

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE**

APPLICATION NO.98/2014 (WZ)

Ravindra Bhusari vs MoEF & Ors

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

Present: Applicant/ Appellant : Asim Sarode Adv a/w Pratap Vitankar, Alka Babaladi Advs

Date and Remarks	Orders of the Tribunal
Item No.1 October 14, 2014 Order No.1	<p>Heard learned Advocate Mr. Asim Sarode.</p> <p>He seeks addition of department of Explosives, as a party-Respondent by amending the Application. Leave granted. To be placed at the end of the Board.</p> <p>We have heard Mr. Asim Sarode, learned Advocate for the Applicant.</p> <p>Mr. D.M.Gupte, learned Advocate for MPCB waives service. Ms. Shweta Busar, learned Counsel for MoEF, also waives service. Mr. Asim Sarode, undertakes to give the copies of the Application to both the Advocates, to respective respondents.</p> <p>Considering alleged nuisance caused by imported firecrackers as well as alleged nuisance of firecrackers, which cause excessive sound/noise beyond prescribed decibels, though it is not practicable at this juncture to issue any prohibitory injunction against the traders as such, we deem it proper to give following directions:</p> <p>a) In all the districts, Committees may be constituted by the Collectors either headed by the Collector or an officer nominated by him, not below the rank of Deputy Collector, Regional officer of the MPCB, with due assistance of any official of the MPCB, the officer of Explosive Department and the officer from local Police Station, not below the rank of Sub-Inspector, assisted by at least, one ASI and one Police Constable.</p> <p>b) We direct that above Committees, shall pay random visits to trading units/stockists of firecrackers, particularly, of wholesales, in order to verify whether imported China made firecrackers are stocked for sale and if they are so stocked, then they may be sealed and seized, if they are illegally imported without licence. So also, the Committees may verify by random testing, decibels of the firecrackers like commonly known as 'Sutali Bomb' 'Rocket Bomb' 'Sevenshort Bomb' or like suspected high decibel crackers noise of which if is found to be of standard above</p>

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permissible decibels at the source, such entire stock may be seized by the Committees under a Panchanama, under the Explosives Act, by the concerned Authority, accompanying and deputed by the Explosive Department.

c) We further direct that the above Committees shall also oversee that excessive noise of the crackers be not permitted in any manner in silence zone areas.

d) We further direct that above oversee Committees shall ensure that excessive decibels of noise/sound be not permitted during course of processions, which are ordinarily taken out after results of the elections are declared and firecrackers available with the party workers/persons attending the processions, may also be verified prior to commencement of procession, so as to arrest excessive noise pollution.

The above directions shall be followed scrupulously, in order to maintain proper public tranquillity and also to create awareness about environment and noise pollution. We hope that such steps will create more awareness in public regarding avoidance of excessive use of firecrackers which only show pomp and unnecessarily create noise, which is likely to cause denfining sound. The victory of a candidate in election should be ordinarily with dignity in the society, instead of pomp and show and it is high time when we should go back to the principles of modesty, austerity measures and maintenance of environment friendly measures. We hope a proper message will be taken by the persons, who are respected by the society.

A copy of this order shall be immediately sent to all the Collectorates and Controllers of the Explosives by email/Fax by the Applicant as well as by the MPCB today itself.

Stand over to 30th October, 2014.

....., **JM**
(Justice V. R. Kingaonkar)

....., **EM**
(Dr.Ajay A. Deshpande)

