

Supreme Court - Daily Orders

The Telangana Fire Works Dealers ... vs P. Indra Prakash on 13 November, 2020

1

ITEM NO.1 Court 11 (Video Conferencing) SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 24650/2020

(Arising out of impugned final judgment and order dated 12-11-2020
in WP(PIL) No. 271/2020 passed by the High Court For The State Of
Telangana At Hyderabad)

THE TELANGANA FIRE WORKS DEALERS ASSOCIATION Petitioner(s)

VERSUS

P. INDRA PRAKASH & ORS. Respondent(s)

IA NO. 116188/2020- APPLICATION FOR PERMISSION TO FILE SLP, IA NO.
116189/2020 -APPLICATION FOR EXEMPTION FROM FILING DULY AFFIRMED
AFFIDAVIT & IA NO.116190/2020 -EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT

Date : 13-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE SANJIV KHANNA
(VACATION BENCH)

For Petitioner(s) Mr. Salman Khurshid, Sr. Adv.
Mr. Somanadri Goud Katam, AOR
Mr. Pranav Diesh, Adv.
Mr. Mohammad Ibrahim, Adv.
Mr. C.H. Jayakrishna, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Permission to file special leave petition is granted.

Signature Not Verified Heard learned counsel for the petitioner.

Digitally signed by
NEETU KHAJURIA
Date: 2020.11.13

16:40:37 IST

Reason:

Issue notice.

Dasti, in addition, is permitted.

List this matter on 16th November, 2020 before an appropriate Bench.

In the meantime, the impugned judgment and order of the High Court stands modified and is brought in line with the directions issued by the National Green Tribunal vide comprehensive order dated 09th November, 2020 in O.A. No.249 of 2020, which applies even to the State of Telangana on all fours. For, no reason muchless special reason is noted in the impugned order for departing therefrom.

All concerned in the State of Telangana must comply with the stated directions of the Tribunal in its letter and spirit, which is reproduced hereunder for the sake of convenience: -

- i. There will be total ban against sale or use of all kinds of fire crackers in the NCR from midnight of November, 09-10, 2020 to the midnight of November 30 December 1, 2020 to be reviewed thereafter.
- ii. Direction (i) will also apply to all cities/towns in the country where the average of ambient air quality during November (as per available data of last year) fall under `poor and above category.
- iii. The cities/towns where air quality is `moderate or below, only green crackers be sold and the timings for use and bursting of crackers be restricted to two hours during festivals, like Diwali, Chatt, New Year/Christmas Eve etc., as may be specified by the concerned State. This direction is on pattern of direction of the Honble Supreme Court in (2019) 13 SCC 523 which we are applying to areas moderately polluted or below air quality due to aggravated effect during Covid-19, as already noted. If nothing is specified by the State, timing will be 8 to 10 pm on Diwali and Gurupurb, 6 am to 8 am on Chatt and 11.55 pm to 12.30 am during Christmas and New Year Eve (which have yet to come and do not fall in November but if ban continues) and not otherwise.
- iv. At other places, ban/restrictions are optional for the authorities but if there are more stringent measures under orders of the authorities, the same will prevail.
- v. All States/UTs/PCBs/PCCs may initiate special drives to contain air pollution from all sources in view of potential aggravation of Covid-19.
- vi. The Chief Secretaries and DGPs of all the States/UTs may issue and circulate an appropriate order in above terms with appropriate enforcement guidelines to all the District Magistrates and Superintendents of Police, PCBs/PCCs.

vii. The CPCB and the State PCBs/PCCs may regularly monitor the air quality during this period which may be uploaded on their respective websites. CPCB may compile information on the subject, including the status of compliance of this order from all the States/UTs and file a consolidated report with data compiled till filing of report, before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

We are conscious of the fact that the respondent(s) are not represented today nor they have been served but in the peculiar situation and urgency involved, as aforesaid, the impugned order stands modified to bring in line with the stated directions issued by the National Green Tribunal.

(NEETU KHAJURIA)
COURT MASTER

(RAJ RANI NEGI)
DY. REGISTRAR