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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) 1318/2021

RAJ SHEKAR RADHA KRISHNAN

..... Petitioner

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR.

.....Respondents

Advocates who appeared in this case:

For the Petitioner:

Ms. Roma Bhagat & Mr. Rohan Sharma, Advocates.

For the Respondent:

Mr. Kapil Dutta, Advocate for SDMC.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.3709/2021(exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 1318/2021 & CM APPL.3708/2021(stay)

1. The hearing was conducted through video conferencing.
2. Learned counsel for the petitioner submits that petitioner is in the process of filing an appeal impugning the demolition order dated 06.01.2021.
3. The statement is taken on record.
4. Petitioner has filed the subject petition impugning the demolition notice dated 06.01.2021.

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to HMJ Sanjeev Sachdeva.

W.P(C) 1318/2021

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5. Learned counsel for the petitioner submits that the Appellate Tribunal, MCD is still not functional and prays that the protection granted by order dated 01.10.2020 in CONT. CASE(C) No. 591/2020 as also by order dated 13.01.2021 in WP(C) No. 5711/2019 be extended till the Tribunal becomes functional.

6. Issue notice. Notice is accepted by Mr. Kapil Dutta, learned counsel appearing for SDMC.

7. In view of the above, demolition order dated 06.01.2021 shall be kept in abeyance for a period of ten days after the resumption of functioning of the Appellate Tribunal MCD or till the listing of the appeal of the petitioner, whichever is earlier. Thereafter the interim protection, if any, would be subject to the orders to be passed by the Appellate Tribunal MCD.

8. It is clarified that the Appellate Tribunal MCD shall consider the appeal and the stay application, without being influenced by anything stated herein.

9. The petition is, accordingly, 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

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