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

+ CONT.CAS(C) 197/2018, CM APPL. 3206/2020, CM APPL.
3207/2020 & CM APPL. 49376/2022

K K BHARGAVA

.....Petitioner

Through: Mr. Deepak Acharya, Advocate
(through VC).
Petitioner in person.

versus

UDAI PRATAP SINGH & ANR

.....Respondents

Through: Mr. Rajan Tyagi, SC for MCD with
Ms. Vijeta Mukherjee, Advocate.
Mr. Thakur Sumit and Mr. Gaurav
Rathor, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **13.04.2026**

1. This hearing has been done through hybrid mode.
2. The present petition under Section 12 and 2(b) of the Contempt of Courts Act, 1971 seeks the following prayers:

“(a) initiate proceedings for contempt against the Contemnors/ Respondents for willful and deliberate disobedience/violation of the Order dated 14.07.2017 passed by the Hon'ble High Court of Delhi in Writ Petition (Civil) bearing No. 7716/2016 titled as "K.K. Bhargava Versus DDA & ors.".

(b) direct the Contemnors/Respondents to purge contempt by complying with the Order dated 14.07.2017 passed by the Hon'ble High Court of Delhi in Writ Petition (Civil) bearing No. 7716/2016 titled as "K.K. Bhargava Versus DDA & others";

(c) pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

3. *Vide* order 14.07.2017, learned Single Judge of this Court, while



disposing of W.P.(C) 7716/2016 passed the following directions:-

“1. The status report has been handed over by the learned counsel for the SDMC and the same is taken on record. The report indicates that demolition order has been passed in respect of Flat No.54, Golf View Apartment, Saket, New Delhi. Insofar as Flat No.B-52, Golf View Apartment, Saket is concerned, the respondent has issued a Show Cause Notice and also afforded an opportunity of personal hearing to the noticee/occupier. It is stated that the speaking order in respect of that flat would be passed within a few days.

2. The learned counsel for the SDMC assures this Court that necessary action as required in law would be taken without any delay. The DDA shall also provide the construction plans to SDMC as required.

3. In view of that assurance, no further orders are required to be passed in this petition. The petition is disposed of.”

4. Attention of this Court has been drawn to order dated 18.05.2023, passed by the learned Predecessor Bench of this Court in the present proceedings, wherein it has been recorded as under:-

“2. The learned counsel for Respondent No. 2 states that the construction plans have been provided to Municipal Corporation of Delhi (‘MCD’), which is not disputed by Respondent, MCD. In view of the said compliance, Respondent No. 2 is exempted from appearance in the present proceedings.

3. With respect to first floor, Flat No. B-52, Golf View Apartment, Saket, Delhi this Court has been informed that the owner of the said flat (i.e., Respondent No. 3) has filed an appeal bearing no. 792/2017 before the Appellate Tribunal Municipal Corporation of Delhi (‘ATMCD’), which is pending adjudication and is next listed on 21.07.2023 for final hearing. It is stated that in the said appeal, the ATMCD has granted an *ad interim* injunction vide order dated 30.08.2017 which is presently in operation.

3.1. In view of the above, the present petition with respect to Flat no. B-52 is disposed of with a request to ATMCD to hear and dispose of the said appeal within a period of three (3) months from 21.07.2023, the date on which the hearing in appeal is already fixed.

3.2. In view of the aforesaid directions, Respondent No.3 is discharged



and his counsel is exempted from further appearance in these proceedings
4. With respect to second floor, Flat No. B-54, Golf Apartment, Saket, New Delhi, learned standing counsel for the Respondent, MCD states that he has instructions to state that the excess construction in the said flat is protected by Delhi Laws (Special Provisions) Act of 2011 and therefore, no further demolition action is proposed with respect to Flat no. B-54. He states that he will file a status report placing on record these facts within a period of two (2) weeks.”

5. Learned counsel appearing on behalf of MCD submits that on 21.07.2023, learned ATMCD had allowed the plea with respect to Flat No. 52, Golf View Apartment, Saket, Delhi and had set aside the demolition order. He further submits that the same has not been challenged.

