



\$~8

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

Date of decision: 18th September, 2026

Uploaded on: 19th September, 2026

CNR No. DLHC010446062026

+ **CONT.APP.(C) 21/2026, CM APPL. 64194/2026 & CM APPL. 64195/2026**

TEENA KAPOOR

.....Appellant

Through: Ms. Kanika Agnihotri, Sr. Adv. with
Mr. Umang Tyagi, Mr. Zuber Ali and
Ms. Shivani Patil, Advs. (M:
8788053866)

versus

MUNICIPAL CORPORATION OF
DELHI AND ORS.

...Respondents

Through: Mr Kapil Dutta, Standing Counsel for
MCD. (M: 9643107054)
Ms. Amita Sachdeva - Respondent
No.2 in person.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL.64195/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CONT.APP.(C) 21/2026, CM APPL. 64194/2026 (for stay)

3. The present appeal has been filed by the Appellant under Section 19 of the Contempt of Courts Act, 1971, *inter alia*, assailing the impugned order



dated 9th September, 2026 read with order dated 6th August, 2026 passed by the Id. Single Judge, in **CONT. CAS(C) 846/2023**.

4. The dispute in the present case relates to the property bearing *Flat No. 7, N-26, 3rd Floor, Malviya Nagar, New Delhi-110017* (hereinafter, ‘the subject property’).

5. The Appellant herein is the subsequent purchaser of the subject property, which was purchased by her in the year 2025. She claims to have purchased the subject property from one Ms. Sunita Pathak, *vide* sale deed dated 31st December, 2025.

6. In respect of the subject property, there were three proceedings which were pending at the time when the purchase took place. The details of the said proceedings as described in the sale deed are as under:

- W.P.(C) No.11613/2022 before the Delhi High Court;
- CS DJ No.307/2023 & CS DJ No.583/2023 before Saket District Court;
- CT Case No.1648/2024 (PS Malivya Nagar), presently at pre-summoning stage

7. The grievance of the Appellant is that while the order dated 6th August, 2026 was passed in **CONT. CAS(C) 846/2023**, the Appellant was not made a party in the said contempt petition.

8. In the said order, after perusing the photographs placed on record, the Court records that there was fresh construction in the subject property, which was not in the nature of repair or renovation work and was, therefore, unauthorized. Accordingly, the Id. Single Judge *vide* order dated 6th August, 2026 in **CONT. CAS(C) 846/2023** passed the following directions:

“[...]7. Perusal of the aforesaid Status Report shows that the MCD has deposed that upon inspection of the



property in question, it is not possible to ascertain the period or age of construction therein.

8. It has further been deposed on behalf of MCD that on visual inspection, it appears that some repair or renovation work has been carried out in the said property.

9. Perusal of the aforesaid Status Report also shows that it is the case of the MCD that they had been intimated with regard to the repair and renovation work on 01st August, 2022.

10. However, this Court is of the considered view that the aforesaid photographs of the property in question clearly show that the construction was not in the nature of repair and renovation work.

11. Thus, the aforesaid Status Report of the MCD is false on the face of it, as the photographs reproduced hereinabove evidently show fresh construction in the property in question.

12. Accordingly, the matter is referred to the Commissioner, MCD in order to carry out an investigation as to how a misleading Status Report has been filed before this Court.

13. The Commissioner, MCD shall also ensure that requisite action is taken against the unauthorised construction carried out in the property in question, which clearly is in the nature of fresh construction.

14. This Court also takes note of the submission made by learned counsel appearing for the petitioners that no inspection was actually carried out by the MCD.

15. Accordingly, let a report be filed by the



Commissioner, MCD before the next date of hearing.

16. List on 25th November, 2026, in the Top Ten Matters in the Advance List.

17. A copy of this order shall be sent forthwith to the Commissioner, MCD.”

9. In terms thereof, the Court had referred the matter to the Commissioner, Municipal Corporation of Delhi (*hereinafter*, ‘MCD’), for an investigation into the filing of the misleading Status Report. The Commissioner, MCD, was further directed to ensure that requisite action was taken against the unauthorised fresh construction carried out in the subject property. The Commissioner was also directed to file a report before the next date of hearing.

10. Pursuant to the said order, the Assistant Engineer, Building Department, South Zone, MCD passed an order dated 19th August, 2026 directing demolition of the subject property. In effect, the protection which was granted to the Appellant earlier, was revoked by the MCD.

11. Thereafter, the Appellant preferred the applications for impleadment and seeking directions before the Id. Single Judge, which was considered and the impugned order dated 9th September, 2026 was passed. In the said applications, notice has been issued.

12. However, the threat that the Appellant faces is that the subject property is likely to be demolished in the meantime, while the applications remain pending before the Id. Single Judge.

13. The Court has heard Ms. Kanika Agnihotri, Id. Senior Counsel appearing for the Appellant, Ms. Amita Sachdeva, Id. Counsel for Respondent No.2 as also Mr. Kapil Datta, Id. Counsel appearing for the MCD.



14. All the remaining Respondents, as per the Id. Counsel for the Appellant, have been served through the Counsels appearing on their behalf in **CONT. CAS(C) 846/2023**. However, there is no appearance on their behalf today.

15. After hearing the Id. Counsels, it has become clear that the Appellant was aware of the MCD proceedings even at the time when she purchased the subject property. However, for whatever reasons, she chose not to join or participate in any of the said proceedings.

16. Ms. Amita Sachdeva. Id. Counsel for Respondent No.2 submits that in the suit *i.e.*, **CS DJ No.307/2023**, summons were issued for impleadment of the Appellant, however, she never accepted the said summons.

17. Be that as it may, it is clear that there is a dispute with respect to the third floor of the subject property and that the MCD has itself granted protection to the erstwhile owner of the said flat, *vide* order dated 13th April, 2023, the relevant portion whereof is extracted hereinbelow:

*“In view of above, I, Rajbir Singh, Asstt. Engineer (Bldg.), South Zone vested with the powers of the Commissioner, MCD U/s 343 (1) read with Section 491 of DMC Act, am of the considered view that the construction, as existing at site is without having any legal sanctity or in violation of UBBL-2016/MPD-2021, though in present context, in terms of immunity provided under the Moratorium Gazette Notification viz. Delhi Laws (Special Provisions) Act (as extended from time to time), properties which are in existence prior to 08/02/2007, are protected from punitive action till 31st December 2023 or on the day when the Govt, suppose to comes out with uniform regulations (whichever is earlier). Hence, through this order, till such time the proceedings recorded/ maintained U/s 343 & 344 of DMC Act, *vide* File No. 20/UC/B-I/SZ/2023 dated*



17/02/2023, will be kept in abeyance or placed under suspension. Furthermore, during the intervening period the owner(s) / noticee(s) will have to maintain sanctity of the provisions contained in the aforesaid Act.”

18. In view of the aforesaid, this Court is of the opinion that the applications filed by the Appellant deserve to be considered before the subject property is demolished, failing which irreparable loss would be caused to the Appellant.

19. It is, accordingly, directed that the parties shall now appear before the Id. Single Judge on the date fixed *i.e.*, on 25th November, 2026.

20. Until the applications of the Appellant are heard on merits, no demolition action of the subject property shall be taken.

21. If there are any disputed questions of fact, which deserve to be adjudicated, the Appellant is also permitted to get impleaded in the **CS DJ No.307/2023** and take her defence in accordance with law.

22. The undertaking of the Appellant is recorded to the effect that no further construction shall be carried out in the subject property.

23. The present appeal is disposed of in the above terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

SEPTEMBER 18, 2026/dk/sm