High Court in RFA (OS) No. 36/2019. The said wall was erected in the presence of the local commissioner so appointed by the Hon'ble High Court.

The appellant herein has filed an application for seeking impleadment in W.P (C) no. 3534/20 and on his application, the Hon'ble High Court passed order dated 25.04.2023, thereby directed the Archaeological

Survey of India and National Monuments Authority to take decision regarding grant of NOC within 6 weeks. Pursuant to said order, the concerned authority granted NOC regarding erection of wall in terms of order passed by the Hon'ble High Court as mentioned in para 3 of order dated 22.02.2024, passed by the Hon'ble High Court in the said writ petition.

Once the NOC was granted by the Archaeological Survey of India and National Monuments Authority, Sh. Rajesh Kumar Yadav, who filed the writ petition being W.P. (C) no. 3534/20, on the basis of which proceedings under Section 343 of the DMC Act were initiated, withdrew his writ petition and the said writ petition was dismissed as withdrawn vide order dated 22.02.2024.

The property in question was booked for carrying out renovation as well as erection of intervening wall at the ground floor, first floor and second floor.

No material was produced by the Quasi Judicial Authority to substantiate the fact that any renovation was carried out by the appellant in the property in question.

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As regard the intervening wall raised at the ground floor, first floor and second floor is concerned, same was raised pursuant to the order dated 06.12.2019 passed by a Division Bench of the Hon'ble High Court. Even on the basis of order dated 25.04.2023, passed in W.P. (C) No. 3534/20, the concerned authority had granted NOC(s) dated 02.06.2023 and 07.06.2023 for raising of such wall. Therefore, raising of intervening wall, pursuant to the decree passed by the Hon'ble High Court, cannot be termed as unauthorized.

In view of the above facts and circumstances, particularly the order dated 25.04.2023 and 22.02.2024, passed in W.P. (C) no. 3534/20 and keeping in view the NOC(s) dated 02.06.2023 and 07006.2023, the appeal filed by the appellant is allowed. The impugned demolition order dated 11.09.2020 is set aside.

The record of the respondent be send back alongwith copy of this order. Appeal file be consigned to record room after due compliance.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 768/23

**15.05.2024**

Present : Sh. Dalip Rastogi, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.  
None for the applicant.

None has appeared on behalf of applicant despite various calls.

Ld. counsel for the appellant submits that applicant has not supplied copy of application under Order I Rule 10 CPC to him.

Issue Court Notice to the applicant as well as his counsel with the directions to remain present in person on the next date of hearing.

Court Notice be also issued to SHO PS Kotwali with the directions to bring the original general diary of 04.09.2022 on the next date of hearing.

Put up on 04.07.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 767/23

**15.05.2024**

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

Put up with connected case on 04.07.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 528/19

**15.05.2024**

Present : Sh. Harkirat Singh, Ld counsel for appellants.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Previous cost has been deposited.

The counsel of appellant had appeared on the last date of hearing as well, but he has not filed vakalatnama till date, despite granting due opportunity.

In the interest of justice, one last and final opportunity is granted to appellants to remain present in person on the next date of hearing along with their counsel, who can advance arguments on the next date of hearing, subject to cost of Rs. 10,000/- to be deposited with the Registry of this Tribunal.

Re-notify for payment of cost and disposal of this appeal on 14.08.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**



A.No. 341/24

**15.05.2024**

Fresh appeal filed. Be checked and registered.

Present : Sh. Sagar Nandwani, Ld counsel for the appellant.

Issue Notice of the application for condonation of delay as well as appeal to the respondent through concerned Chief Law Officer. A.E.(B) is directed to be present with the record of the proceedings, status report and reply on next date.

Put up on 24.05.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 342/24

**15.05.2024**

Fresh appeal filed. Be checked and registered.

Present : Sh. Rama Shankar, Ld counsel for the appellant.

Issue Notice of the application for condonation of delay as well as appeal to the respondent through concerned Chief Law Officer. A.E.(B) is directed to be present with the record of the proceedings, status report and reply on next date.

Put up on 27.05.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 345/24

**15.05.2024**

Fresh appeal filed. Be checked and registered.

Present : Sh. Simarpal Singh Sawhney, Ld counsel for the appellant.

