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

+ **W.P.(C) 4751/2017, CM APPL. 20645/2017 & CM APPL. 1929/2025**

ROHIT JAIN

.....Petitioner

Through: Mr. B.B. Gupta, Senior Advocate
with Mr. Sanyam Khetarpal, Ms.
Aashi Jain, Mr. Rahul Gupta and Mr.
Karan Jain, Advocates.

versus

**NEW DELHI MUNICIPAL COUNCIL (NDMC)
& ORS**

.....Respondents

Through: Ms. Puja S. Kalra, Addl. Standing
counsel for R-1/NDMC with Mr.
Virendra Singh, Advocates.
Mr. Shashi Pratap Singh and Ms.
Shagun Sabharwal, Advocates for R-
2/DFS.

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER
20.01.2026**

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1. Counsel appearing on behalf of the respondent no.2/Delhi Fire Service has handed over a Fire Safety Certificate issued to the building, Antriksh Bhawan located at 22, Kasturba Gandhi Marg, New Delhi on 28th July, 2023.
2. The said certificate records that the certificate has been granted after the premises was re-inspected by officers of the respondent no.2 on 22nd July, 2023 in the presence of the Estate Officer of the said building.
3. The said certificate is taken on record and is extracted below:



**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
HEAD QUARTERS, DELHI FIRE SERVICE, NEW DELHI - 110001**

No.F6/DFS/MS/2023/364

Dated 28/07/2023

FIRE SAFETY CERTIFICATE

Certified that the Antriksh Bhawan located at 22 K.G. Marg, New Delhi is comprised of Basement + Ground + 19 Upper floors was earlier granted FSC by this department vide letter no. F6/DFS/MS/2017/NDZ/1252 dated 22/08/2017. Now, the premises was re-inspected by the officers concerned of this department on 22/07/23 in the presence of Sh. Charanjeet Singh (Estate Officer) and found that the said building have deemed complied with the fire prevention and fire safety requirements in accordance with rule 33 of the Delhi Fire Service Rules, 2010 and that the premises is fit for occupancy class Business Building with effect from 28/07/2023 for period of three years in accordance with rule 36 unless renewed under rule 37 or sooner cancelled under Rule 40 and subject to compliance of the conditions under rule 38 of the Delhi Fire Service Rules 2010, printed below.

Issued 28/07/2023 at New Delhi by.

(Ajit Garg)
DIRECTOR
Delhi Fire Service

Copy to:-

1. The Chief Architect, New Delhi Municipal Council, Palika Kendra, New Delhi
2. Sh. B.K. Singh (Secretary), Antriksh Bhawan flat owners & Occupants welfare Society (Reg.), Antriksh Bhawan, 22, K.G. Marg, New Delhi.

Conditions for the validity of Fire Safety Certificate

1. All the fire safety arrangements provided therein shall be maintained in good working conditions at all times.
2. Any loss of life or property due to non functional fire safety measures shall be at the responsibility of the management.
3. The trained fire fighting staff should be available round the clock.
4. The compliance with regards to electrical installation, structural stability, set back area, occupancy and any deviation in construction etc. shall be verified from authority concerned.
5. The owner / occupier shall submit a declaration every year in form 'K' provided in the first schedule of Delhi Fire Service Rules 2010. The form is available on www.dfs.delhigovt.nic.in
6. The means of escape shall be kept unobstructed / unlocked for unhindered evacuation in case of an emergency.
7. The owner/occupier shall apply for renewal of this Fire Safety Certificate to the Director in form 'J' [sub rule (1) of rule 37] along with a copy of this Certificate, six month prior to its expiry.
8. Any flammable material for interior decoration shall strictly prohibited.

4. The grievance of the petitioner in the present case is that the respondent no.1/NDMC has allowed telecom companies to erect mobile towers in the refuge area of the 11th floor of the building and therefore, requisite amount of refuge area does not exist in the building in terms of the Delhi Fire Safety Rules, 2010.



5. It is submitted that the 10th floor of the building which was required to have refuge area of 251 sq. mts., is completely constructed and hence, there is no refuge area on the 10th floor.
6. In these circumstances, the respondents no.1 and 2 shall conduct a fresh inspection of 11th floor of the building along with the petitioner and the representatives of the respondent no.3 and identify as to how much open area is available on the 11th floor which can be used as a refuge area.
7. Based on the inspection, an affidavit shall be filed on behalf of the respondent no.2/Delhi Fire Service clearly stating the open area available on the 11th floor which can be used as a refuge area. In this regard, along with the affidavit, the site plan and photographs shall also be filed.
- 7.1. The affidavit shall also state the total amount of refuge area that the building is required to have in terms of applicable rules.
- 7.2. Let the said affidavit be filed within six (6) weeks from today.
8. List on 24th March, 2026.

AMIT BANSAL, J

JANUARY 20, 2026/Rzu