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

+ **W.P.(C) 6053/2026 with CM APPL. 29808/2026**

VANDANA BANSAL

.....Petitioner

Through: Mr. Abhishek Singh, Ms. Sakshi Vidyarthi & Mr. Sandeep Kumar, Advocates.

versus

**MUNICIPAL CORPORATION DELHI
& ORS.**

.....Respondents

Through: Mr. Kapil Dutta, Standing Counsel for R-1.
Mr. Lalit Gupta & Ms. Ishita Nautiyal, Advocates for R-6.
Mr. Vikas Gupta, Builder and Mr. Naman Jain, Director of Jay Tee Alloys and Components Ltd. (in-person)

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER
07.05.2026**

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1. The petitioner, who is a resident of the property bearing no. C-224, *Nirman Vihar, East Delhi*, has filed the present petition alleging unauthorised excavation being carried out by the private respondent no.6 at the adjoining plot, being C-225, *Nirman Vihar, East Delhi* ('subject property').

2. It is submitted by the counsel for the petitioner that the said excavation has been carried out in violation of the Unified Building Bye-Laws for Delhi, 2016, as well as the plan sanctioned by the MCD. The said



excavation has caused damage to the foundation of the property of the petitioner. Photographs have been filed to show that cracks have emerged in the building of the petitioner on account of the excavation.

3. Notice in the present petition was issued on 4th May, 2026 and respondent-MCD was directed to inspect the subject property and furnish a report to the Court as to whether construction has been carried out in accordance with Unified Building Bye-Laws and the sanctioned plan.

4. A status report on behalf of respondent-MCD has been handed over in Court today and the same has also been given to counsel appearing on behalf of the petitioner.

4.1 The same is taken on record.

5. In the status report, it has been stated that construction was being carried out by respondent no.6 in terms of an approved sanctioned plan. It is further stated that in terms of the sanctioned plan, an undertaking has been filed by the owner through an indemnity bond that in the event, any damage is caused to the adjoining property, the owner/occupier shall be liable for the same.

6. Paragraph no. 5 of the said status report is set out below:

“5. That, on further perusal of the online record of sanctioned plan, it has been undertaken by the owner through Indemnity Bond duly endorsed by Engaged Professional that in the event of any claim being made by any person or persons or damaging adjoining property in respect of construction of Basement, the onus of the same lies with the owner/ engaged professionals. Copy of the Indemnity Bond, Structural Safety Certificate, E-undertaking, Copy of Supervision Certificate of engaged professional etc. are annexed as Annexure R-3 (Colly)”

7. Mr. Lalit Gupta, counsel appearing on behalf of respondent no.6 on instructions from respondent no.6, Mr. Vikas Gupta, the builder, who is present in Court and Mr. Naman Jain, Director of Jay Tee Alloys and



Components Ltd., who is the owner of the subject property and is present in Court, undertakes as under:

- i. Respondent no.6/builder and the owner have decided not to construct the basement in the subject property.
 - ii. Respondent no.6/builder and the owner shall carry out all remedial work, so as to ensure no damage is caused to the petitioner.
 - iii. Respondent no.6/builder and the owner shall take all steps to remedy the damage that has already been caused to the property of the petitioner.
 - iv. Respondent no. 6/builder and the owner shall also ensure that no damage is caused to the property of the petitioner on account of further construction that may be carried out at the subject property.
8. In this regard, the services of an independent Structural Engineer empanelled with MCD shall be engaged by the respondent no.6/builder and the owner, who will recommend measures that are required to be taken in a time-bound manner for the repair/ rehabilitation of the property of the petitioner.
9. Taking the aforesaid undertaking on record and binding respondent no.6/builder and the owner to the same, the present writ petition stands disposed of in the above terms.

AMIT BANSAL, J

MAY 7, 2026

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