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

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Judgment delivered on: 26.02.2021

+ W.P.(C) 1781/2021 & CM APPL.5123/2021

SUNIL WADHWA

..... Petitioner

versus

SOUTH DELHI MUNICIPAL COMMISSIONER..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Deepak Vohra with Mr. Krishan Kumar,
Advocates.

For the Respondent: Ms. Beenakshaw Soni, 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 a restraint on the respondent from proceeding with the demolition proceedings against the property of the petitioner till the Appellate Tribunal, MCD becomes operational.
3. It is contended that Appellate Tribunal, MCD was not functional because the Presiding Officer had not yet taken charge.
4. It is informed by learned counsel for the respondent that the Presiding Officer, Appellate Tribunal, MCD has taken charge today

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and the hearing of appeals have commenced.

5. Learned counsel for the petitioner submits that the appeal of the petitioner stands adjourned to 16.07.2021.

6. In view of the above, this petition is disposed of with a direction that no coercive action shall be taken against the property of the petitioner for a period of three weeks from today.

7. Petitioner is permitted to move an application before the Appellate Tribunal, MCD within one week for early hearing of his appeal and stay application. On such an application being filed, Appellate Tribunal, MCD shall take up the stay application for consideration within the said period of three weeks.

8. The continuation of protection thereafter shall be subject to orders to be passed by the Appellate Tribunal, MCD. It is clarified that the Appellate Tribunal, MCD shall consider the appeal/stay application of the petitioner without being influenced by anything stated by this Court in any of its orders.

9. Petition 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.

SANJEEV SACHDEVA, J

FEBRUARY 26, 2021/rk

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