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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3600/2013 & CM 6728/2013.

KISHAN GOEL

..... Petitioner

Through : Mr.Sanjay Dewan, Adv.

versus

MUNICIPAL CORPORATION OF
DELHI (CENTRAL ZONE) & ORS

..... Respondents

Through : Mr.Sanjeev Sabharwal, Adv. for MCD.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI

ORDER
30.05.2013

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1. By the present petition, filed under Article 226 of the Constitution of India, the petitioner seeks a direction to respondents no.1 and 2 to stay the order dated 22.8.2012 issued by respondents no.1 and 2.
2. According to the present petition, the petitioner entered into an Agreement to Sell with respondents no.3 to 5 for purchase of a basement of the property bearing no.L-45, Kalkaji, New Delhi. The petitioner claims to have paid a substantial amount i.e. Rs.72.00 lakhs to the owner.
3. Learned counsel for the petitioner submits that the petitioner has now learnt that the basement of the property in question has been sealed and a demolition order has also been passed. Counsel further submits that the order of demolition would have a direct bearing on the rights of the petitioner in view of the Agreement to Sell and the fact that substantial sale consideration has been paid by the petitioner.

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4. After some hearing in the matter, it is agreed by counsel for the parties that the petitioner will make an application before the Appellate Tribunal, MCD, where the matter is stated to be pending, the Appellate Tribunal, MCD, will grant a hearing to the petitioner as well having regard to the fact that the petitioner in the proceeding which are pending claims to have paid Rs.72.00 lakhs to the owner. Ordered accordingly.
 5. It is made clear that this order is being passed in view of the peculiar facts of this case as the final order, which may be passed by the Appellate Tribunal, MCD with respect to the subject property, may have a direct bearing on the rights of the petitioner. Rights of all the parties are kept open before the Appellate Tribunal, MCD.
 6. Accordingly, writ petition and application stand disposed of in above terms.

MAY 30, 2013
msr

W.P.(C) 3600/2013


G.S.SISTANI, J

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