



\$~2-6 (Spl. Bench)

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

+ W.P.(C) 12182/2016 & CM APPL. 33554/2017 (Impleadment), 33556/2017 (Leave to in Intervene in Writ Pet.), 33558/2017 (Impleadment), 33559/2017 (Impleadment), 33560/2017 (Direction), 33578/2017 (Stay), 34301/2017 (Submission of Affidavit), 34302/2017 (Impleadment), 34303/2017 (Stay) & 34754/2017 (Submission of Affidavit)

SANJAY SINGHAL

..... Petitioner

Through: Mr. Sameer Mendiratta &
Henna Mendiratta Advs.

versus

STATE GOVT. OF NCT OF DELHI
& ORS.

..... Respondents

Through: Mr. Ajjay Aroraa, ASC for
Resp./DJB.

Ms. Sweety Singh, Adv. R-1, 7,
8 & 9.

Mr. Gautam Narayan, Amicus
Curiae, Ms. Asmita Singh, Mr.
Harshit Goel, Mr. Sujay Jain
and Mr. K.V. Vibu Prasad,
Advs.

Mr. Santosh Kumar Tripathi,
SC (Civil) with Mr. Rishabh
Srivastava & Mr. Pradyumn
Rao, Advs., Mr. C.L. Meena,
Asstt. Div. Officer, Mr. Deepak
Kumar, Fire Operator from
Resp./ DFS.

Mr. Manish Mohan, CGSC
along with Mr. Jatin Teotia,
Adv. for Resp./ UOI.

Ms. Puja Kalra, SC along with
Mr. Virendra Singh, Adv and
Mr. Vipin Gosain, Asstt.



Engineer for MCD.

Mr. Sudhir Nandrajog, Sr. Adv.
with Mr. Manish Srivastava,
Mr. Moksh Arora, Mr. Santosh
Ramdurg and Ms. Shiksha Jha,
Advs. for TPDDL.

Ms. Akshita Goyal & Ms.
Apurva Guar, Advs. for Resp./
DDA.

Mr. J.P. Sengh, Sr. Adv. with
Mr. Amit Kocher and Mr.
Gaurav Gogia, Advs. for
interveners (C.M. No.
33554/2017).

SI Joginder Singh and SI Jai
Parkash, Parvi Officers
(Traffic).

Mr. Pritam Bishwas and Mr.
Prakhar Srivastav, Advs. for
applicant/ impleader.

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W.P.(C) 100/2017

KANCHAN GUPTA

..... Petitioner

Through: Mr. Pramod Kumar Singhal &
Mr. Rahul Singhal, Advs.

versus

LT. GOVERNOR, STATE OF DELHI
& ORS.

..... Respondents

Through: Mr. Gautam Narayan, Amicus
Curiae, Ms. Asmita Singh, Mr.
Harshit Goel, Mr. Sujay Jain
and Mr. K.V. Vibu Prasad,
Advs.

Ms. Puja Kalra, SC along with
Mr. Virendra Singh, Adv and
Mr. Vipin Gosain, Asstt.
Engineer for MCD.



Mr. Ajjay Aroraa, ASC for
Resp./DJB.

Mr. Santosh Kumar Tripathi,
SC (Civil) with Mr. Rishabh
Srivastava & Mr. Pradyumn
Rao, Advs., Mr. C.L. Meena,
Asstt. Div. Officer, Mr. Deepak
Kumar, Fire Operator from
Resp./ DFS.

Mr. Pritam Bishwas and Mr.
Prakhar Srivastav, Advs. for
applicant/ impleader.

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+ W.P.(C) 6405/2019

MADHUMITA KOTHARI

..... Petitioner

Through:
versus

Mr. J.S. Bedi, Adv.

GOVERNMENT OF NCT OF DELHI
& ORS.

..... Respondents

Through:

Mr. Gautam Narayan, Amicus
Curiae, Ms. Asmita Singh, Mr.
Harshit Goel, Mr. Sujay Jain
and Mr. K.V. Vibu Prasad,
Advs.

