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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 560/2025 & CM APPL. 55394/2025
CHANDER KANT SOOD & ANR.Appellants
Through: Ms.Deepak Pathak, Mr.Saquib Neshat
and Ms.Parul Chaudhary, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents
Through: Mr.Gyanendra Kumar and Mr.Anurag
Shandilya, Advs for R-1.
Mr.Raghvendra Upadhyay, PC with
Ms.Purnima Jain, Adv for R-2.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
03.09.2025

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CM APPL. 55396/2025 (Delay in filing the LPA)

1. The present application has been filed on behalf of the appellants seeking condonation of delay of 02 days in filing the present LPA.
2. For the reasons stated therein, the application stands allowed and the delay of 02 days in filing the LPA is condoned.
3. The application stands disposed of.

CM APPL. 55395/2025 (Delay in re-filing the LPA)

1. The present application has been filed on behalf of the appellants seeking condonation of delay of 120 days in re-filing the present LPA.
2. For the reasons stated therein, the application stands allowed and the delay of 120 days in re-filing the LPA is condoned.



3. The application stands disposed of.

LPA 560/2025 & CM APPL. 55394/2025

1. Heard learned counsel for the parties.

2. The instant appeal seeks to challenge the order dated 28.03.2025, passed by learned Single Judge whereby, *W.P.(C) 9486/2024*, filed by the appellant/petitioner has been disposed of with the liberty to the appellant/petitioner to seek legal remedies which may be available to him under law.

3. The petition (*W.P.(C) 9486/2024*) was filed by the appellant/petitioner being aggrieved by installation of a lift in Block 7 of Kadambari Society, which is a cooperative housing society and has constructed the flats. The Appellant/petitioner is said to be one of the owners of the flats and had stated before the learned Single Judge in the aforesaid writ petition that construction of the lift is such that it is causing danger to his life and the life of other family members.

4. Learned counsel representing the respondent/MCD has stated that in terms of the policy embodied in the Office Order dated 07.07.2022, the requisite No Objection Certificate ('NOC') was granted by the respondent/MCD for installation of the lift and further that the plan was also sanctioned.

5. The learned Single Judge has relegated the appellant/petitioner to seek other legal remedies, noticing that the construction of the lift has already been completed.

6. Surprisingly, the appellant/petitioner had neither sought a prayer seeking cancellation of the NOC, nor did he challenge the Sanction Order passed by the respondent/MCD. In such circumstances, we do not find any



flaw in the Order dated 28.03.2025, and accordingly, affirm the same.

7. We have been informed that in terms of the judgment rendered by this Court in *W.P.(C) 17747/2022*, titled as ***Sh. S.S. Chouhan & Ors. v. Municipal Corporation of Delhi & Ors.*** the appellant/petitioner can still challenge the grant of sanction/NOC for installation of a lift by way of filing an appeal before the Appellate Tribunal - Municipal Corporation Of Delhi ('AT-MCD').

8. It is also directed that if any such appeal is filed by the appellant/petitioner before the AT-MCD, the same shall be considered and decided in accordance with law by the AT-MCD in due expedition, say within a period of 03 months from the date such an appeal is preferred.

9. The appeal along with pending application stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

SEPTEMBER 03, 2025/MJ