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

+ **W.P.(C) 10127/2024, CM APPLs. 41486/2024 & 41487/2024**

DEVESH BHARDWAJ

.....Petitioner

Through: Mr.Deepak Kumar and Mr.Shaurabh
Kumar, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr.Umesh K.Burnwal, SC for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **24.07.2024**

1. Heard learned counsel appearing for the petitioner.
2. Learned counsel appearing on behalf of the petitioner submits that the construction in question which is sought to be demolished is protected under the provisions of the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 (hereinafter 'the Act of 2011') and various amendments to the aforesaid Act. He submits that besides the aforesaid, the respondent-MCD has not validly served the notice before the action of demolition was contemplated.
3. He further submits that except the construction protected under the provisions of the Act of 2011, the petitioner has not raised any further construction. He however, made some renovation and repairing work. He, therefore, submits that the nature of repairing/renovation is such which would not require permission from the respondent-MCD. He further submits



that the petitioner has already approached the Appellate Tribunal-Municipal Corporation of Delhi (AT-MCD) by way of an appeal. He, therefore, prays that till the appeal is decided, the respondents be restrained from taking any action of demolition.

4. I have considered the submissions made by learned counsel appearing for the petitioner and perused the record.

5. Upon perusal of the electricity bill dated 18.02.2024 bearing CA No.102220298, it is seen that energisation date is 02.06.2001. The same relates to premises situated at A-53 G/F, Panshsheel Vihar, Khirki Juice Shop and Garrage, New Delhi, 110017. The next electricity bill dated 09.08.2023 bearing CA No.102174134 shows the energisation date to be 29.05.2008; the same also relates to A-53. S/F KH NO-2006/125,2288,2007, 2008/124, Panshsheel Vihar, Khirki Sheikh Sarai Ext, New Delhi 110017.

6. Going by the provisions of Section 3 of the Act of 2011 and subsequent amendments, *prima facie* demonstrate that the construction which took place up to first day of June 2014 are protected till 31st December 2026.

7. In view of the aforesaid, the Court, at this stage, instead of dealing with all the issues raised in the instant petition on merit, relegates the petitioner to the remedy which the petitioner has already resorted to. However, bearing in mind the aforesaid electricity bills which have been placed on record, the respondents are restrained from taking any demolition action with respect to the addresses mentioned in the aforesaid electricity bills.

8. However, the concerned AT-MCD shall be at liberty to deal with the case while extending an opportunity of hearing to all the parties and it shall



endeavour to decide the stay application on its own merit on an early date. Till such an application is decided, the interim order passed hereinabove, shall remain in force.

9. Accordingly, the instant writ petition along with pending applications stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

JULY 24, 2024/MJ