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

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

SANJAY SINGHAL

..... Petitioner

Through: Mr. Sameer Mendiratta, Adv.

versus

STATE GOVT OF NCT OF DELHI & ORS..... Respondents

Through: Ms. Sweety Singh, Adv for  
GNCTD/R-1, 7, 8 & 9.

Mr. Gautam Narayan, Amicus  
Curiae along with Ms. Ashmita  
Singh, Mr. Harshit Goel, Mr.  
Sujoy Jain and Mr. K.V. Vipu  
Prasad, Adv.

Mr. Manish Mohan, CGSC for  
UOI.

Ms. Puja Kalra, Standing  
Counsel for MCD.

Mr. Santosh Kumar Tripathi,  
SC (Civil) GNCTD with Mr.  
Arun Panwar, Mr. Pradyumn  
Rao, Mr. Utkarsh Singh, Mr.  
Kartik Sharma, Mr. Prashansa  
Sharma & Mr. Rishabh  
Srivastava, Adv for  
DFS/GNCTD.

Mr. Sudhir Nandrajog, Sr. Adv.  
with Mr. Manish Kumar, Mr.  
Moksh Arora, Mr. Santosh,  
Adv. for TPDDL.



Mr. Pritam Bishwas, Mr. Nalin Tripathi, Mr. Prakkar Srivastava and Ms. Tania Sharma, Advs. for Impleador.

Insp. Shiv Kumar, Model Town Traffic Circle and ASI Joginder Singh, Parvi Officer Traffic.

Insp. Kishore and Insp. Mahendra, P.S. Mukherjee Nagar.

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W.P.(C) 100/2017  
KANCHAN GUPTA

..... Petitioner

Through: Mr. Parmod Kumar Singhal, Mr. Rahul Singhal, Mr. A.K. Dubey and Mr. Pawan Kumar, Advs. alongwith petitioner in person.

versus

LT. GOVERNOR, STATE OF DELHI  
& ORS

..... Respondents

Through: Mr. Gautam Narayan, Amicus Curiae along with Ms. Ashmita Singh, Mr. Harshit Goel, Mr. Sujoy Jain and Mr. K.V. Vipu Prasad, Advs.

Ms. Puja Kalra, Standing Counsel for MCD.

Mr. Santosh Kumar Tripathi, SC (Civil) GNCTD with Mr. Arun Panwar, Mr. Pradyumn Rao, Mr. Utkarsh Singh, Mr. Kartik Sharma, Mr. Prashansa Sharma & Mr. Rishabh Srivastava, Advs for DFS/GNCTD.

Mr. Pritam Bishwas, Mr. Nalin Tripathi, Mr. Prakkar Srivastava and Ms. Tania Sharma, Advs. for Impleador.



Insp. Kishore and Insp.  
Mahendra, P.S. Mukherjee  
Nagar.

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W.P.(C) 6405/2019

MADHUMITA KOTHARI

..... Petitioner

Through: Mr. J.S. Bedi, Mr. Amar Preet  
Singh, Advs.

versus

GOVERNMENT OF NCT OF DELHI

AND ORS.

..... Respondents

Through: Mr. Satyakam, ASC GNCTD  
with Mr. Pradyut Kashyap, Adv  
for GNCTD.

Ms. Sweety Singh, Adv. for  
R-1, R-7 to R-9.

Mr. Gautam Narayan, Amicus  
Curiae along with Ms. Ashmita  
Singh, Mr. Harshit Goel, Mr.  
Sujoy Jain and Mr. K.V. Vipu  
Prasad, Advs.

Ms. Puja Kalra, Standing  
Counsel for MCD.

Mr. Santosh Kumar Tripathi,  
SC (Civil) GNCTD with Mr.  
Arun Panwar, Mr. Pradyumn  
Rao, Mr. Utkarsh Singh, Mr.  
Kartik Sharma, Mr. Prashansa  
Sharma & Mr. Rishabh  
Srivastava, Advs for  
DFS/GNCTD.