Mr. Ajjay Aroraa, ASC for
Resp./DJB.

Ms. Puja Kalra, SC along with
Mr. Virendra Singh, Adv and
Mr. Vipin Gosain, Asstt.
Engineer for MCD.

Mr. Santosh Kumar Tripathi,
SC (Civil) with Mr. Rishabh
Srivastava & Mr. Pradyumn
Rao, Advs., Mr. C.L. Meena,
Asstt. Div. Officer, Mr. Deepak
Kumar, Fire Operator from
Resp./ DFS.

Mr. Pritam Bishwas and Mr.
Prakhar Srivastav, Advs. for



applicant/ impleader.

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W.P.(C) 8534/2023 & CM APPL. 52697/2023 (44 Days Delay in Rev. Pet.), 60711/2023 (Impleadment), 64719/2023 (Impleadment), CM APPL. 13027/2024 (Interim Relief), CM APPL. 24552/2024 (Direction), CM APPL. 28052/2024 & REVIEW PET. 273/2023 (O.D. 25-07-2023)

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Gautam Narayan, Amicus Curiae, Ms. Asmita Singh, Mr. Harshit Goel, Mr. Sujay Jain and Mr. K.V. Vibu Prasad, Advs.

Mr. Rishikesh Kumar, ASC, GNCTD with Ms. Sheenu, Mr. Sudhir Kumar Shukla and Mr. Sudhir Adv. for GNCTD.

Ms. Sima Gulati, Adv. for Intervenor.

Ms. Beenashaw N. Soni & Ms. Mansi Jain, Adv. for Resp./MCD.

Ms. Puja Kalra, SC along with Mr. Virendra Singh, Adv and Mr. Vipin Gosain, AE for MCD.

Ms. Rajeshwari Hariharan, Ms. Garima Joshi and Ms. Saakshi Khandelwal, Adv.

Mr. Pritam Bishwas and Mr. Prakhar Srivastav, Adv. for applicant/ impleader.

Mr. Sanjay Vashishtha, Ms. Harshita Rai and Mr. Prince



Pathak, Advs. for DDA.
Mr. Piyush Pahuja and Mr.
Upender Kumar, Advs. for
Delhi Student Housing
Association.
Mr. Rohit Gandhi, Mr.
Surender Sheron, Mr. Hargun
Singh Kalra, Ms. Akshita
Nigam, Ms. Chintu Jain & Mr.
Nikita Sharma, Advs. for
impleader (CM 28052/2024)
Mr. Ajjay Aroraa, ASC for
Resp./DJB.
Mr. Santosh Kumar Tripathi,
SC (Civil) with Mr. Rishabh
Srivastava & Mr. Pradyumn
Rao, Advs., Mr. C.L. Meena,
Asstt. Div. Officer, Mr. Deepak
Kumar, Fire Operator from
Resp./DFS.
Mr. Rakesh Kumar & Mr.
Pawan Kumar, Advs. for
impleader in CM 24552/2024.

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+ W.P.(C) 2249/2024 & CM Nos. 9355-9356/2024

COACHING FEDERATION OF INDIA Petitioner

Through: Ms. Rajeshwari Hariharan, Ms.
Garima Joshi and Ms. Saakshi
Khandelwal, Advs.

versus

DELHI DEVELOPMENT AUTHORITY
& ANR.

..... Respondents

Through: Mr. Gautam Narayan, Amicus
Curiae, Ms. Asmita Singh, Mr.
Harshit Goel, Mr. Sujay Jain
and Mr. K.V. Vibhu Prasad,
Advs.
Ms. Shubhra Parashar and Mr.



Virendra Pratap Singh Charak,
Advs. for UOI.

Ms. Manika Tripathy, SC with
Mr. Naveen K. Saraswat, Adv
for DDA.

Mr. Ajjay Aroraa, ASC for
Resp./DJB.

