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

CNR No. DLHC010194092024

+ **W.P.(C) 5215/2024 with CM APPL. 21354/2024**

BSES YAMUNA POWER LIMITEDPetitioner

Through: **Mr. Manish Srivastava and Mr. Moksh Arora, Advocates.**

versus

MOHD. GULZAR & ANR.Respondents

Through: **Ms. Ekta Gambhir, Advocate for R-1.**
Ms. Nitika Bhutani, Advocate for R-2.
Mr. Bhupender Prakash, Assistant Divisional Officer, Delhi Fire Service.
Mr. Abhinav Singh, Advocate for MCD.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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17.09.2026

1. Pursuant to the order passed by this Court on 25th August, 2026, inspection report has been filed on behalf of respondent no.2/Delhi Fire Service. Paragraphs 4, 5, 6 and 7 of the inspection report are set out below:-

“4. That it is respectfully submitted that the Delhi Fire Service functions under the provisions of the Delhi Fire Service Act, 2007 (Delhi Act 2 of 2009) and the Delhi Fire Service (Amendment) Rules, 2025. The occupancies likely to cause a risk of fire have been identified under Rule 27 of said Rules. The plans of the buildings specified under Rule 27 are required to be referred by the concerned local authority under the provisions of Rules 34 to this department for issuing the fire safety guidelines to be incorporated in the design of the building. The



requirements of structural parameters as well as fire safety shall be as per the provisions of UBBL-2016.

5. ***That as per record available with Delhi Fire Service no such Fire Safety Certificate/NOC has been issued in respect of the subject premises nor any receipt of building plans of the subject premise from the concerned Local Authority.***

6. ***That measurement or determination of the height of a building, as such, does not fall within the statutory functions or jurisdiction of the Delhi Fire Service under the Delhi Fire Service Act, 2007 and the Delhi Fire Service (Amendment) Rules, 2025. The determination/verification of the height of a building is required to be undertaken by the concerned local authority in accordance with the applicable building bye-laws, building regulations and other relevant statutory provisions.***

7. ***That, therefore, insofar as the issue of actual/technical measurement or determination of the height of the building is concerned, the same may appropriately be verified and certified by the concerned local authority having jurisdiction over the building.”***

2. A perusal of the aforesaid extracts from the inspection report reveal that a consumer cannot directly approach the Delhi Fire Service for grant of fire safety certificate and the same has to be done through the local authority, i.e. MCD.

3. For ease of reference, relevant extracts of the amended Rule 34 of the Delhi Fire Service Rules which is relied upon by respondent-Delhi Fire Services is set out below:

“34. Issue of fire prevention and fire safety measures.

(1) On receipt of a reference from the local authority or any other statutory authority under clause (s) of section 2 of the Act the Fire Prevention Wing shall issue fire prevention and fire safety measures under these rules to be incorporated in the design of the building for the safety of the occupants.

(2) The Fire Prevention Wing shall direct the Fire Safety Auditor, Owner, occupier, or the Architect through Local Authority or any statutory authority to modify the building plans and schemes received under sub-rule (1) above to ensure the compliance with these rules and the Fire



Safety Auditor, Owner, occupier, or the Architect shall abide by such instructions failing which building plans are liable for rejection.

(3) The fire prevention and fire safety measures shall be issued within three weeks from the date of submission under sub-rule (1) or submission of modified building plans and schemes under sub-rule (2)...”

4. A perusal of the aforesaid provisions of the Delhi Fire Service (Amendment) Rules, 2025 shows that under Rule 34, the building plans are to be submitted to the Delhi Fire Service through the Local Authority or other statutory authority, pursuant to which the Fire Prevention Wing may require modifications to ensure compliance with the Rules.
5. Considering the aforesaid stand taken by Delhi Fire Service, it is deemed necessary to implead MCD as a party in the present writ petition.
6. Accordingly, MCD is impleaded as a party in the present writ petition.
7. Amended memo of parties shall be filed within one (1) week.
8. Mr. Abhinav Singh, Advocate who is present in Court has been asked to accept notice on behalf of MCD.
9. Counsel for the petitioner/BYPL has handed over the status report in Court and the same is taken on record.
10. It is submitted by the counsel for the petitioner/BYPL that in terms of the amended provision, i.e. Schedule of Charges and the Procedure (Sixth Amendment) Order, 2021, no Fire Clearance Certificate shall be insisted upon for electricity connections for residential buildings with dwelling units up to 15 metres without stilt parking and 17.5 metres with stilt parking. For dwelling units above these limits, electricity connection shall be released only upon obtaining the requisite Fire Clearance Certificate.
11. After hearing the counsel for the parties, the situation that prevails on



ground appears to be that the electricity distribution companies require a Fire Safety Certificate for buildings above the prescribed heights. However, the Delhi Fire Service submits that it cannot be granted directly to the consumer and the same has to be routed through the local authority, i.e. MCD.

12. Accordingly, it is deemed necessary that a meeting be convened between the officials of BSES Yamuna Power Ltd, Delhi Fire Service and MCD so as to devise a procedure as to how a person can obtain a Fire NOC for the purposes of grant of electricity. The meeting shall clearly delineate steps to be taken by persons occupying old buildings where electricity connection is being denied on account of buildings exceeding the statutory height parameters.

12.1 The aforesaid meeting shall be convened on 6th October, 2026 at 3:00 PM.

12.2 Officials shall coordinate amongst themselves to fix up a venue for the meeting.

13. A status report shall be filed on behalf of MCD and Delhi Fire Services based on the meeting conduct between the representatives, within six (6) weeks from today.

14. List on 20th January, 2027.

AMIT BANSAL, J

SEPTEMBER 17, 2026

Vivek/-