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

+ **W.P.(C) 2299/2026 & CM APPL. 11064/2026**

SHIVMANI YADAV

.....Petitioner

Through: Mr.Saif Rizvi, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms.Radhika Biswajit Dubey, CGSC
with Mr.Varun Pratap Singh, GP,
Ms.Gurleen Kaur, Mr.Kritarth
Upadhyay and Mr.Atulya, Advs for
UoI.

Mr.Sameer Vashisht, SC(Civil),
GNCTD with Ms.Harshita Nathrani,
Adv.

Ms.Zebuda Begum, SC for NDMC
with Mr.Sanjay Sharma, ASC.

Counsel for R-4/MCD (appearance
not given).

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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18.02.2026

1. Issue notice to the respondents, on whose behalf learned counsel have put in appearance and accept notice, respectively.
2. The instant writ petition concerns itself with the non-functioning of the Appellate Tribunal constituted under Section 223 of the New Delhi Municipal Council Act, 1994 ('Act, 1994'). According to the said provision, the Central Government *vide* notification in the official Gazette has to constitute one or more Appellate Tribunal(s) for deciding the appeals preferred under Section 247 or 254 of the said Act. Sub-section 2 provides



that the Appellate Tribunal shall consist of a person to be appointed by the Central Government on such terms and conditions of service, as may be prescribed by the rules.

3. It is the grievance of the petitioner that since November, 2025 the Appellate Tribunal is not functioning in absence of notification for appointment of the Presiding Officer.

4. Learned counsel representing the respondent-NDMC has brought to our notice, a letter dated 14.10.2025 addressed to the Additional Secretary (Union Territories), Ministry of Home Affairs, Government of India, whereby, a request has been made to issue such a notification. The said letter dated 14.10.2025 is taken on record.

5. Accordingly, we dispose of the instant writ petition with the direction to respondent no.1/UoI to take a decision for issuing the notification appointing the Presiding Officer of the Appellate Tribunal under Section 253 of the Act, 1994, as expeditiously as possible, say, within a period of four weeks from today.

6. Learned counsel representing the respondent no.1/UoI is requested to communicate this order to the appropriate authority of the respondent no.1/UoI forthwith.

7. The instant writ petition along with pending application, thus, stands disposed of with the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

FEBRUARY 18, 2026/MJ