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

+ **LPA 595/2025 & CM APPL. 59940/2025**

(234)

+ **LPA 597/2025 & CM APPL. 60194/2025**

AZAD MARKET RWA (REGD)

.....Appellant

Through: Mr. Harinder Mohan Singh, Sr.
Advocate with Ms. Shabana, Advocate

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Ms. Sapna Chauhan, Advocate for
DDA.

Date of Decision: 22nd September, 2025

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGEMENT

TUSHAR RAO GEDELA, J : (ORAL)

1. Present Letters Patent Appeals have been filed challenging the order dated 07.08.2025 passed by this Court in W.P.(C) 15795/2023 & W.P.(C) 13856/2024 titled "*Azad Market RWA (REGD) Through its General Secretary vs. MCD & Ors.*" (hereinafter referred to as "*impugned judgement*"), whereby the learned Single Judge passed a common judgement imposing a cost of Rs.10,00,000/- on the appellant herein, to be paid through its General Secretary, Mr. Anil Lodhi, for abusing and misusing the process of the Court by filing petitions in relation to unauthorised construction under the guise of social work, while using the particulars of an unregistered NGO



to further their cause, which on the face of the record, are riddled with oblique motives.

2. The underlying petitions were filed by the appellant seeking directions to the respondents to take action against the illegal and unauthorized construction allegedly being carried out in certain shops situated at *Roshanara Road and Rani Jhansi Road, Jhandewalan*, alongwith action against the misuse of electricity and drinking water.

3. Mr. Harinder Mohan Singh, learned senior counsel appears on behalf of Mr. Anil Lodhi, who claims to be the General Secretary of the appellant association. His primary contention to assail the impugned judgment is on the premise that the Advocate of the appellant was not present on the day when the learned Single Judge heard the underlying writ petitions and disposed of both without providing adequate opportunity for the representation of the appellant by its counsel. He submits that such deprivation violates the fundamental principle of law that no man can be condemned unheard. Predicated on the same principle, learned senior counsel also submits that the version of the appellant was not sought and it went unrepresented. According to learned senior counsel, it was incumbent upon the Court to call for the response of the appellant, particularly when an affidavit was filed by the respondent. He contends that without seeking any response it was not appropriate for the learned Single Judge to have proceeded with determination of disputed issues.

4. Learned senior counsel further submits that the impugned judgment appears to be rendered in ignorance or sheerly overlooking the contents of the affidavit filed by the appellant, as directed, asking the appellant to disclose the number of writ petitions filed before this Court. He states that all the cases pending as on the date of filing of the affidavit were disclosed in para 10 of



the affidavit which was simply brushed aside. He submits that, in case, some matters may have been inadvertently not mentioned, that by itself would not indicate that the appellant has wilfully concealed relevant information. If at all such doubt had crept into the mind of learned Single Judge, a fair opportunity to clarify ought to have been afforded to the appellant before castigating the appellant and imposing such exemplary and prohibitory costs.

5. Mr. Singh also submits that though the learned Single Judge took note of the fact that the appellant was convicted in a criminal case registered under FIR No. 328/2005 under Section 138 of the Electricity Act, 2003, it was informed in the said affidavit that an appeal was filed before the Appellate Court, which released the accused persons as having undergone sentence by imposing fine of Rs.10,000/- on each such accused person. He states that the said Revision *qua* the said appellate order is pending adjudication before this Court. His contention is that when the criminal proceedings are still pending adjudication by superior Courts, the learned Single Judge ought not to have formed an opinion of the antecedents of the appellant without awaiting the outcome of the said Revision Petition. Having breached the said condition, the impugned judgement cannot be sustained in law. Additionally, learned senior counsel also submits that the affidavit of the respondent, to which elaborate references were made by the learned Single Judge in the impugned judgement, was never served upon the appellant. In the absence whereof, the appellant was deprived of a fair opportunity to collate adequate defence against the unfounded allegations. In that view of the matter, learned senior counsel stoutly contends that this Court ought to interfere in the directions contained in the impugned judgement and set it aside.

