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

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Judgment delivered on: 01.02.2021

+ W.P(C) 806/2021 & CM APPL.2069/2021

SUNDER KUKREJA & ANR.

..... Petitioners

versus

SOUTH DELHI MUNICIPAL COPORATIONRespondent

Advocates who appeared in this case:

For the Petitioner: Mr.V.K. Garg, Senior Advocate with Mr. Siddharth Bambha, Advocate.

For the Respondent: Mr. Ajjay Aroraa, Standing Counsel, SDMC.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner has filed the subject petition seeking to impugn order dated 31.12.2020 passed by the Assistant Engineer (Building), South Zone rejecting the application seeking regularisation of the building plan.
3. Learned senior counsel appearing for the petitioner submits that petitioner has already filed an appeal before the Appellate Tribunal MCD (ATMCD for short) but the appeal could not be taken up as the ATMCD is not functional.

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to HMJ Sanjeev Sachdeva.

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4. Learned counsel under instructions submits that the appeal is now listed on 10.02.2021. He submits that he has also filed an application seeking stay of any further coercive action against the subject property before the Tribunal.

5. Issue notice. Notice is accepted by learned counsel appearing for the respondent. Learned counsel submits that the application was rejected as there were several deficiencies found.

6. In view of the fact that petitioner has already filed an appeal before the ATMCD and the ATMCD is likely to commence functioning shortly, it is directed that till the time the appeal of the petitioner is taken up for consideration on 10.02.2021, no coercive action shall be taken against the property of the petitioner.

7. Any further action by the corporation would be subject to further orders to be passed by the ATMCD on the appeal of the petitioner.

8. The petition is accordingly disposed of in the above terms.

9. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

FEBRUARY 01, 2021

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