Insp. Kishore and Insp.  
Mahendra, P.S. Mukherjee  
Nagar.

Mr. Pritam Bishwas, Mr. Nalin  
Tripathi, Mr. Prakkar  
Srivastava and Ms. Tania  
Sharma, Advs. for Impleador.



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W.P.(C) 8534/2023 & CM APPL. 52697/2023 (44 Days Delay in Rev. Pet.), Review Pet. 273/2023 CM APPL. 60711/2023 (Impleadment) & CM APPL.64719/2023 (Impleadment)

COURT ON ITS OWN MOTION ..... Petitioner

Through: Mr. Manish Kaushik, Mr. Mishal Johari, Mr. Ajit Singh Joher, Ms. Anshita Agarwal, Ms. Snigdha Sharma, Mr. Anubhav Gupta, Mr. Meet Shokeen & Mr. Chirag Sharma, Advs

versus

GOVT. OF NCT OF DELHI AND ORS. .... Respondents

Through: Mr. Gautam Narayan, Amicus Curiae along with Ms. Ashmita Singh, Mr. Harshit Goel, Mr. Sujoy Jain and Mr. K.V. Vipu Prasad, Advs.

Mr. Rishikesh Kumar, ASC-GNCTD with Ms. Sheenu Priya, Mr. Atik Gill, Mr. Sudhir Kumar Shukla, Mr. Sudhir & Mr. Sumit Choudhary, Advs. for R-4/Delhi Police.

Ms. Puja Kalra, SC & Ms. Beenashaw N. Soni, SC with Ms. Ann Joseph, Adv for MCD. Mr. Santosh Kumar Tripathi, SC (Civil) GNCTD with Mr. Arun Panwar, Mr. Pradyumn Rao, Mr. Utkarsh Singh, Mr. Kartik Sharma, Mr. Prashansa Sharma & Mr. Rishabh Srivastava, Advs for DFS/GNCTD.

Insp. Kishore and Insp. Mahendra, P.S. Mukherjee



Nagar.

Mr. Rakesh Kumar, Mr. Rajmani Mishra, Mr. Rahul Maurya & Ms. Archana Kumari, Advs for applicant.

Mr. Sudhanshu Batra, Senior Adv. with Mr. Sudhir Kathpalia & Ms. Revati Gulati, Advs. for applicant (Impleader).

Mr. Pritam Bishwas, Mr. Nalin Tripathi, Mr. Prakkar Srivastava and Ms. Tania Sharma, Advs. for Impleador.

**CORAM:**

**HON'BLE MR. JUSTICE YASHWANT VARMA**

**HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER**

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**14.12.2023**

**W.P.(C) 8534/2023 & CM APPL. 52697/2023, CM APPL. 60711/2023 & CM APPL.64719/2023**

1. On 25 July 2023, this Court considered a batch of writ petitions which pertained to the proliferation of coaching institutes and commercial activities in Mukherjee Nagar, the abject failure of such establishments to comply with fire and public safety norms and had proceeded to frame various directions.

2. Taking note of the contentions that were addressed by the **Municipal Corporation of Delhi**<sup>1</sup> and the various provisions made in the **Master Plan for Delhi, 2021**<sup>2</sup>, the Court noticed the regulatory measures as incorporated therein and pertaining to permissible activities in residential areas as well as the various prescriptions permitting mixed use of buildings which may have originally been purely residential in character.

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<sup>1</sup> MCD

<sup>2</sup> MPD, 2021



3. Bearing in consideration the provisions made in Chapter 15.0 of the MPD, 2021 titled as “Mixed Use Regulations”, the Court had upon noticing the relevant provisions observed in paragraph 4 of its order that coaching centers falling under Clause 15.7.3(vii) of MPD 2021 must hold a valid Fire **No-Objection Certificate**<sup>3</sup>. For ease of reference Clause 15.7.3(vii) of MPD, 2021 is reproduced hereinbelow:-

“15.7.3 [The above mentioned public and semi-public activities shall be subject to the following overriding conditions on the general conditions prescribed in preceding paras:]

