

**IN THE COURT OF SH. PREM KUMAR BARTHWAL
PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH DISTRICT: ROHINI COURTS: DELHI**

**CNR No. DLNT01-002454-2026
MCD Appeal No. 03/2026**

**Bhartiyam Village Foods & Beverages
Pvt. Ltd.**

.....Appellant

Versus

MCD & Anr.

....Respondents

04.04.2026

ORDER

1. Vide this order, this court shall dispose off the application moved on behalf of respondent No. 2/Smt. Asha Gupta for vacation of stay order dated 27.02.2026 whereby operation of impugned order dated 13.02.2026 passed by Ld. ATMCD in appeal No. 25/2026 cancelling the sanction order granted by the MCD / R-1 was stayed till the next date of hearing i.e. 28.04.2026. In the present application, the applicant/ respondent No. 2 has contended that the appellant would complete the construction being carried out and that construction activity is not a public utility project and rather it is a private venture of the appellant. It is further contended that said construction is being carried out on public land encroached by the appellant and stay order has been obtained upon legally unsustainable

grounds which are beyond pleadings and without proper examination of the fundamental issue of locus standi. It is contended that the appellant had attempted to create sympathy on the basis of alleged 90% completion of the construction of IGL CNG station at the subject property but the same was neither determinative ground of defence taken by the appellant before the Ld. ATMCD nor in appeal before this court and said submissions cannot be ground to stay the impugned order.

2. It is further contended that if the sanction dated 26.07.2025 stood in the name of Mr. Divye Ratna Dixit and if he was indeed the real beneficiary then he was fully aware of the subject proceedings before the Ld. ATMCD and he did not choose to challenge the impugned order dated 13.02.2026 in his individual capacity and appellant did not move an application u/o 1 Rule 10 CPC for impleadment of Mr. Divye Ratna Dixit in the proceedings before Ld. ATMCD. The interim order has been obtained on a completely misleading and baseless averment and the same also is not part of the pleadings at all. It is, therefore, prayed to vacate the stay order dated 27.02.2026 passed in the present case.

3. The appellant/ non-applicant has filed reply to the said application wherein it is contended that the applicant/ respondent No. 2 has failed to demonstrate any material change in circumstance, warranting vacation of the duly reasoned order dated 27.02.2026. It is

further contended that a clarification dated 20.02.2026 has been issued by the office of SDM (Narela) based upon the verified report of the Halqa Patwari, which categorically records that the Aks-Zizra relied upon by Respondent No. 2 before the Ld. Appellate Tribunal, MCD does not correspond with the official authenticated revenue records, that no such road/passage exists at the east side of Khasra Nos. 46/18-23 & 49/3, and that the road/rasta shown in the contested Sizra 'appears to be an unauthorized addition' not forming part of the authenticated revenue record. Further, it is submitted that on 17.03.2026 the Hon'ble High Court of Delhi in WP(C) No. 17181/2025 specifically declined to urgently hear the applicant's interim application. It is further contended that vide order dated 17.03.2026 the Hon'ble High Court also directed the respondent No. 1/ MCD to inspect the area around the applicant's property and ensure that she is provided access to her farmhouse that the applicant / respondent No. 2 always had access to her farmhouse through the Bakoli Bakhtawarpur Road but is deliberately harassing the appellant by filing frivolous petitions / applications. It is contended that as per certified true copies of the building plan application file bearing No. 993/B/HQ/2005 maintained by the Executive Engineer (Building), Narela Zone, MCD pertaining to Bhartiya's farm house building sanction of 2005 the western boundary of Bhartiya's land being the boundary adjoining the appellant's property has no road, rasta or passage of any nature whatsoever marked upon it.

4. It is further contended that non-impleadment of Mr. Divye Ratna Dixit before the Ld. ATMCD and by extension in the present appeal is solely attributable to the applicant/ respondent No. 2 and its ramifications are to be decided in accordance with law. The present application is nothing more than the applicant's attempt to argue the merits of the impugned order at the interim stage itself. Therefore, the present application deserves to be dismissed.

5. I have heard arguments of the Ld. counsels for the parties and perused the material on record.

6. At the outset, when the Ld. counsel for applicant/ R-2 was asked about reply to be filed by respondent No. 2 and he submitted that same would be filed soon. The respondent No.1/MCD i.e. the authority which had granted the sanction in question is yet to be served in the present matter. The order dated 27.02.2026 passed by this court details the reason for same and in any event same is only in nature of interim directions till next date of hearing i.e. 28.04.2026. The applicant wants to vacation of same without filing any reply and without any notice to the respondent No. 1/ MCD. No explanation is forthcoming as to why the applicant/ respondent No. 2 did not implead the person in whose favour sanction dated 26.07.2025 was granted by respondent No. 1. The applicant's contention that the appellant should have filed application u/o 1 Rule 10 CPC for impleading the said person i.e. Mr. Divye Ratna Dixit before the Ld. ATMCD is

devoid of merits as it is the applicant/ respondent No. 2 who had approached the Ld. Tribunal for cancellation of the sanction granted to Mr. Divye Ratna Dixit. As regards the claim of the appellant, M/s Bhartiyam Village Food & Beverages Pvt. Ltd. in respect of the property where the construction is taking place, the appellant had placed on record the copy of the duly registered Sale Deed at page 441 of documents filed along with the appeal. In the considered opinion of this court, the respondent No.2's application for vacation / recall of order dated 27.02.2026 is devoid of any merits and same is hereby dismissed.

Put up for further proceedings on the date already fixed i.e. on 28.04.2026.

Announced in the open court
today on 04th day of April 2026

(PREM KUMAR BARTHWAL)
Principal District & Sessions Judge
North District/Rohini Courts/Delhi (d).