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

+ W.P.(C) 2010/2018 & CM No.8283/2018

% Date of decision : 5th March, 2018

ASHU KUMAR

..... Petitioner

Through : Mr. Amit Kumar and
Ms. Varsha Rana, Advs. with
petitioner

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through : Mr. Santosh Kr. Tripathi, ASC-
GNCTD/R-1 & 2

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition complains that the ARSS Mall located on Plot No. 40, Community Centre, Paschim Vihar, New Delhi-110063 has not complied with the requirements of the Delhi Fire Service Act, 2007 and Delhi Fire Service Rules, 2010.

2. The writ petitioner has placed copy of an order no. Fb/DFS/MS/2016/Disc./10 dated 20th September, 2016 on record which has been passed by Sh. Mukesh Verma, Divisional Officer (West), Nominated Authority, Delhi Fire Services.

By this order, the Delhi Fire Service has recorded its satisfaction to the effect that the '*building is not safe for the occupancy*' and consequently directions were issued to the BSES Rajdhani Power Limited and the Delhi Jal Board to disconnect electricity and water supply to the premises till such time as the minimum fire safety standards were provided for and found functional upon verification by the concerned authority.

3. It cannot be denied that all statutory prescriptions and mandates have to be strictly abided by. This is even more essentially especially relating to fire safety standards. This is even more so in the case of all public places which would include a shopping mall.

4. The writ petition complains that despite the order dated 20th September, 2016, no action has been taken by the owners/ managers of the ARSS Mall to take corrective measures or to rectify the defects. It is submitted that even the concerned authorities including the electricity and water authorities have not taken any steps in the matter despite the aforementioned order.

5. In view of the above, this writ petition and application are disposed of with a direction to all the respondents including the Government of NCT of Delhi; Delhi Fire Service; Delhi Jal Board, BSES Rajdhani Power Limited as well as the ARSS Mall to ensure strict compliance with the requirements of all statutory provisions including the Delhi Fire Service Act and Rules framed thereunder; Delhi Municipal Corporation Act, 1957; Electricity Act, 2003 etc. These authorities shall conduct an inspection of the Mall and in case

of non-compliance, the concerned persons/authorities shall proceed in the matter in accordance with law.

6. Let a copy of this order be served upon the respondent no. 3/ARSS Mall by the Registry.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

MARCH 05, 2018/kr

