

IN THE COURT OF SH. AMIT KUMAR :
DISTRICT & SESSIONS JUDGE-CUM-PRESIDING OFFICER,
APPELLATE TRIBUNAL, M.C.D., DELHI.

APPEAL NO. 777/ATMCD/23

**Standard Chartered Bank,
Shop No. 12, Vasant Lok Marg,
Near PVR Priya, Vasant Vihar,
New Delhi-110057.**

..... Appellant

Vs

**1. Municipal Corporation of Delhi,
Through its Commissioner,
Civic Centre, Minto Road
New Delhi.**

**2. Sh. Karan Singh Saroha
3. Mrs. Raj Bala Saroha
4. Mr. Sandeep Saroha**

All residents of

**House No. 4312, Block B,
Pocket-5 & 6. Vasant Kunj,
Vasant Vihar, New Delhi-110070**

.....Respondents

Date of Filing of Appeal	:	04.12.2023
Date of Order	:	19.08.2026

ORDER

1. This is an appeal filed by the tenant of basement and ground floor at shop no. 12, Vasant Lok Marg, Vasant Vihar, New Delhi-110057 challenging the order dated 07.08.2021 vide which the regularization application filed by the appellant was rejected for non-compliance of points no. 5, 7, 9, 11 and 14 of the Invalid Notice dated 20.03.2023.

2. The brief facts necessary for disposal of this appeal are that the appellant was inducted as tenant by private respondents 2 to 4 in this property by virtue of lease deed dated 09.08.2021. The appellant constructed internal staircase from ground floor to basement where the lockers of the customers of the bank are located. The respondent booked this unauthorized construction and the demolition order dated 25.10.2021 was passed. The appellant filed an appeal no. 346/22 against this demolition order which has been dismissed by this Tribunal on 01.06.2023 and the appeal against that order is pending.
3. The appellant filed an application for regularization of this construction on 17.08.2022 and the same was rejected vide impugned order dated 07.08.2023. The appellant filed W.P.(C) No. 12276/23 before Hon'ble High Court which was disposed of on 21.11.2023 with liberty to the appellant to file appeal before this Tribunal and this appeal has been filed.
4. The appellant has challenged this rejection order on the ground that the appellant has complied with all the requirements of the Invalid Notice dated 20.03.2023. A reply in detail was given on 10.07.2023 complying with all the requirements of this Invalid Notice followed by a detailed reply dated 17.11.2023. The respondent arbitrarily rejected the regularization application without any justification. The initial certificate issued by Delhi Fire Service was submitted with the respondent but the respondent still insisted for fresh NOC from Delhi Fire Service without any provision. The height of the building is less than 50 feet that there is no requirement for fire NOC. The respondent did not give any opportunity to the appellant to furnish the fire NOC and therefore the appeal should be allowed.
5. Ld counsel for the respondent/MCD on the other hand argued that the shop in question is situated in a business building and is having ground plus four upper stories. Fire NOC is required under Rule 27 (7) of Delhi Fire Service Rule read with Section 25 of the Delhi Fire Service Act-2007 and since the appellant failed to furnish the fire NOC the regularization was rightly rejected. It was argued that the customers of the bank shall visit the basement to access their lockers and fire

safety is an essential requirement which cannot be dispensed with and therefore the appeal should be dismissed.

6. I have perused the record. The respondent/MCD vide Invalid Notice dated 20.03.2023 asked the appellant to submit compliance in respect of 14 requirements. The appellant failed to comply with requirements no. 5, 7, 9, 11 and 14. The Hon'ble High Court in W.P.(C) no. 8443/23 filed by the appellant against the order of this Tribunal dated 01.06.2023 vide which the appeal against the demolition order was dismissed, observed in para 4 of the order dated 12.06.2023 that if the unauthorized constructions is compoundable and the appellant is ready and willing to pay the compoundable fees, then it should be compounded.
7. The respondent/MCD in pursuance to this order asked the appellant to comply with requirements no. 5, 7, 9, 11 and 14. The appellant in response thereto wrote a letter dated 10.07.2023 to MCD stating that in response to requirement no. 5 the notification dated 21.06.2018 is not available on the portal, in response to requirement no. 7 regarding NOC from Delhi Fire Service it was stated that as per NBC code, the building under 50 feet does not mandate a NOC, however should MCD require it under any specific provision, we will comply. In response to serial no. 9 and 14, the compliances were annexed and in response to serial no. 11 it was stated that the rain water harvesting cannot be done as the complex was designed by DDA and the appellant cannot do the rain water harvesting.
8. The most important aspect of non-compliance is NOC from Delhi Fire Service. The appellant claims that no NOC is required as the building is under 50 feet height. In this regard, the Delhi Fire Service Rules-2010 are relevant. Under Rule 27 (7), all business buildings having height more than 15 mtrs. or having ground plus four upper stories including mezzanine are required to have fire NOC. The sanctioned building plan of this business building show that the building has basement, ground floor, mezzanine floor and first, second and third floor. The building therefore has ground plus four upper stories and being a business building require fire NOC irrespective of the height of the building. Section 25 of the Delhi Fire Service Act-2007 read with Rule 27 (7) of the Delhi

Fire Service Rule-2010 mandates a fire NOC for regularization of the unauthorized construction raised by the appellant and this requirement cannot be dispensed with.

9. The appellant may be seeking regularization of the ground floor and the basement but the requirement of fire NOC has to be ascertained in relation to the entire building and not only limited to the ground floor and the basement. The appellant has failed to comply with mandatory requirement of fire NOC as sought by the respondent at serial no. 7 of the Invalid Notice dated 20.03.2023 and the regularization was rightly rejected for non-compliance vide impugned letter dated 07.08.2023.
10. The appeal therefore is without merits, same is dismissed.
11. The appellant is at liberty to apply afresh for regularization after getting fire NOC.
12. Record of the respondent, if any, be returned along with copy of this order and appeal file be consigned to record room.

**Announced in the Open Court,
Today i.e. on 19.08.2026**

**(AMIT KUMAR)
District Judge-cum-P.O.
Appellate Tribunal : MCD Delhi**