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

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Date of Decision: 21st July, 2017

+ W.P.(C) 5211/2017

ANGELA YEP

..... Petitioner

Through: Mr. Devi Singh Panwar, Advocate.

versus

THE STATE OF DELHI AND ORS

..... Respondents

Through: Mr. Siddhartha Shankar Ray,
Advocate for respondent no.1.

Mr. G.D. Mishra, Standing Counsel
for South Delhi Municipal
Corporaton/respondent no.2.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The petitioner filed an appeal along with an application for condonation of delay against the sealing order dated 4th February, 2010 before the MCD Appellate Tribunal on 8th February, 2017. Vide order dated 18th April, 2017, the Appellate Tribunal, MCD declined to condone the delay in filing the appeal on the ground that the Supreme Court granted time upto 31st October, 2013 to file the appeal before the Tribunal. The learned Appellate Tribunal however granted liberty to the petitioner to file the fresh appeal after obtaining permission for condonation of delay from the Supreme Court.

2. Learned counsel for the petitioner submits that the learned Tribunal has the power to condone the delay.

3. Learned counsel for respondent no.2 submits that the delay in filing this appeal can be condoned by Supreme Court only. Respondent no.2 has placed on record the copies of the three orders passed by the Supreme Court as Annexure R-4 (Colly.) in which the Supreme Court has condoned the delay in filing the appeal before the Appellate Tribunal, MCD.

4. Vide order dated 30th April, 2013, the Supreme Court granted liberty to the affected parties to prefer appeal before the concerned Tribunal within 30 days of the order and all such appeals shall be deemed to have been filed within time and the concerned Tribunal shall proceed to consider the same after notice to the concerned authorities and the Monitoring Committee.

Para 10 of the order dated 30th April, 2013 is reproduced hereunder:

“10. It appears that in some matters, no applications for desealing of the premises have been filed before this Court, despite sealing orders passed by the Monitoring Committee. We grant liberty to all interested parties in such matters, to prefer appeals before the concerned Tribunal in terms of Sections 347B/254/31C of the MCD/NDMC/DDA Acts within 30 days of this order. All appeals filed under the instant order, will be deemed to have been filed within time. If any such appeal(s) is/are filed, the concerned Tribunal will proceed to consider the same, after notice to the concerned authorities and the Monitoring Committee.”

5. The three orders of the Supreme Court placed on record by respondent no.2 reflect that the applications for condonation of delay have been considered by the Supreme Court in view of the order dated 30th April, 2013. In that view of the matter, there is no infirmity in the impugned order dated 18th April, 2017.

6. The writ petition is dismissed. The petitioners are at liberty to file fresh appeal before the Appellate Tribunal after seeking condonation of delay in filing the appeal from the Supreme Court.

7. Copy of this judgment be given *dasti* to counsel for the parties under the signature of the Court Master.

JULY 21, 2017

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J.R. MIDHA, J.

