

IN THE COURT OF SH. UMED SINGH
PRINCIPAL DISTRICT & SESSIONS JUDGE
SOUTH – EAST DISTRICT, SAKET COURTS, NEW DELHI

CNR No.DLSE01-001555-2024
MCD Appeal No.01/2024

Naresh Kumar
S/o Shri Tejpal
R/o H.No.366C, Mathura Road,
Hari Nagar Ashram,
New Delhi-110014

Also at

M/s Bansal Garments & Gents Wear
Shop No.60, Gali No.3,
Molarband Extn., Badarpur,
New Delhi-110044.

.....Appellant

Versus

Soth Delhi Munipal Corporation
Through its Deputy Commissioner
Central Zone, Lajpat Nagar,
New Delhi

Also at

Town Hall, Chandani Chowk,
Delhi-110006.

.....Respondent

MCD Appeal No.01/2024
Naresh Kumar vs. South Delhi Municipal Corporation

Date of institution : **17.02.2024**
Date of hearing final arguments : **28.07.2026**
Date of judgment : **04.08.2026**

ORDER

1. This order shall decide an appeal under Section 347-D of the Delhi Municipal Corporation Act, 1957 filed against order dated 09.02.2024 vide which appellant's appeal was dismissed by Mr. Pitamber Dutt, the then Id. PO, Appellate Tribunal, MCD.
2. Background of appeal is notice dated 13.05.2022 issued by the Deputy Commissioner, Central Zone, South Delhi Municipal Corporation directing the appellant to stop misuse and bring the premises within permitted use as per Master Plan-2021/ UBBL-2016 within 48 hours failing which the premises under reference would be sealed without further notice.
3. Several grounds have been mentioned in memorandum of appeal but during arguments, counsel for appellant submitted that she was pressing only one ground.

She argued that notice dated 13.05.2022 was issued by MCD and not by Monitoring Committee and hence judgment of Hon'ble High Court dated 11.04.2022 passed in *writ petition no.4677/1985* titled as *M. C. Mehta vs. UOI* was not applicable. She further argued that Id.

ATMCD wrongly dismissed her appeal in view of that judgment because the said notice was not issued by the Monitoring Committee and rather, it was issued by MCD.

4. Counsel for respondent replied that the notice was issued by MCD at the instance of Monitoring Committee and hence the above judgment is very much applicable.
5. Record of ATMCD shows that one Mr. Naresh Bansal had filed a complaint against appellant to the Monitoring Committee on 28.04.2022 to the effect that appellant was engaged in commercial activities in an unauthorizedly constructed property on first, second and third floors of shop no.60, Gali no.3, Molarband Extension, Badarpur, New Delhi-110044 where appellant was doing business under the name and style of M/s Bansal Garments & Gents Wear. The first page of complaint shows that it was received in the office of Monitoring Committee on 28.04.2022 and the Committee, on 29.04.2022, directed the Deputy Commissioner, Central Zone to inquire the facts and submit the status report. Pursuant to that direction, notice dated 13.05.2022 was issued by MCD to appellant. After issuance of notice, MCD sent status report to Monitoring Committee as reflected on page no.57 of file of ATMCD. That page bears seal of Monitoring Committee dated 24.05.2022.

Above discussion shows that the application against appellant

was filed before Monitoring Committee. On the basis of that application, Monitoring Committee directed the Deputy Commissioner, Central Zone to verify facts and file report. On such direction, notice dated 13.05.2022 was issued and status report was filed before Committee which shows that though, notice was issued by MCD itself, but it was based on the direction of Monitoring Committee and hence there is nothing wrong in the observation of Id. PO, ATMCD in order dated 09.02.2024 that action was taken at the instance of Monitoring Committee and hence that court did not have jurisdiction to deal with the appeal.

6. In view of the above discussion, there appears to be no illegality or infirmity in the order of the Id. ATMCD. The appeal is without merit and is hereby dismissed.

7. Parties to bear their own costs. Trial court record be sent back with a copy of this order.

File be consigned to the record room after due compliance.

*Announced in the open Court
today, on 03.08.2026*

(UMED SINGH)
Principal District & Sessions Judge
South East, Saket Courts,
New Delhi