6. We have heard Mr. Singh, learned senior counsel for the appellant as also perused the record available.



7. So far as the argument of learned senior counsel regarding the absence of the Advocate of the appellant is concerned, we observe that the learned Single Judge in para 3 of the impugned judgment clearly notes that despite directions passed on the last date of hearing, the counsel for the appellant was not present to assist the Court. Once we find that the Court had given a specific direction to the counsel to be present on the date of hearing and the counsel commits a default in complying with such direction, the argument that the Court has proceeded in the matter in the absence of the counsel cannot be countenanced. Moreover, when the appellant was aware that the counsel was not available, then, keeping in consonance with the direction passed previously, he ought to have ensured presence of another counsel, who could have assisted the Court. Thus, we do not find any merit in the said contention. So far as the contention that principles of Natural Justice having been violated is concerned, we find the appellant was present in person and had addressed arguments and made submissions before the learned Single Judge and therefore, the contention of violation of Principles of Natural Justice do not find favour with this Court.

8. Learned senior counsel next argued that the learned Single Judge had ignored the affidavit and the details contained therein placed on record by the appellant. To say the least, this is a misreading of the impugned judgement. In order to clarify, it would be apposite to extract paragraphs 8 to 14 of the impugned judgement, which read thus:-

“8. This Court is informed that the aforesaid properties, against which the present cases have been filed, are approximately three to five kilometers away from the address of the petitioner, as shown in the Memo of Parties.

9. It is to be noted that when the present case was listed on the last date for hearing, i.e., 22nd May, 2025, this Court had noted the various cases filed on behalf of Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), in the following manner:



“xxx xxx xxx

4. Learned counsel appearing for the respondent no. 5 has drawn the attention of this Court to the various cases filed on behalf of Azad Market RWA, details of which, are as follows:

“xxx xxx xxx

7. That it is has further come to the knowledge of the answering Respondent that the petitioner has a history of filing multiple cases on similar grounds which clearly shows a pattern/modus operandi of the petitioner in misusing the process of law. Copy of some of the orders taken from the official website/internet are marked as Annexure-R2 (COLLY). The list of cases are also mentioned hereunder:-

S.NO.	CASE TITLE
1.	ANIL LODHI & ANR. V. MCD & ORS [W.P.(C) 15698/2023].
2.	AZAD MARKET RWA (REGD.) V. MCD & ORS [W.P.(C) 6027/2024].
3.	AZAD MARKET RWA (REGD.) V. GOVT OF NCT OF DELHI & ORS [W.P.(C) 6073/2024].
4.	AZAD MARKET RWA (REGD.) V. MCD & ORS [W.P.(C) 16142/2023].
5.	AZAD MARKET RWA (REGD.) V. MCD & ORS [W.P.(C) 16003/2023].
6.	AZAD MARKET RWA (REGD.) V. MCD & ORS [W.P.(C) 15795/2023].

10. That the list of cases filed by Petitioner and the deponent in his name are as under:-

“i. WP. (C) No.7360/2022 RWA Azad Market V/s. Lt. Governor & Ors. decided on 29.07.2024 (in regard to CCTV) filed by Manoj Gehlot Advocate.

ii. WP. (C) No.8605/2022 RWA Azad Market V/s. Lt. Governor & Ors. decided on 09.05.2023 (in regard to collapse of building No.643, Shivaji Road, Delhi- 110006) filed by Manoj Gehlot Advocate.

iii. WP. (C) No.8437/2022 RWA Azad Market V/s. Ministry of Home Affairs & Ors. decided on 06.11.2023 (in regard to property No.391, 392,



393, Azad Market, Delhi- 110006) filed by Manoj Gehlot Advocate.

iv. WP. (C) No.16142/2023 RWA Azad Market V/s. M.C.D. & Ors. decided on 14.12.2023 (in regard to property No.749, Sheesh Mahal, Azad Market, Delhi, 110006) filed by Manoj Gehlot Advocate.

v. WP. (C) No. 11182/2024 Anil Lodhi V/s. MC.D. & Ors. pending for 21.02.2025 (in regard to Wooden encroachment in S.P. Mukherjee Market) filed by B.L. Gupta Advocate.

vi. WP. (C) No.15795/2023 RWA Azad Market V/s. M.C.D. & Ors. pending for 12.02.2025 (in regard to S.P. Mukherjee Market pollution) filed by B.L. Gupta Advocate.

