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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 56/2024

AWEDH NIRMAN ATIKRAMAN VIRODHI MORCHA....Petitioner

Through: Mr. Avinash Das, Mr. Nikhil Yadav &
Mr. Shourya Sharma, Advs.

versus

MOHIT KUMAR BANSAL

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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15.12.2025

1. This hearing has been done through hybrid mode.

CM APPL. 36453/2024

2. By way of status report dated 07.09.2025, the speaking order passed by Mr. Hunamant Trivedi, Assistant Engineer (Bldg.)-I, City S.P. Zone, under Section 343 of the DMC Act has been placed on record.

3. Learned counsel for the petitioner draws the attention of this Court to the following portion of the aforesaid award which reads as under:-

“The records of the case, have also been perused including the copy of the writ petition bearing No. WP(C) 14204/2023, titled as *"Awedh Nirman EwamAtikramanVidodhi Morcha Vs. Municipal Corporation of Delhi &Anr."* No photographs of any ongoing construction are found available in the records, nor any such photographs have been filed by the Petitioner alongwith the captioned petition to defy, the claim of the noticee, that the construction in the subject property is an old construction and only repairs work have been carried out in it, in terms of repair permission sought vide letter dated 21.06.2022. The said claim is also substantiated in view of the assessment order dated



28.12.2006, which was duly verified by the property tax department, vide their letter dated 29.02.2024 and the report of the concerned. JE(B) showing the extent of construction existing in the subject property being more or less same to the extent of construction provided in the said assessment order. Since, admittedly, there is no sanction Building Plan in respect of the subject property, the same is unauthorized.

In view of the above, I, Hanumant Trivedi, Assistant Engineer (Bldg.), City S. P. Zone, in exercise of the powers delegated to me by the commissioner, Municipal Corporation of Delhi, under Section 491 of DMC Act, hereby order that the unauthorized construction in reference, booked vide show cause notice dated 25.10.2023 is an unauthorized construction and is liable for action, however, since the same is in existence prior to 07. 02. 2007, at present, the subject property is protected in view of provision of "The National Capital territory of Delhi Laws (Special Provision) Second Act, 2017", as status-quo has to be maintained in respect of any unauthorized construction carried out in any property, prior to the cut-off date i.e. 7th February 2007, upto 31.12.2026 or any further date, till the said protection is extended and shall be actionable thereafter, As such this order is kept in abeyance till the protection under the above Act, is available to the subject property."

4. It is pointed out that aforesaid observation is contrary to the records of the case as photographs have been placed on record to show the ongoing unauthorised construction at the subject property.
5. Learned counsel for the petitioner seeks time to place on record the same.
6. None appears on behalf of respondent/MCD today.
7. Issue Court notice to the respondent/MCD, through all permissible modes, including through counsel, returnable for the next date of hearing. The notice shall indicate that Mr. Hanumant Trivedi, Assistant Engineer (Bldg.)-



I, City, S.P. Zone, shall remain present in Court on the next date of hearing alongwith the relevant records.

8. List on 13.02.2026.

AMIT SHARMA, J

DECEMBER 15, 2025/nk