.....  
vii) Coaching centres and tuition centres referred to in para 15.7.1 (f) including computer coaching and language coaching centres shall be permissible upto 2/3rd of the maximum permissible FAR of the plot size subject to a maximum of 500 sqm built area and basement. There shall be no restriction on the size of the plot. Use of basement shall be subject to clearance from the fire authorities and other statutory bodies as per the relevant provisions of MPD 2021 and Unified Building Bye-Laws, 1983, amended from time to time. In case the use of basement for coaching centres and tuition centres including computer coaching and language coaching activity leads to exceeding the permissible FAR on the plot, such FAR in excess shall be used subject to payment of appropriate charges prescribed with the approval of Government. Other existing coaching/tuition centres may be allowed to continue till end of May, 2008 and shift to conforming locations by then. The tuition centres for school children only, shall also be permissible in the ground floor dwelling of any group housing on a maximum floor area of 100 sqm or 50% of the floor area of the flat, whichever is less.”

4. It further went on to observe that no coaching center could run contrary to the MPD, 2021 and that in case if it be found that it is not conforming to the norms prescribed therein, it would have to be “shut down”. It accordingly proceeded to direct the respondents herein to close down all coaching centers running contrary to the provisions made in the MPD, 2021.

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<sup>3</sup> NOC



5. It appears that aggrieved by the aforesaid direction, the **Coaching Federation of India**<sup>4</sup> approached the Supreme Court by way of Special Leave Petition (Civil) No. 21270/2023. The aforesaid petition was however dismissed in the following terms: -

“3. We have heard learned Senior Counsel appearing on behalf of the petitioner as well as learned counsel appearing on behalf of the respondents.

4. According to learned Senior Counsel for the petitioner, there is no requirement of obtaining NOC for the residential areas where the coaching centres are operating. It is also urged that the coaching centres have not been heard by the High Court before issuing the impugned directions.

5. During the course of hearing, we are informed that the matter is coming up before the High Court for further consideration on 10.10.2023.

6. The petitioner – Federation will be at liberty to seek its impleadment before the High Court immediately and raise all its contentions for redressal of its grievances.

7. In this view of the matter, we are not inclined to entertain this petition under Article 136 of the Constitution, which is, accordingly, dismissed with the liberty aforementioned.

8. We make it clear that we have not expressed any opinion on the merits of the case.”

6. The Federation thereafter filed a Review Petition. No. 273/2023 in this writ petition seeking modification of our order of 25 July 2023. Learned counsel appearing for the review petitioner had on 28 November 2023 made a statement before us that the review petition may be treated as a counter affidavit and the prayer of the Federation for modification be considered accordingly.

7. Learned counsel appearing for the Federation today principally sought to question the directions as appearing in our order of 25 July 2023 contending that the observations appearing in paragraph 4 thereof proceeds on the incorrect premise that Clause 15.7.3 of the MPD, 2021 applies to all coaching centers. It was the submission of

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<sup>4</sup> Federation



learned counsel that the aforesaid clause when it speaks of clearance from Fire Safety authorities, stands confined to coaching centers which may be operating from a basement of a building. In fact, it was contended that the aforesaid provision of the MPD, 2021 must be read as intending a Fire NOC being obtained only by coaching centers functioning from a basement and no other.

8. It was further submitted that as per Para 1.4.75 of the **Unified Building Bye Laws for Delhi, 2016**<sup>5</sup>, it is the principal occupancy of a building which is determinative. It was in this backdrop that learned counsel sought to contend that a reading of Para 1.4.75(b) would establish that a building could be described as an educational building only if it is exclusively used for that activity. It was also his submission that a reading of sub-clause (e) falling in Para 1.4.75 of the UBBL would indicate that “a building or a part thereof” is a concept which is adopted only in respect of “Business Buildings”. This, according to learned counsel would lend credence to his submission that the expression “Educational Building” must be accorded a meaning as canvassed before us and noted hereinbefore.

