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

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Judgment delivered on: 02.02.2021

+ W.P.(C) 424/2021 & CM APPL.1105/2021

PARTAP KUMARE KOCHHAR & ORS. Petitioners

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS.

.....Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Avadh Kaushik, Advocate.

For the Respondent: Ms. Beenashaw N. Soni, Standing Counsel with
Ms. Mansi Bhatia, Advocate for R-1 to 3.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Learned counsel for the petitioners submits that appeals of the petitioners are listed before the Tribunal on 16.02.2021.
3. Petitioners have filed the subject petition impugning the demolition order dated 28.12.2020.
4. Learned counsel for the petitioners submits that the Appellate Tribunal, MCD is still not operational.
5. Learned counsel appearing for respondent submits that the

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recommendations have already been sent to the concerned Ministry and the Tribunal is likely to become operational shortly.

6. By order dated 12.01.2021 it was directed that no demolition action shall be carried out consequent to the demolition order dated 28.12.2020 in respect of the properties of the petitioners.

7. Since the Appellate Tribunal, MCD is likely to commence functioning shortly, this petition is disposed of with the direction that the interim protection granted to the petitioner by order dated 12.01.2021 shall continue till 28.02.2021 or till the time the appeal of the petitioners is taken up for consideration, whichever is earlier. Thereafter, the interim protection, if any, shall be subject to orders to be passed by the Appellate Tribunal.

8. It is clarified that the Appellate Tribunal shall consider the appeal and the application for stay without being influenced by anything stated in this order.

9. The petition along with pending application is disposed of in the above terms.

10. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 2, 2021/ak

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