



2025:DHC:8944



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

% **Date of Decision: 08<sup>th</sup> October, 2025**

+ W.P.(C) 14662/2025 & CM APPL. 60143/2025

GUNEET KAUR CHADHA .....Petitioner

Through: Mr. Varun Nischal, Mr. Arif Ahmed  
Khan, Ms. Saira Tagra, Advocates  
(M:9654431242)

versus

MUNICIPAL CORPORATION OF DELHI .....Respondent

Through: Mr. Siddhant Nath, SC-MCD with  
Mr. Bhavishya Makhija, Mr. Amaan  
Khan, Advocates for MCD  
(M:9910870397)

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+ W.P.(C) 14678/2025 & CM APPL. 60190/2025

MANGO TELECOMMUNICATION .....Petitioner

Through: Mr. Varun Nischal, Mr. Arif Ahmed  
Khan, Ms. Saira Tagra, Advocates  
(M:9654431242)

versus

MUNICIPAL CORPORATION OF DELHI .....Respondent

Through: Mr. Siddhant Nath, SC-MCD with  
Mr. Bhavishya Makhija, Mr. Amaan  
Khan, Advocates for MCD  
(M:9910870397)



**CORAM:**  
**HON'BLE MS. JUSTICE MINI PUSHKARNA**  
**MINI PUSHKARNA, J (ORAL):**

1. The present writ petitions have been filed seeking directions to the respondent to de-seal the 1<sup>st</sup> and 2<sup>nd</sup> floor of the property bearing *no. 4/32, WEA, Karol Bagh, Delhi-110005*, till such time as the appeals of the petitioner are finally decided by the Appellate Tribunal MCD (“ATMCD”).
2. Learned counsel for the petitioners submits that the case of the petitioners, who are the owners of the 1<sup>st</sup> and 2<sup>nd</sup> floor of the property in question, is similar to the case of the basement and ground floor of the property in question, which have already been directed to be de-sealed by the ATMCD and have been duly de-sealed in terms of the directions of the ATMCD.
3. He, thus, draws the attention of this Court to the order dated 04<sup>th</sup> August, 2023 passed by the ATMCD and order dated 01<sup>st</sup> May, 2024 passed by the District Judge, to submit that the ATMCD has already given a categorical finding with respect to basement and ground floor of the property in question that the same are entitled to protection under the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011.
4. He further submits that the aforesaid order of the ATMCD was upheld by the District Judge, against which, petition of the MCD in the form of Civil Miscellaneous (“CM”) (Main) is pending before this Court.
5. He submits that no stay has been granted in favour of the MCD, in the aforesaid CM (Main). He, thus, submits that in parity with the other floors



viz. ground floor and basement of the same building, the petitioner is also entitled for de-sealing of his property, i.e., 1<sup>st</sup> and 2<sup>nd</sup> floor of the property in question.

6. Responding to the same, learned counsel for the MCD has handed over copy of the short counter affidavits filed on behalf of the MCD, which are taken on record.

7. Learned counsel for the MCD submits that since the appeals are already pending before the ATMCD, there is no occasion for the petitioners to approach this Court. However, he further submits that the issue with regard to condonation of delay, as well as hearing the matter on merits, has to be adjudicated by the ATMCD.

8. At this stage, learned counsel for the petitioner submits that in the appeals bearing nos. 306/2024 and 307/2024, pending before the ATMCD, the MCD is yet to file its reply to the main appeal, as well as to the application for condonation of delay as well as to the additional affidavit filed on behalf of the petitioners herein.

9. He, thus, submits that the matter has been pending before the ATMCD on account of no reply, having been filed on behalf of the MCD.

10. Having heard learned counsels for the parties, it is directed that the MCD shall file respective replies in the two appeals pending before the ATMCD within three weeks from today. Rejoinder, if any, be filed within a period of one week, thereafter.

11. Considering the urgency as expressed by learned counsel for the petitioners, it is directed that in case the MCD does not file reply within a period of three weeks, as granted by this Court, ATMCD shall be at liberty to proceed with the appeals even in the absence of replies of the MCD.



2025:DHC:8944



12. Further, it is directed that the appeals of the petitioners herein, viz. Appeal Nos. 306/2024 and 307/2024, shall be taken up for hearing by the ATMCD within ten days of the Presiding Officer taking charge.
13. It is further directed that the learned ATMCD shall hear and decide the appeals as aforesaid, expeditiously within a time bound manner.
14. Learned counsel for the petitioners is granted liberty to file appropriate application before the ATMCD, bringing to the notice of the ATMCD, the order passed today by this Court.
15. Needless to state that this Court has not expressed any opinion on the merits of the case, which shall be heard by the ATMCD on its own merits.
16. Rights and contentions of both the parties are left open.
17. The present order has been passed considering the peculiar facts and circumstances of the present case.
18. It is clarified that no adjournment shall be taken on behalf of the MCD before the ATMCD.
19. With the aforesaid directions, the present writ petition, along with pending applications, is accordingly disposed of.

**MINI PUSHKARNA, J**

**OCTOBER 8, 2025/au**