vii. WP. (C) No.15698/2023 Anil Lodhi & Ors. V/s. MC.D. & Ors. decided on 06.12.2023 (in regard to Roshnara Road, Delhi unauthorized construction) filed by B.L. Gupta Advocate.

viii. WP. (C) No.13856/2024 RWA Azad Market V/s. M.C.D. & Ors. pending for 16.12.2024 (in regard to Deena Nath Road unauthorized construction) filed by B.L. Gupta Advocate.

ix. WP. (C) No. 16003/2023 RWA Azad Market V/s. M.C.D. & Ors. pending for 25.02.2025 (in regard to encroachment near public toilet situated at Pul Mithai, Azad Market) filed by B.L. Gupta Advocate.

xxx xxx xxx”

12. This Court notes that when the aforesaid affidavits filed on behalf of respondent no. 5 and Mr. Anil Lodhi are put in comparison, it comes to the fore that despite directions by this Court to Mr. Anil Lodhi for disclosure of all cases filed by him in relation to unauthorized construction, nevertheless, Mr. Anil Lodhi failed to disclose two cases, i.e., WP.(C) 6027/2024 and WP. (C) 6073/2024, as mentioned in the affidavit of respondent no. 5.

13. It is also noted that several of the cases, i.e., WP. (C) 11182/2024, WP. (C) 15795/2023, WP. (C) 15698/2023, mentioned in the personal affidavit of Mr. Anil Lodhi, also relate to unauthorized construction in places which are not located in the vicinity of Azad Nagar Market.

14. Moreover, most of the cases, as disclosed in the said personal affidavit of Mr. Anil Lodhi, have been filed by Mr. Babu Lal Gupta, Advocate.”

9. It is clear from the above that the learned Single Judge has not only noted the contents of the affidavit filed by the appellant but also extracted the relevant para 10 of the said affidavit. In view of such clear references to the



relevant paragraphs of the appellant's affidavit, we fail to understand as to on what basis the argument that the affidavit of the appellant was not considered or ignored can even be submitted. Thus, that too fails. In fact, it is also relevant to note that in para 9 of the impugned judgement the learned Single Judge refers to the previous order dated 22.05.2025, where various cases filed by the appellant on behalf of the Association were noted. Thus, it is not as if the said facts were considered for the first time on 07.08.2025 by the learned Single Judge, rather, it appears to have been engaging the attention of the Single Judge even on the previous occasion.

10. Regarding the argument that the learned Single Judge ought to have considered the pendency of the Criminal Revision Petition before this Court and of having deprived the appellant from marshalling adequate defence is concerned, we find the said submission unpersuasive. This is for the reason that, admittedly, the appellant was convicted by the learned Trial Court, which appears to have been confirmed by the First Appellate Court by imposing a fine of Rs.10,000/- on each of such accused persons. Once a person is convicted, unless such conviction is set aside, there would be no legal requirement of any Court of law to take a differing opinion. In any case, the learned Single Judge referred to the said conviction as brought out by respondent no.5 by way of affidavit dated 13.12.2024 filed in the W.P.(C) 13856/2024 and it was not an information which was suddenly brought out on the date when the learned Single Judge passed the impugned judgement. In this regard and just to clarify the issue, we deem it worthwhile to extract paragraphs 15 to 18 of the impugned judgement, which reads thus:-

"15. This Court is informed that criminal cases have been filed against Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), who either acts as the petitioner or the representative of the petitioner RWA in the present matters, as well as in matters which were filed earlier. The details of the same



are given in the affidavit dated 13th December, 2024, filed by respondent no. 5 in WP. (C) 13856/2024, which are reproduced as under:

“xxx xxx xxx

6. It is brought to the notice of this Hon’ble Court that the petitioner was found guilty vide judgment dated 31.10.2019 passed by the Court of CMM, Rohini Court, North District, Delhi in FIR No. 328/05 under sections 384/511, 408, 419, 468/34 of the Indian Penal Code (IPC) and Section 138 of the Electricity Act, 2003; wherein the petitioner was sentenced to undergo rigorous imprisonment for a period of two years for offences under Sections 419/34 /PC and further sentenced to undergo simple imprisonment for a period of one year for offences under sections 384/511/34 /PC vide order on sentence dated 02.11.2019. Copy of the judgment and order on sentence is marked as Annexure-R1 (COLLY).

