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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3091/2023 & CM APPL. 12031/2023

INDERBIR SINGH & ORS.

..... Petitioners

Through: Mr. Abhishek Garg, Mr. Yash Gaiha,
Mr. Ranesh Mankotia, Advocates for
Petitioners No.1 to 4 and 6.

versus

DELHI FIRE SERVICE & ORS.

..... Respondents

Through: Mr. Tushar Sannu, GNCTD with Mr.
Devvrat Yadav, Advocate.
Mr. Manish Srivastava, Mr. Moksh
Arora and Mr. Santosh Ramdurg,
Advs for R-2/TPDDL.
Ms. Aarushi Behl, Advocate for
Ms. Sangeeta Bharti, Standing
Counsel for R-3/Delhi Jal Board.
Mr. Rajiv K. Garg, Mr. Ashish Garg
and Mr. Shiven Banejha, Advs.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

25.01.2024

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1. The Petitioners have approached this Court for a direction to Respondent No.1 to conduct an inspection of HB Twin Tower located at plot No. A-02, 03, 04, Netaji Subhash Place, Pitampura, New Delhi in a time bound manner to verify the compliances made by the Petitioners.
2. Material on record indicates that the HB Twin Tower was inspected by Respondent No.1 on 31.05.2022 and some shortcomings were found which according to the Petitioners were rectified. Another inspection was conducted on 26.09.2022 and it was found that few of the shortcomings pointed out earlier have yet not been rectified by the Petitioners. Thereafter, on 02.11.2022, a Show Cause Notice was issued to the maintenance agency of the building. On 16.01.2022, the Respondent No.1 issued an Order

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directing the Respondent No.2/TPDDL and Respondent No.3/DJB to disconnect the electricity and water supply of the entire building. The Petitioner No.5, thereafter, filed an appeal before the Hon'ble Lt. Governor of NCT Delhi for quashing Order 16.01.2022 passed by Respondent No.1 directing the Respondent No.2/TPDDL and Respondent No.3/DJB to disconnect the electricity and water supply of the entire building. The said appeal is still pending before the Hon'ble Lt. Governor.

3. The Petitioners have approached this Court by filing the instant writ petition with the following prayers:

"A. Issue a writ of and/or order and/or directions in the nature of mandamus directing Respondent No. 1 to conduct an inspection of HB Twin Tower located at plot No. A-02, 03, 04, Netaji Subhash Place, Pitampura, New Delhi in a time bound manner to verify the compliances made by the Petitioners.

B. Issue a writ of and/or order and/or direction in prohibition commanding Respondent No. 2 and Respondent No. 3 to forebear from giving effect to and/or taking any step whatsoever pursuant to and/or in furtherance of the said Impugned Order.

C. Issue any other writ, order, or direction which this Hon'ble High Court may deem fit and proper in the facts and circumstances of the case.

D. Pass any other order(s) as this Hon'ble High Court may deem fit and proper as per the facts and circumstances of the case."

4. Material on record indicates that the periodic inspections are being conducted and deficiencies are being removed. The last of the inspection was conducted on 23.01.2024. The inspection report dated 23.01.2024 reads as under:



" LATEST INSPECTION REPORT of 23.01.2024

As per the direction of Hon'ble High Court dated 06.09.2023 in the matter of Inderbir Singh & Others Vs Delhi Fire Service & Others W.P. (C) 3091/2023 and CM APPI 12031/2023, 12032/2023, the inspection of the above building was carried out by ADO (MN) & ADO (JWP) on 22.01.2024 & 23.01.2024 in presence of Shri Inder Raj Singh & Kundan Singh (Estate Manager) to check the status of carlier shortcomings issued by this department. The status is as under:

S. No.	Shortcomings	Status
1	<i>Fire Check Doors are found removed at some places.</i>	<i>Complied. Additional exit in lift lobbies at two floors has been sealed</i>
2	<i>Detectors and sprinklers are found removed at some places of lower ground floor & third floor.</i>	<i>Not fully Complied, floor wise fire detection control panels are provided but not integrated with main fire detection control panel of the building</i>
3	<i>Lift lobby & lift shaft pressurization are found removed</i>	<i>Complied</i>
4	<i>Main Fire Pump of capacity 2400 L.PM is provided but not functional</i>	<i>Functional</i>
5	<i>Refuge areas are found covered & using as pantry and seating arrangements</i>	<i>Complied</i>
6	<i>Lift lobby at 7 Floor of Tower 2 is being used as reception</i>	<i>Complied</i>
7	<i>Exit signages are found removed at some places</i>	<i>Complied</i>
8	<i>The building management has removed common corridors at some floors occupied by M/s.</i>	<i>Fire resistant Gypsum Board used in common corridor</i>



	<i>Co-Offix & internal changements have been carried out</i>	<i>instead of brick wall at some floors 02 hours fire resistance certificate of Gypsum board is submitted.</i>
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However, following additional shortcomings were observed at the time of inspection:

9. 2nd floor and Room No. 901 at 9th floor are sealed by MCD and hence fire safety measures could not be checked.

10. Fire pumps were not on auto mode.

11. Battery backup for main fire detection control panel located at fire control room found removed.

The flat owners and maintenance department of H.B. Twin Tower have been directed the above shortcomings in the interest of Occupants safety."

5. In view of the above, the Petitioners are directed to remove the aforesaid shortcomings pointed out by the Respondent No.1 within a period of six weeks from today On removal of the shortcomings, the Respondent No.1 is directed to give Fire Clearance Certificate/NOC to the Petitioners. A compliance report be filed by the Respondent No.1 in this Court on or before 01.04.2024. If the shortcomings are not removed then the Authorities can proceed in accordance with law.

6. The writ petition is disposed of, along with pending application(s), if any.

7. Needless to state that Interim Stay granted by this Court will continue till the compliance report is filed by Respondent No.1.

SUBRAMONIUM PRASAD, J

JANUARY 25, 2024/S. Zakir