

03.08.2026

Present:- Sh. Madan Lal Sharma, Ld. Counsel for the
appellant through VC.
Sh. Ashish Bhardwaj and Sh. Sudeep Sharma, Ld.
Counsel for the appellant physically present.
Sh. Rajiv Bhardwaj, Ld. Counsel for Respondent
no.1/ MCD
Sh. Sanjeev Kumar, A.E. (B) South Zone MCD is
also present.
Intervener Sat Prakash in person with Sh. Amit
Gupta, Ld. Counsel.

This is an appeal against the order dated 21.03.2024 passed by Ld. Presiding Officer, Appellate Tribunal, Municipal Corporation of Delhi (herein after referred as “*ATMCD*”) whereby Ld. ATMCD has dismissed the appeal filed against the demolition order dated 17.08.2022.

It is argued by Ld. Counsel for the appellant that no Show Cause Notice was ever served upon the appellant and demolition order was passed on 17.08.2022 but the Show Cause Notice was pasted on 20.08.2022 on the house of the appellant having an ante-dated of 22.07.2022.

On the other hand, Ld. Counsel for the Respondent / MCD submits that though MCD disputes that the Show Cause notice is not served upon the appellant but since the appellant is disputing the same, hence, MCD is ready to give another

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opportunity to the appellant and has no objection if the impugned order is set aside and if show cause notice already came into knowledge of appellant on 22.08.2022 be treated as Show Cause Notice served today and the appellant be directed to file reply to the same within 3 days, as prescribed in the statute and thereafter the MCD will decide the case on merits and will pass a speaking order under Section 343 of DMC Act within 15 days.

I have heard Ld. Counsel for the parties and perused the record.

Since the appellant is disputing the service of show cause notice and Ld. Counsel for MCD is not adversed to set aside the impugned order and pass fresh order under Section 343 DMC Act, I hereby allow the appeal. The impugned order dated 21.03.2024 passed by Ld. ATMCD is set aside and the appeal is allowed with the directions that the matter be remanded back to the MCD, treating the Show Cause notice allegedly received by the appellant on 22.08.2022 is received today and appellant will file reply to the said show cause notice within 03 days and thereafter, MCD will decide the case afresh and will pass a speaking order qua the unauthorised construction.

A copy of this order along with record of ATMCD be sent back. A copy of this order be also sent to MCD for information and compliance. Appeal file be consigned to Record Room.

(SANJEEV KUMAR AGGARWAL)
Principal District & Sessions Judge (South)
Saket Courts, New Delhi / 03.08.2026