xxx xxx xxx”

(Emphasis Supplied)

16. Attention of this Court has been drawn to the judgment dated 31st October, 2019, titled as "**State Versus Prakash Joshi etc.**", passed by Chief Metropolitan Magistrate, Rohini Courts, North District, Delhi in the case bearing no. 5285463/16, wherein, Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.) is the accused no. 2. Relevant portions of the said judgment are reproduced as under:

“xxx xxx xxx

2. The said meter was got photographed and proceedings were initiated with respect to the tampering of meter as well as in the present meter. After registration of the FIR, the incriminating documents were recovered from the possession of the said four accused persons i.e. fake ID cards claiming themselves to be the employee of NDPLIBSES Yamuna, visiting cards showing themselves to be involved in the said work of electricity bills, booklets concerning the installation reports of the electricity meters, electrical instruments for installation, etc. All the said articles were sealed and later on, seized in the present matter. The said accused persons were arrested in the present matter. After completion of investigation, the chargesheet was filed u/s 384/511/408/419/468/34 IPC & 138 Electricity Act, 2003.

xxx xxx xxx

35. Admittedly, in the present case in hand, there was no payment of money by victim Dharmender Chauhan as the offence was stopped prior to reaching its conclusion by the members of the raiding party. The accused persons were apprehended at the spot itself while they were in the process of extracting money from the victim by impersonating



themselves as NDPL employees and putting him into fear of criminal prosecution due to tampered electricity meter. It is also quite clear that accused had put PW7 in fear of criminal prosecution and he was about to handover the extortion amount when the place was raided. Therefore, the charge for the attempt to commit extortion has only been framed which duly stands proved through the versions given by the raiding party.

xxx xxx xxx”

(Emphasis Supplied)

17. Perusal of the aforesaid judgment shows that Mr. Anil Lodhi, i.e., accused no. 2 in the said criminal proceedings, who professes himself to be the General Secretary of the petitioner herein¹ was involved not only in a case for theft of electricity, but was also convicted for impersonating as the official of the NDPL/BSES Yamuna, along with being involved in extortion of money by way of such impersonation.

18. Subsequently, the sentence against Mr. Anil Lodhi was issued vide order dated 02nd November, 2019 by the Chief Metropolitan Magistrate, North Rohini, Delhi, in the following manner:

“xxx xxx xxx

The convicts have been found guilty of the offences u/s 419 and 384/51 1/34 /PC vide judgment dated 31.10.2019; The brazen manner in which the convicts were operating by impersonating as NDPL employees reflect their scant regard for the law of the land. They were least concerned about the consequences of their act. The record also reflects that apart from the victim Dharmender Chauhan, many other victims were cheated in similar manner. One such victim, namely, PW2 Hari deposed to this effect. They were operating for quite some time before they apprehended in the present matter. In these circumstances; no leniency can be shown towards the convicts.

xxx xxx xxx”

(Emphasis Supplied)

11. Thus, it is not as if the learned Single Judge did not have any material on record of the underlying writ petitions before *prima facie* gathering the opinion that the appellant has indulged in abuse and misuse of the process of law.



12. We also observe that the learned Single Judge also considered the materials available on record in respect of the NGO namely “*Green Gold Earth of World (Regd.)*” as to its Registered Office, which was the Chamber of the counsel of the appellant in the underlying writ petition. Learned Single Judge had also referred to the order dated 22.05.2025, referring the aforesaid issue for investigation to the learned Principal District and Sessions Judge, Rohini Courts (hereinafter referred to as “*PDSJ*”) as also the Inquiry Report submitted by the PDSJ. In this regard, it would be relevant to extract paragraphs 21 to 29, which reads thus:-

“21. It is further to be noted that in the order dated 03rd October, 2024, passed by this Court in WP. (C) 13856/2024, it has categorically been noted that there is another NGO by the name of ‘Green Gold Earth of World (Regd.)’, wherein, the address of the said NGO is the same as the chamber address of Mr. Babu Lal Gupta, Advocate, who has been appearing for the petitioner in the present matters. Further, the branch office of the NGO is also the address of Mr. Anil Lodhi, as stated in the affidavit accompanying the petitions.

