

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 118 of 2020****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2020
In R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2022
In R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (DIRECTION) NO. 1 of 2024
In R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (FOR DIRECTION) NO. 2 of 2022
In R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (FOR DIRECTION) NO. 5 of 2021
In R/WRIT PETITION (PIL) NO. 118 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 9506 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 14157 of 2020****With****CIVIL APPLICATION (MODIFICATION OF ORDER) NO. 1 of 2024
In R/SPECIAL CIVIL APPLICATION NO. 14157 of 2020****With****R/WRIT PETITION (PIL) NO. 34 of 2024****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 4 of 2024
In R/WRIT PETITION (PIL) NO. 34 of 2024**

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**AMIT MANILAL PANCHAL
Versus
STATE OF GUJARAT & ORS.**

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Appearance in WPPIL NO.118 of 2020 and allied matters:**MR AMIT PANCHAL PARTY IN PERSON(5000) with MR ANGESH A PANCHAL for the Applicant(s) No. 1****G H VIRK(7392) for the Opponent(s) No. 3****MR KAMAL TRIVEDI, ADVOCATE GENERAL with MR VINAY BAIRAGRA, ASST.GOVERNMENT PLEADER for the Opponent(s) No. 1,2****MR CHINMAY M GANDHI(3979) for the Opponent(s) No. 10****MR HS MUNSHAW(495) for the Opponent(s) No. 10,5,6,8,9****MR KAUSHAL D PANDYA(2905) for the Opponent(s) No. 10,11,7****NOTICE SERVED for the Opponent(s) No. 4****Appearance in WPPIL NO.34 of 2024 and allied matters:****MR DM DEVNANI, AMICUS CURIAE****MR KAMAL TRIVEDI, ADVOCATE GENERAL with MR VINAY BAIRAGRA, ASST.GOVERNMENT PLEADER for Respondent Nos.1,2,3,8,9,10****MR MR KAMAL TRIVEDI, SR.ADV. with MR GH VIRK,ADVOCATE for the Respondent Nos.4,5,7,11,12,13****MR HS MUNSHAW, ADVOCATE for the Respondent Nos.15 and 16****MR KAUSHAL PANDYA, ADVOCATE for the Respondent Nos.6,14,17,18**

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**

and

HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 31/01/2025

ORAL ORDER

**(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL)**

1. In compliance of the order dated 25.10.2024 passed by this Court, the affidavit of the Director, Gujarat Fire Prevention Services dated 20.12.2024 has been placed before us by Mr. Kamal Trivedi, learned Advocate General appearing for the State respondents. It is stated therein that the data relating to the timeline for completion of the recruitment process is sought from all Deputy Commissioners and there are though some shortfalls, but efforts are being made to fill-up all existing vacancies.
2. As regards the handling of any occurrence of fire incident in high rise building having height of 130 to 150 meters, the State Government with its Urban Development and Urban Housing Department vide notification dated 27.05.2021, in exercise of powers conferred by sub-section (1) of Section 116A of the Gujarat Town Planning and Urban Development Act, 1976 has sanctioned the variation in the Comprehensive General Development Control Regulations, 2017 (in short as 'the CGDCR' 2017') in relation to tall building having height of more than 100 meters or any other building having slenderness ratio of 09(nine) or more.

3. The State Government has specified mandatory safeguards which are required to be followed by a tall building for getting sanction of the same. Different Clauses of the notification specify fire safety norms and the notification prescribes for constitution of Special Technical Committee under the Chairmanship of Additional Chief Secretary/Principal Secretary/Secretary of Urban Development Department, without whose clearance, the Competent Authority would not be permitted to sanction any development permission.
4. The constitution of the Committee has been indicated in the affidavit. It is stated as per Clause 12.3 of the notification, the development permission submitted by any developer to the competent authority along with required documents and drawings as per the CGDCR' 2017', needs to be forwarded to the Committee and only after clearance is given by the Committee for the proposed tall building that the same shall be forwarded to the Competent Authority with recommendation for necessary action.
5. It is stated that as per Regulation 5 of the Gujarat Fire Prevention and Life Safety Measures Regulations, 2023, the application seeking development permission submitted by any builder/developer before any Competent Authority, comprises of an application seeking Fire Safety Plan Approval in the prescribed form therein. The Fire Safety Plan Approval is granted by the competent officer only after receiving clearance from the said Committee constituted under the aforesaid

notification. There are additional safeguards provided with the structural design of the building and it is the duty of the owner or occupier to ensure that all the inbuilt fire safety systems etc. remain fully operational at all times.

6. It is further stated that the Committee has given approval to, in all 31 tall buildings, having height of more than 100 meters. However, till date none of the buildings is at the stage of applying for Fire Safety Certificate or Building Use permission as all are under construction. No Fire Safety certificate, as such, has been issued for any tall building having height of more than 100 meters.
7. Taking note of the above, we require the Director, Gujarat Fire Prevention Services to file his personal affidavit to bring on record the progress made in the recruitment process of the personnel in fire services in the State.
8. The progress made in the matter of Fire NOC applied for and granted to the existing schools at all levels in the State of Gujarat shall also be brought on record.
9. As prayed, put up on 21.03.2025.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SUDHIR