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

+ **W.P.(C) 16106/2024, CM APPL. 67694-67695/2024**

DEEPAK GOEL & ANR.

.....Petitioners

Through: Mr. Saket Sikri, Mr. Parvesh Bansal,
Mr. Rahul Bansal, Mr. Akshat
Vachher, Mr. Ajay Pal Singh,
Advocates

versus

DELHI FIRE SERVICE HEADQUARTERS GNCTD & ORS.

.....Respondents

Through: Mr. Prashant Manchanda, ASC for
GNCTD with Ms. Nancy Shah, Ms.
Isha Baloni, Advocates
Ms. Sangeeta Bharti, SC of DJB with
Ms. Vidushi Gupta, Advocate for R-3
Mr. Abhay Kumar, Mr. Shagun
Ruhik, Mr. Gaurav Shahi, Mr. Karan
Chopra, Advocates for R-2
Mr. A.K. Sharma, Assistant
Divisional Officer.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.11.2024

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1. The Petitioners impugn order dated 9th September, 2024 issued by the Delhi Fire Services, Government of NCT of Delhi, Respondent No. 1 directing disconnection of electricity and water supply at Crescent Square Mall, Plot No. 14, Sector-9, Rohini, Delhi – 110085 for shops No. 6, 7, 9, 17, 101, 102, 121 and 122.

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2. Mr. Saket Sikri, counsel for the Petitioners, strongly emphasizes that Petitioners who are the owners of the shops No. 6, 7, 9, 17, 101, 102, 121 and 122 are being discriminated against other shops in the Crescent Square Mall. He submits that except for the Petitioners', other shops are operational and functional. He urges that no show cause notice was given prior to the impugned order, constituting a blatant violation of the principles of natural justice. Additionally, he affirms that Petitioners are willing to remove all the deficiencies, if any, that may be pointed out by Respondent No. 1.

3. Mr. Prashant Manchanda, ASC for GNCTD, on the other hand, refutes the Petitioners' assertion of being singled out and submits that all occupiers of Crescent Square Mall are covered by the disconnection order. It is stated that the disconnection order impugned in the present petition applies to all and the particular reference to Petitioners' shops in the disconnection order arises from a complaint regarding illegal construction carried out by them at the premises.

4. Mr. Manchanda further points out that there are several shortcomings that ought to be removed and in absence of the adequate fire prevention and safety measures installed at the premises, the building is at risk to the occupiers as well to visitors of the mall. The shortcomings are pointed out as follows:

- (a) FCD found not provided.
- (b) Smoke Management system not found provided in basement.
- (c) Fire extinguishers found removed.
- (d) First Aid Hose-reel found non-functional.
- (e) Automatic detection and alarm system found non-functional & removed at many places.



- (f) MOEFA is not functional.
- (g) PA system not functional.
- (h) Automatic sprinkler system found removed at some parts of non-functional in basement.
- (i) Pump house found non-functional standing pump found removed and many pump found of inadequate size.

5. Further, Mr. Manchanda, on instructions from Mr. A.K. Sharma, Assistant Divisional Officer, states that these shortcomings have, in fact, been notified to all shop owners through notices dated 4th October, 2023 and 3rd April, 2024 issued under Section 34(1) of the Delhi Fire Service Act, 2007. A copy of the said notices have been handed over across the Board and is taken on record.

6. Shopping malls, are often bustling hubs where hundreds visit daily. In such settings, even a minor lapse in fire safety measures can be a cause of concern. The equipment like functional fire extinguishers, operational alarm systems, and adequate smoke management mechanisms therefore, are imperative fire safety measures. Petitioners' grievance of being selectively targeted does not override public interest. Further, while they assert discrimination, the records reveal that notices under Section 34(1) of the Delhi Fire Service Act, 2007, were duly issued to all occupiers, calling upon them to rectify the specified shortcomings. The disconnection order, while stringent, is a necessary measure in the face of non-compliance with critical safety standards. The Court cannot overlook the grave risks posed by the deficiencies pointed out.

7. However, in order to rule out any ambiguity, in light of the statement made by Mr. Manchanda on instructions from Mr. A.K. Sharma,



Respondent No. 1 is directed to issue appropriate communication, today itself, clarifying that the disconnection order dated 9th September, 2024, is not confined to the particular shops mentioned but applies uniformly to the entire mall.

8. In view of the foregoing, Mr. Sikri states that he would like to withdraw the present petition with liberty to make a representation to the Respondents. It is made clear that if all deficiencies pointed out by Respondent No. 1 are removed, Respondent No. 1 shall carry out an inspection of the premises and issue appropriate order, in accordance with law.

9. Dismissed as withdrawn, along with pending applications.

SANJEEV NARULA, J

NOVEMBER 21, 2024/ab