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

+ W.P.(C) 14769/2025 & CM APPL. 60784/2025

VINOD GUPTA

.....Petitioner

Through: Ms. Kanika Singhal, Ms. Richa Tripathi, Ms. Deepshikha, Advocates (M:8130903833)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Ms. Anshula L. Bakhru, Advocate for R-1/MCD

Mr. Siddharth Arora, Mr. Yash Dhyani, Ms. Ananya Singh, Advocates for R-2 (M:9504537193)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

23.09.2025

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1. The present writ petition has been filed seeking directions to respondent nos. 2 and 3 that till the application for interim orders in appeal bearing No. 301/2025 filed by the petitioner before the Appellate Tribunal Municipal Corporation of Delhi ("ATMCD"), is taken up for hearing, no further construction be carried out.

2. Learned counsel for the petitioner submits that an appeal has been filed on behalf of the petitioner against the sanction of Building Plan dated 25th February, 2025, and relies upon the resultant construction being carried out in property bearing Nos. 16a/1, 16a/2 and 16a/3, Sri Ram Road, Civil Lines, Delhi-110054.

3. It is submitted that the petitioner is the lawful owner and resident of



property No. 16, Shri Ram Road, Civil Lines, Delhi-110054, admeasuring approximately 950 sq. yards, which stands devolved upon him by way of testamentary succession.

4. It is submitted that the petitioner filed an appeal before the ATMCD on 09th May, 2025, to assail and challenge the impugned Sanction Building Plan dated 25th February, 2025, which has been granted in favour of respondent nos. 1 and 2, in respect of the portion of the property bearing Nos. 16a/1, 16a/2 and 16a/3, Sri Ram Road, Civil Lines, Delhi.

5. It is submitted that the said Sanction Building Plan has been obtained by misrepresenting the property in question as independent sub-divided property.

6. It is submitted that the Sanctioned Plan is *ex-facie* legal, as the subject property forms part of a larger plot, which has not been sub-divided, in accordance with the applicable statutory norms.

7. It is further submitted that the appeal of the petitioner was listed on 05th August, 2025, when the ATMCD issued notice in the appeal, as well as in the interim application.

8. It is submitted that the next date before the ATMCD was 19th September, 2025. However, as there is no Presiding Officer in the ATMCD, the same is not functional and the petitioner has been given a next date in the appeal in December, 2025, before the ATMCD.

9. It is submitted that respondent nos. 2 and 3 are carrying out further construction in the property in question.

10. Thus, the present writ petition has been filed.

11. Responding to the present writ petition, learned counsel for respondent no. 1-Municipal Corporation of Delhi ("MCD"), submits that



there is a duly Sanctioned Building Plan dated 25th February, 2025, with respect to the property in question.

12. She confirms the fact that the construction is being carried out in terms of the said Sanctioned Building Plan.

13. She further submits that the Supreme Court has passed an order yesterday, i.e., 22nd September, 2025, with regard to expediting the process of appointment of a Presiding Officer for the ATMCD. She, thus, submits that the Presiding Officer is likely to be appointed in the ATMCD, shortly.

14. Learned counsel for respondent no. 2 submits that respondent no. 2 is actually Mrs. Manju Jain, and not Ms. Madhu Jain, as reflected in the Memo of Parties.

15. It is submitted that respondent no. 2 is carrying out construction in the portion of the property, which is under the ownership and occupation of respondent no. 2. He further submits that the respondent no. 2 is carrying out construction in terms of the Sanctioned Building Plan, as granted by the MCD.

16. He further submits that there is no deviation from the said Sanctioned Building Plan.

17. At this stage, learned counsel for the petitioner submits that the Floor Area Ratio ("FAR") of the petitioner is being affected.

18. Considering the submissions made before this Court, it is directed that any construction being carried out by respondent no. 2, shall be subject to any order that may be passed in the proceedings before the ATMCD.

19. As regards the concern of the petitioner regarding FAR, as and when the petitioner files an appropriate application for sanction of a Building Plan with the MCD, appropriate orders shall be passed by the MCD, in terms of



the Master Plan for Delhi 2021 (“MPD, 2021”) and the Unified Building Bye-Laws for Delhi, 2016 (“UBBL, 2016”), and the petitioner shall be apportioned FAR, in terms of his entitlement.

20. With the aforesaid directions, the present writ petition, along with pending application, is accordingly disposed of.

21. *Dasti* under the signature of the Court Master.

MINI PUSHKARNA, J

SEPTEMBER 23, 2025/au