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

+ **W.P.(C) 17567/2025 & CM APPL. 72552/2025**

MADHUR BHARGAVA & ORS.Petitioners

Through: Mr. Ashutosh Lohia, Ms. Princy Sharma and Ms. Harshita Malik, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Kunal Rawat and Mr. Chanchal, Advocates for R-1/MCD.

Mr. Raj Kumar Yadav and Ms. Preeti Gothwal, Advocates for R-2/SHO.

Mr. Lakshay Yadav, Advocates for R-3 & 4

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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04.05.2026

1. Counsel for the respondent-MCD has handed over an order dated 9th March, 2026 passed under Section 343 of the Delhi Municipal Corporation ('DMC') Act, 1957 and the same is taken on record. The relevant portions of the said order are set out below:

However, upon careful examination of the documents submitted during the course of hearings specifically, the copy of self assessment return form for the year 2004-05, copy of lease deed dated 29.09.1984, copy of lease deed dated 11.04.1986, copy of electricity bill vide energisation dated 07.02.2000 and report dated 28.01.2026 of the concerned JE(B), it appears that the structure of third floor existed prior to the cut-off date of 07.02.2007, as prescribed under "The National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2021." These documents provide reasonable evidence of the existence and assessment of the property by the Municipal Authorities before the said cut-off date, thereby supporting the claim that the construction of third floor is of an old and established nature, rather than a recent or newly raised development. Moreover, there is no material available in the official records regarding the reconstruction of the property.



In light of the foregoing facts and in consideration of the judicial records, documentary evidence, and the field report, it can reasonably be concluded that the construction in the shape of construction of rooms at third floor of the aforesaid property existed prior to the year 2007 and, therefore, qualifies for protection under the provisions of "The National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2021." Consequently, the said portion of the building shall remain protected from coercive action such as demolition until the expiry of the said Act or until further orders are issued by the Government of India in this regard.

AND NOW, THEREFORE, in view of the above, I, Muzaffar Naiem, Assistant Engineer (Bldg.), City SP Zone, Delhi who has been delegated with the power u/s 491 of the DMC Act 1957, come to the conclusion that the construction in the shape of construction of rooms at third floor in property No. 3/13-B, Asaf Ali Road, Delhi-110002 is unauthorized, without any sanctioned building plan and is liable to be demolished. However, on the basis of submitted documents, the same reveals to be existed prior to the cut-off date i.e. 07.02.2007, is presently protected in view of provisions of "The National Capital Territory of Delhi Laws (Special Provision) Second Act, 2021" till the expiry of said Act.

2. The aforesaid order concludes that the construction of third floor at the subject property, i.e. 3/13-B, Asaf Ali Road, New Delhi, is entitled to protection under the provisions of the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2021.
3. In light of the aforesaid order passed by the MCD, the present writ petition stands disposed of.
4. Liberty is given to the petitioner to take appropriate remedies as per law in the event the petitioner has further grievance.
5. Pending application stands closed.

AMIT BANSAL, J

MAY 4, 2026

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