9. It was further submitted that even if the classification of buildings in terms of Rule 27 of the **Delhi Fire Service Rules, 2010**<sup>6</sup> were to be accepted as being the qualifying criteria for the purposes of fire permits and NOCs, it would be evident that the same would only extend to educational buildings having a height of more than 9 meters or having a ground plus two upper stories including a mezzanine floor. Learned counsel further argued that even the provisions pertaining to mixed use as incorporated in the MPD, 2021 would not sustain an

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<sup>5</sup> UBBL

<sup>6</sup> 2010 Rules





omnibus order of either the closure of all coaching centers or for all such institutes and centers being held liable to obtain a Fire NOC.

10. Mr. Gautam Narayan, the learned amicus curiae firstly drew our attention to the amendments introduced in the UBBL in terms of a Notification dated 12 February 2020 when the definition of “educational buildings” came to be amended as under: -

S. No.	Chapter/para/Clause/Sub-clause of UBBL 2016	Proposed Modifications
3	1.4.75 b. <b>Educational Buildings:</b> These shall include any building used for school, college or day-care purposes for more than 8 hours per week involving assembly for instruction, education or recreation.	1.4.75 b. <b>Educational Buildings:</b> These shall include any building used for school, college, coaching centres ( <b>for students more than 20</b> ) or day-care purposes for more than 8 hours per week involving assembly for instruction, education or recreation.

11. It was his submission that by virtue of the aforesaid amendment all coaching centers which admit more than 20 students now fall in the category of an educational building and are thus clearly covered under Rule 27 of the 2010 Rules. It was further submitted that the interpretation sought to be accorded to Clause 15.7.3(vii) is fallacious since the same only places an additional requirement on a coaching center which may be operating from a basement. It was his submission that the aforesaid clause merely places a requirement of prior clearance and approval being obtained in case a basement is proposed to be utilized for running a coaching or tuition center. In any case, according to the learned amicus, the same cannot be construed as restricting the obligation of coaching centers functioning from other premises being relieved from the requirement of adhering to fire



safety norms.

12. Mr. Narayan also drew our attention to the underlying intention of mixed use in a residential area and referred to the following clauses of the MPD, 2021:-

**“15.1 GOVERNING PRINCIPLES FOR MIXED USE**

- (i) Mixed use means the provision for non-residential activity in residential premises.
- (ii) The policy aims to balance the socio-economic need for such activity and the environmental impact of the said activity residential areas.
- (iii) Mixed use allows access in the commercial activities in the proximity of the residences and reduces the need for commuting across zones in the city. However, at the same time, it needs to be regulated in order to manage and mitigate the associated adverse impact related to congestion, increased traffic and increased pressure on civic amenities.
- (iv) The over-riding principles for permitting mixed use are the need to acknowledge and make adequate provision for meeting community needs, mitigating environmental impact and providing for safe and convenient circulation and parking.
- (v) Mixed-use, (including small shops as per para 15.6.3) shall not be permitted in the Lutyens' Bungalow Zone, Civil Lines bungalow zone, government housing, institutional/staff housing of public and private agencies and buildings/precincts listed by the Heritage Conservation Committee.

**15.2 MIXED USE IN RESIDENTIAL AREAS**

**15.2.1 DIFFERENTIATED APPROACH**

- (i) The need for differentiated approach to mixed use policy arises from the fact that Delhi, being the country's capital and an important centre of economic activity has a large diversity in the typology of residential areas. Apart from the planned residential colonies built as part of Lutyens' Delhi as well as through the process of planned development undertaken by the Delhi Development Authority, there are authorized residential areas in the Walled City, Special areas and urban villages. Other planned areas include resettlement colonies and pre- Delhi Development Act colonies, including post-partition rehabilitation colonies and pre-1962 residential colonies as per list given in Annexure I. There are also regularized-unauthorized colonies; unauthorized colonies as well as slums and jhuggi jhopri clusters in various parts of Delhi



- (ii) Moreover, the extent of non-residential activity seen as being necessary or desirable by the residents themselves varies from area to area based on the socio-economic status of the residents as well as the past pattern of development in that area. While certain colonies may need non-residential activity as an integral part of their livelihood, some others may wish to preserve the residential character of their colonies and neighborhood.
- (iii) Hence, it is proposed to follow a differentiated approach in the application of the mixed- use policy in Delhi. The differentiated approach would be based on categorization of colonies from A to G as adopted by [Concerned Municipal Body] for unit area method of property tax assessment as applicable on 7.9.2006. Any change in the categorization of these colonies shall not be made applicable for the purpose of this chapter without prior approval of Central Government.