Issue Notice of this appeal and application if any, to the respondent through concerned Chief Law Officer. A.E.(B) is directed to be present with the record of the proceedings, status report and reply on next date.

Notice be also given dasti.

Put up on 16.05.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 08/24

**15.05.2024**

File taken up today on an application filed by applicant / appellant for seeking early hearing.

Present : Ms. Aditi Aggarwal, Ld counsel for the applicant / appellant.

The appeal itself is listed for 06.06.2024. The previous early hearing application filed by the applicant / appellant has already been dismissed vide order dated 24.04.2024.

No ground is made out for early hearing. Application is accordingly dismissed.

Re-notify for disposal of this appeal on the date already fixed i.e. on 06.06.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 12/24(M), 27/24(M), 30/24(M), 32/24(M), 16/24(M), 21/24(M), 17/24(M), 25/24(M), 28/24(M), 13/24(M), 20/24(M), 06/24(M), 03/24(M), 04/24(M), 05/24(M), 31/24(M), 07/24(M), 14/24(M), 08/24(M), 15/24(M), 23/24(M), 09/24(M), 10/24(M), 19/24(M), 58/24(M), 59/24(M), 60/24(M), 61/24(M), 62/24(M), 63/24(M), 64/24(M), 65/24(M), 66/24(M), 67/24(M), 68/24(M), 69/24(M), 70/24(M), 71/24(M), 72/24(M), 73/24(M), 74/24(M), 75/24(M), 76/24(M), 77/24(M), 34/24(M), 35/24(M), 36/24(M), 37/24(M), 38/24(M), 39/24(M), 40/24(M), 41/24(M), 42/24(M), 43/24(M), 44/24(M), 45/24(M), 46/24(M), 47/24(M), 48/24(M), 49/24(M), 50/24(M), 51/24(M), 52/24(M), 53/24(M), 54/24(M), 55/24(M), 56/24(M) and 57/24(M).

**15.05.2024**

Present : Ms. Kirti Gupta and Sh. Manan Shishodia, Ld counsels for the applicants/appellants.  
Sh. Ashutosh Gupta, Ld counsel for non-applicant/respondent.

Reply to the application for restoration of appeal has been filed, copy supplied.

Main counsel for applicants/appellants is not available. A request for an adjournment is prayed. One last opportunity is granted.

Put up for disposal of the application on 27.08.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 26/24 (M), 33/24(M), 29/24(M) and 02/24 (M)

**15.05.2024**

Present : Ms. Kirti Gupta and Sh. Manan Shishodia, Ld  
counsels for the applicants/appellants.  
Sh. V.K. Aggarwal, Ld counsel for non-  
applicant/respondent.

Main counsel for applicants/appellants is not available.  
A request for adjournment is prayed. One last  
opportunity is granted.

Put up for disposal of the application on 27.08.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 22/24 (M), 24/24(M), 18/24(M) and 11/24(M)

**15.05.2024**

Present : Ms. Kirti Gupta and Sh. Manan Shishodia, Ld  
counsels for the applicants/appellants.  
Sh. Mohit Sharma, Ld counsel for non-  
applicant/respondent.

Main counsel for applicants/appellants is not available.  
A request for adjournment is prayed. One last  
opportunity is granted.

Put up for disposal of the application on 27.08.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 265/24

**15.05.2024**

Present : Ms. Kamal Sant, Ld counsel for the appellant.  
Sh. Ashutosh Gupta, Ld counsel for the respondent.

Status report has been filed alongwith tracking reports but their tracking reports are not correct.

Ld. counsel for respondent submits that he may be given one last opportunity to place on record better tracking reports. He further submits that respondent shall not take any demolition action qua the property in question till the next date of hearing.

On request, one last and final opportunity is granted.

Put up for filing tracking reports and for disposal of this appeal on 31.05.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**



A.No. 279/24

**15.05.2024**

Present :

Sh. Anil Aggarwal with Ms. Bandana Kaur Grover, Ld counsels for the appellant.

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

Fresh V/N filed by Ld counsel for respondent. It be taken on record.

Record has been brought, same be deposited in the Registry and tagged with this file.

Status report has been filed, copy supplied.

