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

+ W.P.(C) 8381/2024

YUGANSH MITTAL

..... Petitioner

Through: Mr. K.C Mittal and Mr. Keshaw
Punia, Advs.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondent

Through: Mr. Santosh Kumar Tripathi, SC,
GNCTD, Mr. Anuj Aggarwal, ASC,
GNCTD with Ms. Arshya Singh, Ms.
Mehak Rankawat, Advs. for
Respondent Nos. 1,2,3.
Ms. Shilpa Ohri, ASC, MCD.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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01.06.2024

1. Present public interest petition has been filed in the wake of a deeply disturbing incident on 26th May, 2024 at 'Baby Care New Born Hospital' at Vivek Vihar, New Delhi when a blaze broke out at 11:32 PM in the aforesaid hospital, which led to the death of seven new-borns in a harrowing incident.
2. The Petitioner prays for issuance of directions to the Respondents to frame a different set of basic norms that could be implemented by smaller hospitals and nursing homes such as to have sprinklers and automatic fire alarms, among other requirements. The Petitioner further seeks issuance of directions to the Respondents to inspect smaller hospitals and nursing homes in Delhi with respect to compliance of already established fire safety norms



under the Delhi Fire Service Rules, 2010.

3. Learned counsel for the Petitioner states that the incident highlighted massive lapses by the hospital in license requirements as well as compliance of fire safety norms. He relies upon a news report dated 28th May, 2024, wherein it was reported that out of almost 1000 hospitals registered with the Delhi Government, only 196 have fire NOC, i.e. roughly 20% of the total hospitals have fire NOCs while the rest are at risk of a fire hazard.

4. He states that in accordance with Rules 27 and 28 of the Delhi Fire Service Rules, 2010, all institutional buildings (including hospitals and nursing homes) having height of more than nine (9) meters or having ground plus two upper stories including mezzanine floor are required to have fire NOCs. He states that for small hospitals and nursing homes operating in residential areas with height of less than nine (9) meters, a committee chaired by the then Health Minister formulated a different set of norms which required these hospitals to have sprinklers and automatic fire alarms, among other requirements, but did away with the condition of wider staircases and corridors. He, however, states that these norms never saw the light of the day.

5. He states that for smaller buildings, some basic fire safety norms such as fire extinguishers and automatic fire alarms must be adhered to as lack of any enforceable norms for buildings under the height of nine (9) meters constitutes a danger to human life. He relies upon the National Building Code, 2016 which provides for bare minimum requirements for buildings under the height of fifteen (15) meters such as fire extinguishers and fire aid hose reel, which are absent in the Delhi Fire Service Rules, 2010. He also relies upon Maharashtra Fire Prevention and Life Safety Measures Act, 2006



which prescribes Minimum Requirements for Fire Fighting Installations under Schedule 1.

6. Learned Counsel for the respondent GNCTD states that the GNCTD does not treat the present petition as an adversarial proceeding. He states that the GNCTD is willing to incorporate all just and fair suggestions in the fire fighting norms.

7. Consequently, this Court disposes of the present writ petition by directing respondent Nos.1 & 2 to treat the present writ petition as a representation and to decide the same by way of a reasoned order in accordance with law within four weeks. The said order shall be communicated to the petitioner. The respondent Nos. 1 and 2 shall file an Action Taken Report before this Court within eight weeks. List the matter for monitoring of the Action Taken Report on 9th August, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JUNE 1, 2024

N.Khanna