22. The address of Mr. Babu Lal Gupta, Advocate, as indicated to this Court is, ‘Chamber No. 606, Lawyers Chamber Block, Rohini Courts Complex, Rohini, Delhi - 110085’.

23. It has been noted by this Court in the order dated 03rd October, 2024, that the letter head of the NGO, ‘Green Gold Earth of World (Regd.)’, in relation to the complaint pertaining to the present case, as sent to the MCD, also reflects the address of the said NGO, as the aforesaid chamber of Mr. Babu Lal Gupta, Advocate. The order dated 03rd October, 2024 in W.P(C) 13856/2024, reads as under:

“1. The petitioner, who claims to be General Secretary, Resident Welfare Association-Azad Market, has filed this writ petition. The petition is signed and verified by an affidavit of one Mr. Anil Lodhi, who is stated to be a resident of 605/5, Shivaji Road, Azad Market, Delhi-110006. The relief sought in the writ petition are as follows:-

“i. The Respondent No. 1 & 2 to demolish illegal and unauthorized construction being raised over bearing No. 7882, bearing its Khasra No.395/1/2, 92/ 1/5, 395/1 /6, of Village Sidhora Khurd, Dina Nath Road, Roshnara Road, Mauza Delhi, Delhi- 110007 on its Basement, Ground, First Floor, Second Floor, Third Floor &



Fourth Floor.

ii. The Respondent No.3/CGWA be directed to take action against the Respondent No.4/Owner/Builder in regard to illegal and unauthorized submersible/borewell and to remove the entire borewell/submersible Any other order which this Hon'ble Court may deem, fit and proper the same be also passed in favour of the Petitioner and against the Respondents.”

2. At the very outset, Mr. Varun Niithal, learned counsel, appears for Ms. Jasveen Kaur, who is stated to be the owner of property bearing No. 7882, Khasra No. 395/1/5, Village Sidhora Khurd, Dina Nath Road, Roshnara Road, Mauza Delhi-110007 [“subject property”], submits that the Azad Market area is approximately 3 to 5 KM away from the subject property in question. He submits that the petition has been filed as part of a scheme of extortion by the petitioner. He draws my attention to Annexure-1 of the petition, which purports to be a complaint sent by an NGO by the name of “Green Gold Earth of World (Regd.)” to the Municipal Corporation of Delhi [“MCD”], Delhi Pollution Control Committee, District Magistrate, Delhi Jal Board and North Delhi Power Ltd., with regard to unauthorized construction on public land and without a sanction plan over private property. Mr. Nischal points out that the said letter has been signed by Mr. Anil Lodhi, claiming to be the complainant/trustee, and that the address of the said NGO in the letterhead is Chamber No. 606, Lawyers Chamber Block Rohini Court Complex, Rohini, Delhi 110085. This is the same address as the address of Mr. B.L. Gupta, learned counsel for the petitioner. The branch office of the NGO is also the address of Mr. Anil Lodhi as stated in the affidavit accompanying the petition.

3. Mr. Gupta is directed to file a personal affidavit stating as to how the chamber allotted to him is being used by an NGO. The petitioner will also file an affidavit on the above aspect, with regard to all cases filed by him and the cases that have been instituted against him, alongwith the orders passed in each of those cases. Affidavits be filed within two weeks.

4. The pendency of this petition will not come in the way of MCD taking any action in respect of illegal construction in the subject property. Mr. Varun Chandiook, learned counsel for the MCD, states that sanction plan in respect of the subject property has been revoked. If so, MCD is at liberty to serve the said order upon the owners/occupants of the property and take further action as required. This is without prejudice to any rights and remedies that the affected person may have which are also expressly reserved.



5. At the request of Mr. Nischal, Ms. Jasveen Kaur is added as respondent No. 5 of the present petition. She is also permitted to file an affidavit within the same period. Amended: inemo of parties be filed by learned counsel for the petitioner within one week.