As per status report two separate orders were passed with respect to the property in question, one is for basement and another is for ground floor and first floor.

Ld. counsel of appellant submits that there is no basement and first floor in the property in question.

Respondent is directed to carry out the inspection of the property in question on 27.05.2024 at 12.00 O'clock and file status report, whether there exists any basement or first floor in the property in question? Status report be filed alongwith photographs.

Put up for filing status report and disposal of the application as well as appeal on 06.06.2024.

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

Copy of the order be given dasti.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 271/24

**15.05.2024**

Present : Sh. Prateek Jain, Ld counsel for the appellant joined through VC.

Sh. Ashutosh Gupta, Ld counsel for the respondent alongwith Sh. J.S. Khatri.

The then JE(B), who served the show cause notice, is not in a position to apprise the court upon whom the show cause notice dated 26.07.2021 was served and whose signature were obtained at point 'A' of the show cause notice.

Respondent has not filed reply to the application of condonation of delay. One last opportunity is granted.

Put up for filing reply and disposal of the application as well as appeal on 14.08.2024.

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

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 178/24

**15.05.2024**

Present : Sh. Manish Chaudhary and Sh. Ajatshatru Singh, Ld counsels for the appellant.

Sh. Ashutosh Gupta, Ld counsel for the respondent along with Col. Vinod Atri, Dy. Commissioner, Shahdara North Zone and Sh. P.K. Pandey, A.E.(B).

Dy. Commissioner assured that action shall be taken against the official who has not proceeded in accordance with law.

Ld. counsel for respondent submits that respondent may grant them fresh hearing and pass fresh speaking order.

Let status report in this regard be filed on the next date of hearing.

Put up for filing status report and disposal of this appeal on 31.05.2024.

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

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 264/24

**15.05.2024**

Present : Sh. Shahid Ali, Ld counsel for the appellant.  
Sh. Ankur Sharma, Ld counsel for the respondent.  
Fresh V/N filed by Ld counsel for respondent. It be taken on record.

This appeal has been filed only against the order dated 01.04.2024, which has been passed with respect to third floor of the property in question.

As per the appellant herself the property in question consist of parking, ground floor, first floor and second floor but she has not mentioned about existence of third floor in the property.

Even Ld. counsel for appellant is not in a position to tell whether any third floor has been constructed by the appellant or not?

The respondent is directed to carry out inspection of the property in question and file report stating, whether third floor is existing in the property in question or not? Report be filed alongwith photographs.

Put up for filing status report and disposal of this appeal on 31.05.2024.

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

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 929/18

**15.05.2024**

Present : Sh. Deepak Vashisht, Ld counsel for the appellants  
alongwith appellants in person. Fresh V/N filed. It be  
taken on record.  
Ms. Renu Soni, Nodal Officer, MCD on behalf of Sh.  
Mohit Sharma, Ld. counsel for respondent.  
Sh. Vireshwar Tyagi, Ld. counsel for intervener.

Ld. counsel for appellants on instructions submits that  
appellants wish to withdraw the present appeal with  
the liberty to file an application for regularization with  
the MCD as per the norms.

Separate statements of both the appellants have been  
recorded in this regard.

In view of the above facts and circumstances, the  
appeal filed by the appellants 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.

Copy of order be given dasti.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 95/24(M) & 96/24(M)

**15.05.2024**

**File take up today on an application for seeking restoration of appeal.**

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

Issue notice of the application upon the respondent for 04.06.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**

A.No. 410/22

**15.05.2024**

File taken up today on receipt of an order dated 15.04.2024 vide which the order passed by this Court dated 23.02.2023 has been set aside and the matter has been remanded back for passing fresh order after considering the site plan showing the super structure attached with the sale deed in terms of para No.11 of the said order.

Present: Sh. Govind Rishi, Ld counsel for the appellant.  
None for the respondent.  
None for the Intervener.

Notice be issued to the respondent as well as to intervener and his counsel for their appearance on 10.07.2024.

The respondent shall also produce the original record before the next date of hearing.

The appellant shall file site plan as referred in para No.11 of the order dated 15.04.2024.

Put up for disposal of appeal on 10.07.2024.

(PITAMBER DUTT)  
P.O : Appellate Tribunal:MCD  
**15.05.2024**