6. Learned counsel appearing on behalf of the petitioner submits that in the same order liberty was given to MCD to issue fresh show cause notice to the owner of Flat No. 52, Golf View Apartment, Saket, Delhi *i.e.* respondent no.3, if there is any deviation/ excess coverage in the said flat after highlighting those deviations/ excess coverage in accordance with law.

7. Learned counsel for the petitioner submits that the said show cause notice was issued, however, the respondent no. 3 is not cooperating in the said proceedings.

8. So far as Flat No. 54, Golf View Apartment, Saket, Delhi is concerned, the MCD status report dated 18.11.2023 records as under:-

“A. Flat No. B-54, Second floor, Golf View Apartment, Saket, New Delhi.
i. As per record, it is submitted that on being aggrieved with the demolition / sealing orders and also sealing action as taken by the department in respect of the subject property / flat *i.e.* bearing No. B-54, Second floor, Golf View Apartment, Saket, New Delhi, the owner / occupier preferred two separate appeals bearing No. 529/2019 and 530/2019 titled as "Mridu Jain VS SDMC" before the Hon'ble Appellate Tribunal / MCD. During the hearing proceedings as held on 24/09/2023 before Hon'ble ATMCD,



the appellant therein also claimed that this subject flat / property is protected by National Territory of Delhi Laws (Special Provisions) Act as amended from time to time. Copy of order dated 24/09/2019 is annexed herewith as Annexure-A.

ii. In the meanwhile, the owner / occupier of this property / flat submitted an application for de-sealing claiming the relief under National Capital Territory of Delhi Laws (Special Provision) Act. Considering the same, the matter was referred to House Tax Department of MCD and it was informed by the House Tax Department that as per their available record in the assessment file, the tax payer is depositing property tax on a covered area of 106 Sq. Mtr. since 01/04/2004 onwards on self assessment basis and the matter has been referred to the Competent Authority for consideration of the application for de-sealing. The copy of the order dated 28/01/2020 of Hon'ble ATMCD having observation in this regard is also annexed herewith as Annexure-B.

iii. Further, based on the request of the owner / occupier and factual status as mentioned above, the case for de-sealing of the subject flat I property with relief upto 31/12/2020 extended up to 31/12/2023 under The National Capital Territory of Laws (Special Provisions) Act, the matter was referred to Competent Authority for necessary consideration and orders regarding desealing up to 31/12/2023.

iv. Further, the Competent Authority i.e. Additional Commissioner - MCD vide its order dated 06/09/2021 has permitted desealing of the property under reference upto 31/12/2023 under the aforementioned Act. Accordingly, the property under reference was de-sealed upto 31/12/2023 subject to the compliances of the provisions as contained in the said Act The National Capital Territory of Delhi Laws (Special Provisions) inclusive of maintaining status quo upto the said date. The Copy of the letter dated 07/09/2021 in this regard is annexed herewith as Annexure-C.

v. Furthermore, in terms of the aforesaid letter dated 07/09/2021, the owner / occupier / appellant withdrawan the aforementioned appeals bearing No. 529/ATMCD/2018 and 530/ATMCD/2018 vide order dated 18/08/2022. The downloaded copy of the order dated 18/08/2022 of Hon'ble ATMCD is also annexed herewith as Annexure-D.”

9. Learned counsel appearing on behalf of the MCD submits that the moratorium under the National Capital Territory of Delhi Laws (Special Provisions) Act is till 31.12.2026. Learned counsel for the petitioner further contends that the moratorium is not applicable.



10. In view of the aforesaid facts and circumstances, the order dated 14.07.2017 stands complied with. Accordingly, the present petition is disposed of.

11. Needless to state that any fresh proceedings instituted *qua* respondent no. 3 shall be conducted by the MCD in accordance with law.

12. The petitioner will be at liberty to initiate appropriate proceedings with respect to the aforesaid show cause notices in case the MCD does not act in accordance with law. The petitioner will also be at liberty to challenge the applicability of the moratorium extended to the premises bearing Flat no. 52 in accordance with law.

13. Order be uploaded on the website of this Court, *forthwith*.

14. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 13, 2026/sn/sg