### **15.2.2 TYPES OF MIXED USE**

Subject to the provisions of this chapter, the following three broad types of mixed use shall be permissible, in residential premises:

- (i) Commercial activity in the form of retail shops as per conditions given in para 15.6 in plots abutting notified mixed use streets.
- (ii) “Other activity” broadly in the nature of ‘Public and Semi-Public’ facilities listed in para 15.7.1 and as per conditions specified in para 15.7, in plots abutting roads of minimum ROW prescribed in para 15.3.2.
- (iii) Professional activity as per conditions specified in para 15.8.

The above-mentioned types of mixed use shall be subject to the general terms and conditions specified in the succeeding paragraphs.”

13. Learned amicus curiae also laid stress upon the permissive activities as stipulated in Clause 15.7.1 and which includes coaching and tuition centers being subject to Clause 15.4. Clause 15.4 of the MPD 2021 prescribes the general terms and conditions governing mixed use and is reproduced hereinbelow: -

### **“15.4 GENERAL TERMS AND CONDITIONS GOVERNING MIXED USE**

In terms of the conditions prescribed for different categories of



colonies, in para 15.3.2, and provided that the plot abuts a notified mixed use street (in the case of retail shops) or a road of prescribed minimum ROW (in the case of other mixed use activities), mixed use shall be permitted, subject to the following general terms and conditions:

**In residential plotted development**

- (i) Where there is only one dwelling unit in a residential plot, only one type of mixed use (i.e. retail shop as per para 15.6 or professional activity or one of the other activities listed in para 15.7) shall be permissible in that unit.
- (ii) Where there are more than one dwelling units in a residential plot, each of the dwelling units will be permitted to have only type of mixed use activity (either retail shop as per para 15.6. or professional activity or any one of the other activities listed in para 15.7).

**In group housing**

Only professional activity and small shops in terms of para 15.6.3 shall be permissible. Retail shops specifically provided for in the lay out plan of group housing would be permissible. [However, the entire ground floor of DDA flats on mixed use/commercial use area/stretches/roads is allowed for mixed use/commercial use [ as notified *vide* S.O.2034 (E), dt.12.8.2008. Whereas w.e.f. 25.9.2013 only one retail shop of maximum size of 20 sqm. is permitted and rest of the area may be used for professional activity]. No amalgamation of two or more DDA flats shall be allowed.]

**Other terms and conditions**

- (i) No encroachment shall be permitted on the streets or public land.
- (ii) Development control norms as applicable for the particular residential use will continue to be applicable, even if the plot/dwelling unit is put to mixed use.
- (iii) If the notified street is a Master Plan road, and if a service road is available or provided for by local bodies, then, the mixed use premises should be approached from such service road and not directly from the main carriageway.
- (iv) In plotted development, front setback should not have boundary wall, so that it can be used for additional parking.
- [(v) Parking @ 2.0 ECS per 100 sqm built up area shall be provided within the premises. Residents/traders' organizations/private parties shall be responsible for providing for their own private parking facilities. This condition shall apply even if residential premises are used only for professional activity.
- (vi) Common parking areas would be earmarked by the concerned local bodies on notified mixed use streets taking into account the additional load on traffic and parking



consequent upon notification of the street under Mixed Use Policy. If no parking space is available, land/plot on the said street may be made available by the concerned traders/establishments, and public shared parking facilities provided before approval/notification of the said building/project/street as mixed-use.

- (vii) Issues related to mixed-use streets for which conversion charges have already been levied by local bodies needs to be addressed by the concerned local body.]

