

GOVERNMENT OF MAHARASHTRA

No. MFS/2014/10/1531

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Maharashtra Fire Service Academy,
Vidyanagari, Hans Bhugra Marg,
Santacruz – East, Mumbai – 400 098.
Date : 30th October, 2014

CIRCULAR

Sub : Necessity or otherwise of renewal of fire approval either annually or whenever any owner or occupier is obliged by circumstances to seek renewal of fire approval from the Director, Chief Fire Officer or Nominated Officer.

Instances have been reported or noticed that the owner or occupier of a building or premises is required to go through avoidable hassle in getting the renewal of fire approval, particularly from the Chief Fire Officer or the nominated officer of a local authority or a planning authority when a owner or occupier is called upon to obtain such renewal of fire approval. A question, therefore, is raised as to whether such a renewal of fire approval is required under the provisions of any Municipal law, or the law under which the planning authority is constituted or the rules, by laws or D.C. regulations in operation by any local authority or planning authority.

2. Fire Approval of the concerned authorities is required to be obtained by the owner or occupier initially when he proposes to construct a building or to set up an industry. None of the laws of the local authorities or planning authorities or rules, by laws or D.C. regulations provide for obtaining the renewal of fire approval after the certificate of completion and occupation of a building is granted by the concerned authority.

3. Attention in this connection is invited to the provisions of sub-section (3) of section 3 of the Maharashtra Fire Prevention and Life Safety Measures Act, 2006 (hereinafter referred to as "the said Act" or "the Fire Act") read with rule 4 of the Maharashtra Fire Prevention and Life Safety Measures Rules 2009 and forms "A" and "B" prescribed thereunder. The said sub-section (3) mandates the licensed agency to give a certificate in form "A" regarding the compliance of the fire prevention and life safety measures in a building or a part thereof as required by or under the provisions of the Act; and the licensed agency has to give a certificate in form "B" twice in a year in the months of January and July regarding the maintenance of the fire prevention and life safety measures in a building or premises being in good repair and efficient condition and the owner or occupier has to produce the same before the concerned authority. On production of these certificates periodically, as prescribed, and particularly when form "B" is produced, the question of renewal of initial fire approval given by the concerned authority does not arise. The Fire Act does not require the owner or occupier to obtain the renewal of the fire approval periodically or otherwise.

4. If there is any doubt about the deviations from or the contraventions of, the requirements with regard to the fire prevention and life safety measures or the inadequacy or non-compliance of such measures provided or to be provided in a building or part thereof the Director or Chief Fire Officer or Nominated Officer has the power to inspect the building or part thereof under section 5 of the said Act and give notice thereof to the owner or occupier to comply with the requirements noticed and mentioned in the notice to be given under section 6 of the Act.

5. In the context of these legal provisions it is expected that the concerned authorities shall not insist for any renewal of initial fire approval.



(M.V. Deshmukh)
Director

Maharashtra Fire Service

Copy submitted to the Principal Secretary (2), Urban Development Deptt., Mantralaya for favour of information, please.

Copy submitted to the Metropolitan Commissioner, MMRDA for favour of information, please.

Copy f.w.cs. to All Municipal Commissioners in Maharashtra,

Copy f.w.cs. to the Commissioner and Director, Municipal Administration,

Copy f.w.cs. to :

(1) The Managing Director, CIDCO,

(2) The C.E.O, MIDC

Copy to all Chief Fire Officers, Municipal Corporations and Special Planning Authorities in Maharashtra.