6. List on 16.12.2024."

(Emphasis Supplied)

24. This Court also notes the order dated 16th December, 2024, in W.P.(C) 13856/2024, wherein, statement of Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.) has been recorded, wherein, he categorically states that the registration of the petitioner Society was done by Mr. Babu Lal Gupta, Advocate, and that the chamber address is the registered address of the petitioner Society. The order dated 16th December, 2024 in W.P. (C) 13856/2024, reads as under:

"1. Pursuant to the order dated 03.10.2024, Mr. Anil Lodhi, who claims to be the General Secretary of Azad Market Resident Welfare Association (Regd.) ["Society"], has filed an affidavit, as has his counsel Mr. B.L. Gupta, Advocate.

2. The affidavit of Mr. Gupta states that he did not permit Green Gold Earth of World (Regd.) ["NGO"], through Mr. Anil Lodhi; to use his chamber address.

3. The affidavit of Mr. Lodhi states that the petitioner-Society came into existence in the year 2013, and the NGO [Green Gold Earth of World (Regd.)] came into existence in the year 2023. It is his contention that he has written the chamber address of Mr. Gupta on the letterhead of the NGO without the permission of the allottee, as he was not aware of the rules and regulations regarding the allotment of the chamber. This explanation is prima facie unsatisfactory. In official communications, such as an application for registration of a society, a party cannot declare any address to which he has no right of any sort.

4. Upon enquiry of the Court, Mr. Lodhi states that the registration of the Society was done by Mr. Gupta and that the chamber address is the registered address of the Society.

5. For the present, it is directed that a copy of this petition and the orders passed therein be forwarded by the Registry to Mr. Tushar Sannu, learned Additional Standing Counsel for the Government of National Capital Territory of Delhi. Mr. Sannu is requested to obtain the record relating to the registration of the petitioner - Society and the NGO [Green Gold Earth of World (Regd.)], from the Registrar of Societies, and make the same available to the Court on the next date of



hearing.
6. List on 12.02.2025”.

(Emphasis Supplied)

25. Thus, considering the aforesaid facts, this Court vide order dated 22nd May, 2025, had referred the matter for investigation to learned Principal District and Sessions Judge, Rohini Courts, in the following manner:

“xxx xxx xxx

9. In view of the aforesaid, the learned Principal District and Sessions Judge, Rohini Courts, is directed to conduct an enquiry as regards the allotment of the said chamber to Mr. Babul Lal Gupta, and the activities that are being carried out from the said chamber.

10. During the course of investigation, the learned Principal District and Sessions Judge, Rohini Courts, shall also consider the facts which have been reproduced in the present order with regard to the said chamber being used as the registered address of the Azad market RWA, which is being used/or the purposes of filing various petitions, purportedly for extortion purposes. Further, it may also be noted that the said chamber is also being used as a registered address of NGO, i.e., Green Gold Earth of World (Regd.).

xxx xxx xxx”

26. An Inquiry Report dated 19th July, 2025, has been submitted by the learned District and Sessions Judge, Rohini Courts, which reads as under:

INQUIRY REPORT IN RESPECT OF CHAMBER NO.606 AT LAWYERS CHAMBER BUILDING, ROHINI COURTS, DELHI

The Hon'ble High Court of Delhi vide order dt. 22.05.2025 in W.P. (C) 15795/2023 & CM Appl. 8491/2025 titled as Azad Market RWA (Regd.) through its General Secretary v. MCD and Ors. has directed to conduct an enquiry as to the allotment of the chamber no. 606 to Sh. Babu Lal Gupta and as to the activities that are being carried out from the said chamber.

With regard to the allotment of the chamber in question, the undersigned perused the office records and it was revealed that vide allotment order no. Lawyer Chamber No.606/Gen. Admn./allotment/2015, Chamber no. 606-on the 6 th floor in the Rohini Lawyers Chamber Block was allotted to Sh. B. L. Gupta and the co-allottee of the said chamber was Sh. Hari Om.



Thereafter, the undersigned alongwith Ld. ACJ (North) physically inspected Chamber no. 606 on a number of occasions and found it to be locked. The name plate of Sh. B.L. Gupta and Sh. Hari Om was also found to be affixed on the door of the chamber.

