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

We have heard learned counsel appearing for the petitioner, the Tamil Nadu Fireworks and Amorges Manufacturers' Association, the Union of India and other parties and perused the record. We have also heard Dr. Sadhana Rayalu, Chief Scientist & Head, Environment Materials Division, CSIR - National Environment Engineering Research Institute, Nagpur.

There is a prayer made on behalf of the fireworks manufacturers to permit manufacture of fireworks with Barium substitute i.e. Barium Nitrate. This is said to reduce the pollution to the extent of about 25 to 30 per cent. We are not inclined to allow this at this stage because it appears that the matter is still under consideration of the Petroleum and Explosive Safety organization (PESO) which has agreed to look into the best formulation that may be permissible for manufacture of firecrackers.

Learned counsel appearing for the PESO on the basis of the affidavit of the minutes of meeting dated 27.02.2019 wherein the PESO has agreed to grant approval for new formulation fireworks by 30<sup>th</sup> April, 2019. We consider it appropriate to direct the

PESO to do so by that date.

Order accordingly.

Upon such approval of new formulation fireworks, the PESO shall submit the said approval to the Union of India and the fireworks manufacturers may start to manufacture firecrackers in accordance with the new formulation and after due permission from the concerned authorities. Any licensed manufacturer may apply for requisite approval in accordance with the relevant rules and orders. This order shall be subject to such orders after the PESO has granted the approval. The Ministry of Environment, Forest and Climate Change (MoEF&CC) may file a report before this Court in the month of 2019. These orders shall operate till such further orders that may be passed and shall not be construed to creating any equity in favour of anybody else.

List the matter in the month of August, 2019.

I.A. No.46203/2019 and I.A. No.46212/2019

Interlocutory application being I.A. No.46203/2019 for impleadment as party respondents is allowed.

I.A. No.46212/2019 is an application filed on behalf of the two applicants - temples viz., Thiruvambady Devaswom and Paramekkavu Devaswom in the State of Kerala.

According to Mr. R. Basant, learned Senior Counsel appearing for the applicants, these temples have been celebrating the 'Thrissur Pooram' festival since 1798. This festival falls between 7<sup>th</sup> May and 14<sup>th</sup> May, 2019.

It appears that displaying of fireworks has been an integral part of the celebration of this festival. Hence, we see no reason

why the festivity should be suspended. It appears that the applicants-temples get the fireworks manufactured through their own licences. They may do so subject to the written approval to be granted by the PESO recording the new formulation that can be used in the firecrackers. However, they shall ensure that barium is not used in the fireworks.

The applicants-temples must take care that the fireworks manufactured for the festivity are used and retained by them and do not find their way into the market. The PESO shall grant the approval within a period of three days from the date on which the applicants-temples move an application to it. The fireworks will be displayed according to the usual customs of the applicants-temples.

With the aforesaid directions, the interlocutory application being I.A. No.46212/2019 stands disposed of.

(SANJAY KUMAR-II)  
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)  
ASSISTANT REGISTRAR