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

+ **W.P.(C) 8385/2019 & CM No. 34639/2019**

DINESH RAMPAL

..... Petitioner

Through: Mr Avadh Kaushik and Mr Devashish
Maharishi, Advocates.

versus

DELHI FIRE SERVICE (THROUGH ITS DIRECTOR)
AND ORS.

..... Respondents

Through: Mr Ajjay Arora with Mr Kapil Dutta,
Advocates for NDMC.
Mr Ramesh Singh, Standing Counsel,
GNCTD with Mr Ishan Agrawal, Mr
Chirayu Jain, Advocates for GNCTD
with Mr M. K. Sharma, Asstt. Div.
Officer, DFS.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **02.08.2019**

1. The petitioner has filed the present petition, *inter alia*, impugning a communication dated 10.07.2019 issued by respondent no.1 (Delhi Fire Service), whereby the petitioner's request for the issuance of Fire Safety Certificate/NOC has been declined. The petitioner is operating a guest house under the name 'Roop-Kala' located at 8641/59, Arakshan Road, Paharganj, New Delhi-110055. The said guest house consists of five floors. The ground floor, where the reception of the guest house is located, and four other floors. Each floor has four rooms. The petitioner claims that he

has been running the said guest house for the past 15 years with due permission from the concerned authorities.

2. The petitioner was also issued a Fire Safety Certificate on 14.08.2015, which expired on 13.08.2018. Thereafter, the petitioner applied for renewal of the said Fire Clearance/NOC.

3. Pursuant to the said request, the petitioner's guest house was inspected and the petitioner's request for NOC was declined by the impugned communication.

4. Mr Ramesh Singh, learned counsel appearing for the GNCTD states that in terms of the notification dated 27.05.2019, an express provision has been introduced in the Unified Building Bye Laws for Delhi, 2016 proscribing the issuance of a Fire NOC for a guest house operating from buildings which have more than four floors (excluding basement and stilt floor). He states that the said bye-laws are mandatory and therefore, there is no discretion left with the concerned authorities to grant any NOC for such buildings.

5. At this stage, the learned counsel appearing for the petitioner states that he will take steps to demolish the fourth floor and apply afresh. But, in the meanwhile the petitioner may be permitted to operate the guest house on a temporary basis

6. Clearly, the petitioner cannot run a guest house while in building where a floor has been demolished.

7. However, it is directed that if the petitioner demolishes the fourth floor and applies afresh, his request would be considered as expeditiously

and respondent no.1 shall dispose of the same within a period of 10 days on receipt of the application.

8. The petition is disposed of with the aforesaid directions. The pending application is also disposed of.

VIBHU BAKHRU, J

AUGUST 02, 2019
MK

