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

+ W.P.(C) 11710/2019 & CM APPL. 48158/2019, CM APPL. 6589/2020

RISHI SEHDEV

.....Petitioner

Through: Mr. Ashish Chauhan, Advocate and Mr.
Naman Gari, Advocate
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versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

.....Respondents

Through: Mr. Rajesh Kumar, SC with Ms.
Mansi Aggarwal, Advocate for MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **22.09.2025**

1. The present writ petition has been filed seeking quashing of the letters dated 25th November, 2016, passed by respondent no.3, and letters dated 03rd January, 2017 and 09th March, 2017, passed by respondent no. 2, in respect of the first, second and third floor of the property bearing no. *D-70, Anand Niketan, New Delhi*.
2. Learned counsel appearing for the petitioner submits that the petitioner has filed an application for regularization of the existing construction in the subject property. However, the same was rejected on the ground, that a No Objection Certificate ("NOC") from other floor owners was also required.
3. He further submits that the petitioner intends to carry out certain addition/alteration in the property in question.



4. Learned counsel appearing for the respondent nos. 1 to 4 – Municipal Corporation of Delhi (“MCD”), has handed over a copy of the circular dated 17th September, 2025, issued by the Building Department (Headquater), MCD, with respect to ‘Modification in the guidelines for Floor wise Sanction/Regularization’. The relevant portion of the said Circular reads as under:

“xxx xxx xxx

6. It is, therefore, deemed appropriate to substitute the following para in place of existing para 2(v) of the guidelines dated 28/06/2022:

“2(v)(a) An owner of a Flat/Unit/Floor in the vertical stack will be competent to apply for the sanction of addition or alteration/regularization of compoundable deviation without any willingness/consent from the owners of other Flats/ Units/Floors in the vertical stack. This will, however, be subject to the condition that such applicant/owner of the Flat/Unit/Floor will be entitled for sanction/regularization only to the extent of FAR he is entitled as his share on pro rata basis out of the total FAR available, as per the development

control norms. In case, he is in possession of more FAR than his proportionate share, he shall have to demolish the extra share of FAR before his application for the sanction/regularisation is considered. Further, he will be responsible to make payment of fee due towards sanction/regularization on pro rata basis only. He will not be required to pay for other owners in vertical stack.

(b) If there are however more than one owners in the same Flat/Unit/Floor and one of such owner applies for the sanction/regularization, then the consent/signature of other co-owners of the Flat/Unit/Floor will be required.

(c) MCD shall be responsible for taking action against unauthorised construction beyond the compoundable deviation by any of the owners in the vertical stack in accordance with law. Further, if an owner in vertical stack fails to opt for regularisation of compoundable deviation, MCD shall inform him about the consequences of non-regularisation of compoundable deviation and in the event of his failure to comply with the law, MCD shall take action against such owner.

(d) It shall be ensured that the structural safety norms are adhered to.

(e) The objective of the aforesaid stipulation is that those who comply with the law should be facilitated and those who defy the law should be proceeded against, both actions being independent.

(f) This arrangement would also be in line with the aforesaid judgement in the matter of “Ashok Kapoor vs. MCD & Others”, and “Usha Rani Sharma vs. Commissioner, MCD & Others” and also the judgement dated 03/02/2014 of the Hon’ble High Court in W.P. (Civil) No.2404/2012 in the matter of “Renu Aggarwal & Ors. Vs. DDA & Ors.”

This issues with the prior approval of the competent authority.”

5. Thus, learned counsel appearing for the respondent nos. 1 to 4 - MCD submits that no NOC is required from any other floor owner, as per the new



policy under the said Circular of the MCD.

6. Considering the submissions made before this Court, liberty is granted to the petitioner to apply for regularization in terms of the aforesaid Circular dated 17th September, 2024, issued by the MCD.

7. The application of the petitioner shall be considered as per its policy and requisite orders shall be passed with regard thereto.

8. The petitioner is also at liberty to apply for any Sanction of Building Plan, in terms of the aforesaid Circular of the MCD.

9. It is clarified that any further construction in the property in question to be carried out by the petitioner, only after requisite permission from the MCD.

10. In case, it is the case of the petitioner that the petitioner was carrying out only addition/alteration in terms of Para 2.14 of the Unified Building Bye-Laws for Delhi, 2016, such an application shall be made by the petitioner to the respondent nos. 1 to 4 - MCD.

11. Upon receipt of such an application, the MCD shall inspect the property of the petitioner, to assess the extent of construction.

12. In case the construction is allowed in terms of the Unified Building Bye-Laws for Delhi, 2016, for which no prior permission is required to be taken, the MCD shall allow such construction. However, in case, sanction is needed for such construction, the petitioner shall apply accordingly.

13. With the aforesaid directions, the present writ petition, along with the pending applications, is disposed of.

MINI PUSHKARNA, J

SEPTEMBER 22, 2025/ak