



\$~9

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

+ **RSA 40/2019 and CM APPL. 8596/2019**

P S AHLUWALIA

.....Appellant

Through: Ms.Abha Sharma, Mr.Anupam
Maurya and Mr.Budh Ram,
Advocates.

versus

BALBIR SINGH GUJRAL & ORS

.....Respondents

Through: Mohammed Imran Proxy Counsel for
Mr.PK Sharma, Advocate for R-1.
Mr. Bhavishya Makhija, Advocate for
Mr. Siddhant Nath, Standing Counsel
for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **05.11.2024**

1. Having heard learned counsel appearing on behalf of the parties, the Court finds that respondent no.2- SDMC, in its counter affidavit, filed on 12.12.2019 vide paragraph no.5 has taken the following position:-

"5. That the property was constructed prior to the year 2005, therefore, as per "The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act 2017, the punitive action cannot be taken on the property by the Respondent No. 2/SDMC till 31.12.2020."

2. The date under the provisions of the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act 2017 has been



extended by The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act 2023, upto 31.12.2026. It is thus seen that the respondent Corporation is further bound by the aforesaid legal position.

3. Learned counsel appearing on behalf of the appellant then contends that if the concerned respondent is directed to be bound by the aforesaid statement, the appellant, at this stage, would not press the instant appeal.

4. Accordingly, respondent no.2- SDMC shall remain bound by the statement made in paragraph no.5 of its counter affidavit.

5. In view of the aforesaid, the impugned judgment and decree is modified to the aforesaid extent and the instant appeal stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

NOVEMBER 5, 2024

nc/sp