14. According to the learned amicus curiae, it would be wholly erroneous to accept the submission of the Federation that Fire Permit and NOC would be governed by Clause 15.7.3 of the MPD, 2021 alone. According to the learned amicus, the requirement of complying with fire safety norms is one which must be holistically examined based on a conjoint reading of the various provisions contained in the MPD, 2021 as well as the UBBL and the 2010 Rules.

15. Mr. Narayan also took us through the relevant provisions contained in the **Delhi Fire Service Act, 2007**<sup>7</sup> and to the definitions of “building”, “building bylaws” and “occupancy” to submit that the aforesaid expressions are to be read alongside the MPD, 2021 and the UBBL.

16. The learned amicus also questioned the correctness of the contention based on Para 1.4.75 of the UBBI and submitted that a bare reading thereof would establish that “occupancy” would also include “subsidiary occupancies” as contemplated in that para itself when read along with the definition of occupancy in the 2007 Act and which too bids us to understand the scope of that expression as not being confined to principal occupancy but also including subsidiary occupancies.

17. Mr. Narayan submitted that the concept of occupancy or

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<sup>7</sup> 2007 Act



grouping according to usage as appearing in the UBBL must in any case yield to the mixed-use provisions which are enshrined in Chapter 15.0 of the MPD, 2021. According to the learned amicus, it would be wholly incorrect to countenance a submission that the expression “Educational Buildings” as occurring in Para 1.4.75(b) of the UBBL would mean only those which are used exclusively for such an activity especially when it is the conceded position that the coaching or tuition centers are functioning pursuant to the permissive mixed-use approach as adopted in the MPD, 2021.

18. Mr. Narayan also drew our attention to the Status Reports filed by the **Delhi Fire Services**<sup>8</sup>, MCD and the Delhi Police pursuant to the orders passed by this Court to contend that the surveys undertaken by those authorities demonstrate an alarming failure to adopt fire safety norms by coaching institutes in Delhi.

19. The DFS vide its status report dated 21 July 2023 has asserted that consequent to a survey of 461 coaching centers till now, it has found that those buildings do not have requisite fire safety measures. Similarly, the Delhi Police in its affidavit dated 21 July 2023 has stated that they sought to ascertain the number of coaching institutes running in Delhi as well as the status of fire safety measures. According to the Delhi Police, out of 583 coaching institutes running in Delhi, only 67 have fire safety certificates while 516 institutes do not have a fire safety certificate.

20. The MCD vide their status report dated 21 July 2023 has brought to our attention the 295 **Show Cause Notices**<sup>9</sup> issued to owners / occupiers of buildings where coaching centres were

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<sup>8</sup> DFS

<sup>9</sup> SCN



functioning. Further vide affidavit dated 9 October 2023 it has been submitted that in response to the SCNs, most occupiers / owners have requested for a personal hearing and some have also informed that they were in the process of obtaining fire safety certificate from DFS. The MCD has also sealed 55 premises pursuant to 79 sealing orders passed by it.

21. Mr. Batra, learned senior counsel appearing for some of the students submitted that in light of the impending examinations, the students would be severely prejudiced if coaching and tuition centers were shut down. According to learned senior counsel, the principal anxiety of the students is that the imparting of instruction and training should not be disrupted.

22. Presently and for the purposes of considering the prayer for modification and other interim measures, we express the following prima facie opinion.

23. Insofar as Clause 15.7.3(vii) of the MPD, 2021 is concerned, we are inclined to accept the interpretation commended for our consideration by the learned amicus. As we read that provision, we find ourselves unable to construe the same as restricting fire safety clearances being required only in case a coaching or tuition center is proposed to be operated from a basement. In fact, a prima facie examination of that clause would appear to indicate it that it has been placed *ex abundati cautela* and cannot be read as intending to extend the requirement of fire safety clearance only where a coaching center is proposed to be established in a basement of a building. In our prima facie opinion, the same would not detract from coaching and tuition centers being required to comply with fire safety norms that may be otherwise specified either under the MPD, 2021 or the 2010 Rules.