To find out about the nature of activities being undertaken from the said chamber, the undersigned also recorded statements of the advocates/allottees of the neighboring chambers. Statements of Sh. Rakesh Sidana & Sh. Puneet Khurana (allottees of chamber no. 607), Sh. Nirvesh Kumer Rawat and Sh. Dharam Prakash (allottees of chamber no. 608) were recorded. According to statements of the aforesaid advocates, the chamber in question generally remains locked and is not used on a daily basis. However, they were unaware of the activities, if any, being carried out from the chamber or whether the said chamber is the registered address of any NGO or any other RWA.

Statement of Sh. Pardeep Kumar Khatri, Hony. Secretary of RCBA was also been recorded whereby he has confirmed that the chamber no. 606 is allotted to Sh. B.L. Gupta and Sh. Hari Om and that Sh. B.L. Gupta rarely sits in the said chamber. He further stated that he is not aware about the activities which are being carried out in the said chamber and is also not aware that the chamber is registered with any NGO or other RWA.

From a scrutiny of the office record pertaining to the said chamber and the statements of the neighboring allottees and Hon'ble Secretary of RCBA, it can only be deciphered that the chamber in question is allotted in the name of Sh. B.L. Gupta and Sh. Hari Om but the nature of activities being carried out from the chamber in question could not be ascertained. It has only come to light that the chamber 606 generally remains locked and is not used frequently.

Copy of the allotment letter in the name of Sh. B.L. Gupta and Sh. Hari Om regarding chamber no. 606 alongwith copy of the statements of the advocates is annexed alongwith this report.

sd/-

*Mansi Malik
ACJ/ARC North-West
Member Secretary of Allotment Committee,
Lawyers Chamber, Rohini Courts, Delhi.*

27. Though the aforesaid Report of the District and Sessions Judge does not throw light with regard to the activities being carried out in the chamber of Mr. Babu Lal Gupta, Advocate, however, it is clear that the said chamber remains locked most of the time. Moreover, as per the statements recorded in



the said Report and the observation with regard to the Office Record of Rohini Courts, it is ascertained that the said chamber, indeed was allotted to Mr. Babu Lal Gupta.

28. Today again, during the course of interaction with Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), it has come to the attention of this Court that Mr. Anil Lodhi was made trustee of the aforesaid NGO by Mr. Babu Lal Gupta, Advocate.

29. Attention of this Court has been drawn to the report submitted by the Section Officer (HQ), Societies & Firms, District Central, Registrar of Societies, to show that as per the available records, no such society/NGO by the name of, 'Green Gold Earth of World' is registered with them."

It was on the basis of the aforesaid disturbing facts which had come to the notice of the learned Single Judge that the impugned judgment was passed. To understand the concern of the learned Single Judge, reference to paragraphs 30 to 34 and 36 of the impugned judgement would suffice. Taking note of the relevant facts, learned Single Judge in para 37 held as under:-

37. This Court also takes note of the facts, as already noted hereinabove, that Mr. Anil Lodhi, was found to be involved in cases of impersonation and extortion of money. Further, this Court also takes note of the submission made by learned counsel appearing for the private respondents that Mr. Anil Lodhi, General Secretary of Azad Market RWA (Regd.), has been approaching their clients for the purpose of extorting money from them. These facts are alarming and shocking; which disclose the deplorable conduct of the petitioner in filing cases for extorting money from people, by misusing and abusing the process of this Court. On the one hand, the Court has to deal with cases of unauthorized constructions strictly with an iron hand; at the same time, the Court has to ensure that the process of the Court is not misused by anyone in order to extort money from the persons undertaking such construction. A proceeding before a Court is a solemn process for furthering the cause of justice, and not for aiding unlawful objectives of certain individuals."

13. The penultimate directions on the aforesaid controversy are contained in para 40 of the impugned judgment.

14. Having considered the arguments of learned senior counsel and minutely scrutinized the observations in the impugned judgment, and for the



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discussion made in the preceding paragraphs, we are compelled to take note of the anguish and the pain of the learned Single Judge as obtaining from the facts of the case. In fact, the facts recorded and the observations made thereon compel us to enhance the costs imposed by the learned Single Judge, however, we refrain from doing so. Instead, we only record our stern warning to the appellant not to further indulge in any such misdemeanours and misadventures in future.

15. In view of the aforesaid, the appeals are dismissed alongwith pending applications, if any.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

SEPTEMBER 22, 2025/rl/aj