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

+ W.P.(C) 8914/2015

KULWANT KUMAR KUKREJA Petitioner

Through: Mr.M.K. Kukreja, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr.Jagdish Sagar, Adv.

+ W.P.(C) 8935/2015

MOHINDER KUMAR KUKREJA Petitioner

Through: Petitioner in person.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr.Jagdish Sagar, Adv.

CORAM:

HON'BLE MR. JUSTICE V.P.VAISH

ORDER

% **18.09.2015**

CM Nos.20024/2015 & 20026/2015 in W.P.(C) No.8914/2015

CM Nos.20069/2015 & 20071/2015 in W.P.(C) No.8935/2015

Exemption is allowed subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 8914/2015 & CM No.20025/2015

W.P.(C) 8935/2015 & CM No.20070/2015

The petitioners have filed the present petitions seeking following prayers:-

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- (a) direct the appropriate Government/Government of NCT of Delhi/Central Government to appoint the Presiding Officer of the Appellate Tribunal, MCD, New Delhi.
 - (b) pending appointment of the President Officer of the said Appellate Tribunal, MCD, New Delhi, stay the operation of impugned order dated 10.09.2015 passed by the respondent.

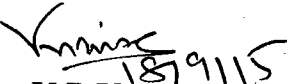
The facts germane to the present petitions are that the respondent issued show-cause notice dated 01.09.2015 under Section 345A of DMC Act, 1957 whereby the Deputy Commissioner, Central Zone of the respondent called upon the petitioners to show cause within three days from the receipt of the said notice so as to explain as to why the premises bearing No.F-106, Lajpat Nagar-II, New Delhi or the unauthorized construction work being carried out or completed be not sealed. The said notice was replied to by the petitioner vide reply dated 04.09.2015. Thereafter, the respondent passed order dated 10.09.2015 under Section 349 of the DMC Act in terms of which the Assistant Engineer (Bldg.), Central Zone of the respondent called upon the petitioners to vacate the premises in question/unauthorized constructions within 24 hours of the receipt of the order so that respondent/SDMC may take demolition/sealing action against the unauthorized constructions/deviations existing in the said premises, failing which, the demolition/sealing action be carried out at the risk and cost of the owner/occupier.

Learned counsel for the petitioner/Petitioner who is present in person, submits that there is no Presiding Officer of Appellate Tribunal, MCD, New Delhi.

Mr.Jagdish Sagar, Standing Counsel appearing on behalf of the respondent enters appearance on advance notice. Learned counsel for the respondent has informed this Court that notification No.22/13/2000/UD/PF/4163-73 dated 15.09.2015 has been issued and the Government of National Capital Territory of Delhi has extended the deputation period of Ms.Raj Rani Mitra for a period of six months w.e.f. 29.08.2015.

Since the deputation period of Presiding Officer, Appellate Tribunal, MCD Delhi has been extended and the notification has already been issued, no further orders are called for.

Accordingly, the petitions and the applications stand disposed of.


18/9/15
V.P. VAISH, J.

SEPTEMBER 18, 2015/gm