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

+ W.P.(C) 2054/2024 & CM APPL. 8574/2024

SH JIWACHH PRASAD ROYPetitioner

Through: Ms. Pinki Roy, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

AND ORS

.....Respondents

Through: Mr. Kapil Dutta and Mr. Vansh
Luthra, Advocates for MCD.
Mr. Anshul Rai, Advocate for R-3
to 6.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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10.12.2024

1. The petitioner has filed this petition under Article 226 of the Constitution, challenging a No Objection Certificate [“NOC”] dated 31.08.2023 issued by the Municipal Corporation of Delhi [“MCD”] for installation of a lift. The NOC was issued at the instance of an application of respondent Nos. 3 to 6 herein, who are residents of the same block of flats in Vasant Kunj, New Delhi as the petitioner.

2. This Court has held by order dated 03.12.2024 in W.P.(C) 17747/2022 [*Sh. S.S. Chouhan & Ors. v. Municipal Corporation of Delhi and Ors.*] that permission for installation of a lift is akin to sanction of a building plan under the Delhi Municipal Corporation Act, 1957 [“the Act”] and is therefore appealable under Section 347B of the Act, before



the Appellate Tribunal for the MCD [“ATMCD”].

3. Having regard to this position, learned counsel for the petitioner states that the petitioner will file an appeal before the ATMCD within the next six weeks.

4. The writ petition is disposed of, with liberty to the petitioner to file proceedings before the ATMCD within the next six weeks. All factual and legal grounds may be raised by the petitioner before the ATMCD. The petitioner may seek exclusion of the time in this Court for the purposes of limitation for filing the appeal.

5. The writ petition, alongwith pending application, stands disposed of. All rights and contentions of the parties are expressly reserved.

PRATEEK JALAN, J

DECEMBER 10, 2024/MR/kb/