We note in this regard that even the UBBL in terms of Para 9.3 incorporates special measures for buildings covered under Rule 27 of the 2010 Rules. Para 9.3 is extracted hereinbelow: -

**“9.3 Fire Safety**

The building plans for buildings covered under Rule 27 of Delhi Fire Service Rules shall be marked fire and life safety measures as per the National Building Code of India concerning minimum standards for fire prevention and fire protection as covered under Rule 33 of the Delhi Fire Service Rules as amended from time to time; unless otherwise specified in these bye –laws.”

24. This too would be liable to be read as an expression of intent to ensure that buildings put to mixed use comply with safety norms where so mandated by virtue of cognate statutes. In our considered opinion, the MPD 2021, UBBL as well as the 2007 Act read along with the rules framed thereunder constitute a cohesive and comprehensive scheme seeking to regulate development, construction activity and defining permissible user in different areas of the capital city. They are thus liable to be viewed as complementary codes and consequently read together.

25. Ultimately, we are concerned with issues of public safety and those of school going children. The imperative of ensuring their safety cannot possibly be overemphasized. In our considered opinion and on a prima facie examination of the issues that were canvassed, we find ourselves unable to countenance the interpretation which was sought to be accorded upon Clause 15.7.3(vii) of MPD, 2021 and Para 1.4.75 of the UBBL. Since both Para 1.4.75 of the UBBL as well as the definition of “occupancy” in the 2007 Act takes into consideration subsidiary occupancies coupled with the admitted position of these centers having been established in residential areas and pursuant to the MPD, 2021 accepting mixed use of residential buildings, we find





ourselves unable to hold that the restrictions as placed by the MPD, 2021, the UBBL, the 2007 Act, and the 2010 Rules would apply only in case the buildings were being exclusively used for the purposes of running an educational or coaching center. We further note that the Federation has also not placed any material before us which may indicate the extent of occupation by coaching centres in a mixed use context in percentage terms.

26. We thus and presently find no justification to modify our order of 25 July 2023. However, and in order to effectively regulate the exercise of inspection of all coaching centers and to provide adequate opportunity to those centers to take remedial measures, we frame the following directions: -

- A. We direct the MCD and the DFS to constitute a Joint Task Force [**JTF**] which may examine and inspect all coaching and teaching centres/institutes situate in Mukherjee Nagar and draw up a comprehensive report indicating the infractions and other non-conforming aspects that may come to the fore;
- B. Both the aforesaid statutory bodies to proceed in compliance with the above forthwith and submit a report within a period of 3 weeks from today;
- C. The JTF to also place all errant coaching institutes/centres on notice and apprise them of the infractions noticed as well as the remedial measures liable to be adopted. Those institutes/centres may be give reasonable time to ensure compliance;
- D. We also leave it open to the JTF to recommend such interim and emergent measures that any of the inspected



premises may be found liable to adopt and enforce; additionally we also accord liberty to the JTF to pass peremptory orders including those of closure in respect of such premises that may be found to be openly hazardous and unfit to function bearing in mind public safety norms and the provisions contained in the MPD, 2021, UBBL and the 2007 Act read along with the rules;

- E. Any applications made by coaching institutes/centres for inspection and grant of fire safety permits may be examined and disposed of with due expedition;
- F. All institutes and centres operating out of Mukherjee Nagar shall ensure that the process of instruction and training to enrolled students is not disrupted. In case of temporary closure, they shall ensure that instruction through the online mode is continued and the interests of the enrolled students accorded paramount consideration;
- G. We accord liberty to any party that may be aggrieved by any measure enforced by the JTF to approach this Court for such directions as may be considered appropriate.

27. Let this matter along with W.P.(C)12182/2016, W.P.(C)100/2017 and W.P.(C) 6405/2019 be called again for review and further directions on 15.01.2024 as part heard in the category of “End of Board” matters.

**YASHWANT VARMA, J.**

**RAVINDER DUDEJA, J.**

**DECEMBER 14, 2023/neha**