

31.10.2025

Complaint No. HPRERA2025020/C
Suneet Kumar Prop. Shubham
Construction vs Department of Fire
Services HP

Present:- Sh. Deepak Puri vice Ankush Soni Ld. Counsel for
complainant .

Sh. Sanjeev Kumar, Chief Fire Officer, Shimla for
respondent

HEARING THROUGH WEBEX

1. Brief background of the matter for adjudication is that the present complaint has been filed by Sh. Suneet Kumar, Proprietor of M/s Shubham Construction, in respect of the project titled "The Mcleo Homes" situated at VPO Sudher, Tehsil Dharamshala, District Kangra, Himachal Pradesh, seeking directions against the Department of Fire Services, Himachal Pradesh, for issuance/renewal of the Fire No Objection Certificate (Fire NOC) pertaining to the aforesaid project. The complainant has stated that the project was granted a Fire No Objection Certificate (Fire NOC) by previously constituted Authority of RERA. However, upon applying for its renewal, the Department of Fire Services, Himachal Pradesh, declined to renew the same. The complainant has, therefore, prayed before this Authority to issue directions to the respondent i.e. Fire Department for renewal of the Fire NOC so that the project may adhere to the statutory requirements.

1. REPLY OF RESPONDENT:

- i. The respondent (Department of Fire Services), Himachal Pradesh, in its detailed reply, has submitted that under the National Building Code (NBC), 2016, Part IV, Clauses 4.4.2.4.3.1, all buildings, exceeding 15 meters, in height are mandatorily required to have two staircases, one of which must open directly to an external safe space. This

requirement is a fundamental life safety measure and non-compliance poses serious risks of congestion, delay in evacuation, and obstruction in rescue operations during fire emergencies.

- ii.** The respondent, further, asserts that ensuring compliance with the National Building Code, 2016, the provisions are statutory obligations which aimed at protecting public safety. Renewal of Fire NOC is not a matter of right, but, requires a fresh examination of compliance with prevailing safety norms.
- iii.** The respondent further submitted that the previously constituted Hon'ble Authority, while, directed for issuance of Fire NOC, the same was in respect of the existing NOC period and cannot be treated as a continuing or perpetual direction. Renewal of NOC stands on a different footing and must comply with current statutory obligations.
- iv.** It was further emphasized that the buildings in question Blocks A-1, A-2, and B-1 are high-rise structures i.e. approximately 25 meters in height and are provided with only a single staircase which does not satisfy the minimum safety standards prescribed by NBC, 2016. This deficiency constitutes a serious breach of fire and life safety norms.
- v.** The respondent department further submitted that immediate corrective steps, such as construction of a secondary staircase, are essential to meet the prescribed standards and fulfill the duty of care owed to the occupants. The decision to deny renewal is not a repudiation of the earlier issuance but a reaffirmation of the department's ongoing commitment to public safety and statutory compliance. As such, the respondent has prayed that the complainant/M/s Shubham Construction be directed to carry out necessary structural modifications, including an additional staircase in Blocks A-1, A-2, and B-1, in accordance with Clause 4.4.2.4.3.1 of

Part IV of the National Building Code, 2016, to ensure compliance with fire and life safety norms

2. **ANALYSIS:** Upon careful consideration of the pleadings, documentary record and the submissions of both sides, this Authority finds that the entire controversy raised in the complaint pertains to the issuance or renewal of Fire NOC, which falls, squarely, within the statutory domain of the Department of Fire Services, Government of Himachal Pradesh. The said Department functions under the provisions of the National Building Code, 2016, and the Himachal Pradesh Fire Services Act and Rules, which prescribe technical parameters and standards for fire safety in buildings and complexes. The Real Estate Regulatory Authority, constituted under the Real Estate (Regulation and Development) Act, 2016, as per mandate of the Act, is primarily empowered to regulate and promote the real estate sector, register projects and real estate agents, and ensure compliance with the terms of registration, apart from adjudicating disputes between allottees, promoters, and agents relating to registered projects. The Authority, however, does not possess jurisdiction to interfere with or adjudicate upon technical decisions rendered by other statutory or expert departments, such as the Department of Fire Services, Town and Country Planning, or Local Bodies, in discharge of their respective statutory duties.


The request made by the complainant, seeking renewal of Fire NOC, essentially, calls for a direction to the Fire Services Department to act contrary to its own statutory mandate, which this Authority is not competent to adjudicate upon. It is well settled that when a specialized authority is entrusted by law with the power to evaluate/ensure technical and safety norms, another authority,

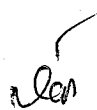
lacking such technical jurisdiction, cannot issue directions or compel an outcome inconsistent with statutory standards.

3. **DECISION:** Cumulatively, this Authority is of the considered view that the complaint, in its present form, is not maintainable before the Real Estate Regulatory Authority for want of jurisdiction. This Authority deems it appropriate, in the interest of justice, to grant liberty to the complainant to pursue his grievance before the appropriate and competent authority as per law.

Hence, in view of the above observations, the present complaint is, hereby, dismissed for want of jurisdiction, with liberty to the complainant to approach the competent authority, as per law, for redressal of the grievances, if any.

The file be consigned to record room.


(Amit Kashyap)
MEMBER


(R.D. Dhiman)
CHAIRPERSON


(Vidur Mehta)
MEMBER