Mr. Santosh Kumar Tripathi,
SC (Civil) with Mr. Rishabh
Srivastava & Mr. Pradyumn
Rao, Advs., Mr. C.L. Meena,
Asstt. Div. Officer, Mr. Deepak
Kumar, Fire Operator from
Resp./ DFS.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

10.05.2024

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1. Having gone through the inspection report which has been submitted by the learned Amicus Curiae, we take note of the apparent violations of the sealing directions which appear in respect of premises placed at Serial Nos. 14, 16 and 17 in Annexure-B and Serial Nos. 14 and 19 in Annexure-C to that report.

2. In light of the evident violation of the directions which had been issued by us, we hereby direct the Municipal Corporation of Delhi [**'MCD'**] / Delhi Development Authority [**'DDA'**] to take action forthwith and ensure that these premises are sealed. The report in respect of completion of the sealing action shall be placed on the record of these proceedings not later than by 13 May 2024.

3. Insofar as the aspect of Fire No Objection Certificate [**'NOC'**] and the characterization of buildings where coaching centres are being run is concerned, we take note of the broad classification of



‘buildings’ in Clause 1.4.75 of the Unified Building Bye-Laws for Delhi, 2016 [‘UBBL’]

4. It becomes pertinent to note that Clause 1.4.75 of the UBBL, when it proceeds to describe ‘residential buildings’, refers to buildings in which sleeping accommodation is provided for “*normal residential purposes*”. It is that primary use which should ordinarily govern the phrase ‘residential building’.

5. However, and in our prime facie opinion, being conscious of a situation where a building may be put to a use other than residential, the UBBL while explaining the concept of ‘educational buildings’ includes all buildings which are “*used for*” schools, colleges and coaching centers in which more than 20 students may be enlisted or one which is used and involves assembly for instruction. It is thus on a prima facie evaluation apparent, that it is the expressions “*used for*” and “*involving*” which would be determinative of the characterization of an educational building.

6. Consequently, any building which may otherwise fall in the general categories which are enumerated in Clause 1.4.75 of the UBBL but are put to use for any of the purposes enumerated in clause (b), it would be the norms which govern ‘educational buildings’ which would get attracted. This since on a preliminary evaluation we are convinced that once a residential building is put to a use which fall within clause (b), it would be wholly incorrect to apply provisions meant solely for buildings which are intended to be used for purposes of residence. The aspects of safety and security of persons who frequent such buildings would have to be accorded primacy.

7. Similar would be the position which emerges on a prima facie



reading of Rule 27 of the Delhi Fire Service Rules, 2010 [“**DFS Rules**”]. Here too, the expression “*educational building*”, wherever occurring, would have to abide by and draw colour from the meaning that we have assigned to that expression based on the provisions of the UBBL.

8. We additionally take note of the fact that Rule 27(4) of the DFS Rules does not restrict itself to buildings with a height of more than 9 meters. It also brings within its meaning buildings having ground plus two upper stories including mezzanine floors. This is evident from the use of the disjunctive ‘*or*’ between educational buildings having a height of more than 9 meters and the latter. Consequently, any building which is being put to use for purposes enumerated in clause 1.4.75(b) of the UBBL and which comprises of a ground plus two upper stories, including a mezzanine floor would also automatically fall in this category.

9. We, consequently, require the MCD, DDA as well as the Delhi Fire Service [“**DFS**”] to undertake a fresh survey of all buildings which would fall within the broad classification as indicated by us hereinabove. The buildings which are found to be non-compliant shall be duly identified along with full particulars of occupants as well as the owners thereof. The aforesaid exercise be completed within a period of four weeks from today.

10. In the interim, we reiterate our directions to the MCD/DDA/DFS to ensure that any electrical apparatus that still continues to exist inside premises which are being used for educational purposes, be it in hallways, staircases or any other position which may be considered injurious to public safety, are



relocated with due expedition. The relevant DISCOMS shall provide due assistance to the joint inspection team in this regard.

11. Let the matters be called again on 12.07.2024 as part heard.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

MAY 10, 2024/RW