

27.02.2026

Fresh appeal is received. It be checked and registered as per rules.

Present : Shri Lalit Gupta, Shri Vikas Sharma, Shri Shantanu Parashar and Shri Harsh Trivedi, Ld. counsels for the appellant.

Shri Mayank Wadhwa (Enrol. No. D/1513/09) and Shri Digvijay Singh (Enrol. No. D/6610/23), Ld. counsel for respondent No. 2.

Shri Mayank Wadhwa and Shri Digvijay Singh, Ld. counsels for respondent no. 2 submit that they appear for R-2 Ms. Asha Gupta on receipt of advance notice and accept the notice and seek time for filing the reply.

The Ld. counsel for the appellant prays for stay of operation of the impugned order dated 13.02.2026 as 90% of the construction at the site in question is already completed and public utility project (IGL CNG Station) has been illegally and improperly halted due to revocation of valid licence granted to the appellant by the MCD authorities. It is being submitted by the Ld. counsel for the appellant that the Ld. ATMCD has revoked the duly sanctioned plan of MCD validly granted for the public utility project by assuming jurisdiction to decide disputed questions of title and existence of a public road which are the matters exclusively falling within the domain of Civil Court. It is vehemently contended that if the operation of the impugned order

dated 13.02.2026 is not stayed, the appellant will suffer irreparable loss as the construction on the site is almost complete. Per contra, Ld. Counsel for respondent no. 2 has argued that the property owned by the respondent no. 2 used to be accessed through public road which is being encroached upon by the appellant and the sanction dated 26.07.2025 was obtained by practicing deception and fraud.

Perusal of the impugned order dated 13.02.2026 in Appeal No. 25/ATMCD/2026 reveals that respondent no. 2 had filed the said appeal against MCD and M/s Bhartiyaam Village Foods & Beverages Pvt. Ltd. (appellant herein) for cancellation / revocation of sanction granted by MCD. The copy of the Sanction in question for the proposed IGL/CNG Station at Khasra No. 46/16, 17, 24, 29, 49/4 Village Bakoli, Tehsil Narela, Delhi is filed at page no. 61 of the documents filed alongwith the appeal and the said sanction is in the name of Mr. Divye Ratna Dixit. However, the respondent no. 2 in her appeal had not arrayed said Mr. Divye Ratna Dixit as a party. It is being submitted by the Ld. Counsel for appellant that Mr. Divye Ratna Dixit is one of the Directors of the appellant company and that the property is owned by appellant which was leased out to Mr. Divye Ratna Dixit. The grant of sanction to erect/re-erect/added to/alteration in relation to the proposed IGL CNG Station at Khasra No. 46/16, 17, 24, 29, 49/4 Village Bakoli, Tehsil Narela, Delhi had been granted by the Building Department (HQ)/HQ Zone by the Sanctioning Authority, Municipal Corporation of Delhi on 26.07.2025 and a

prima facie case is made out in favour of the appellant. The balance of convenience also tilts in favour of the appellant as considerable construction has already been undertaken pursuant to said sanction and the appellant would suffer irreparable loss, which cannot be compensated in terms of money, in case the public utility project (IGL CNG Station) is halted in case interim order is not passed. Accordingly, the operation of the impugned order dated 13.02.2026 is hereby stayed till next date of hearing. Let notices of the appeal be issued to respondent no. / MCD through all permissible modes on filing of PF/Speed post within a week, returnable for **28.04.2026**.

Let the trial court record from ATMCD be also requisitioned for the date fixed.

(PREM KUMAR BARTHWAL)
Principal District & Sessions Judge
North District/Rohini Courts/Delhi
27.02.2026 (NSR)