

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2865-2867 OF 2021  
(Diary No. 10229 of 2021)

UTTAR PRADESH UDHYOG VYAPAR  
PRATINIDHI MANDAL & ANR.

Appellant(s)

VERSUS

MINISTRY OF ENVIRONMENT FOREST  
AND LIMATE CHANGE & ANR. ETC.

Respondent(s)

WITH  
CIVIL APPEAL NO.2868-2870 OF 2021  
(Diary No. 14112 of 2021)

O R D E R

Permission to file appeals is granted.

Heard Mr. P.S. Narsimha, learned senior counsel and Mr. Sai Deepak, learned counsel appearing for appellants-applicants.

In our opinion, the order impugned in these appeals is self-eloquent. It has provided for a graded approach to be adopted by all concerned, keeping in mind the prevailing Covid-19 situation.

It is submitted that Clause (i) of paragraph 32 of the order dated 01.12.2020 is very wide. It completely

prohibits all the activities which even this Court did not countenance.

We are not impressed by this argument.

The purport of Clause (i), in our opinion, is that there will be total ban on sale and use of all kinds of fire crackers during Covid-19 pandemic only where the air quality becomes "poor" or more than poor category. That is a just direction.

In other words, if the air quality of the concerned area is moderate or better, the authorities may permit the sale and use of green fire crackers, as specified in the order itself. The operative part of the order reads thus:

"32. In view of above discussion, following directions are issued:

i. There will be total ban on sale and use of all kinds of fire crackers during Covid-19 pandemic in the NCR and all cities/towns in the country where the ambient air quality falls under the 'poor' and above category.

ii. Direction to restrict use of fire crackers in cities/towns where air quality is 'moderate' or below to green crackers only and for duration of not more than two hours and only for celebration of any specified festivals or permitted occasions will continue. Such festivals be specified by the States. Other than specified festivals, prior

permission of the District Magistrate of the area will be required for use of crackers for limited period which will be given having regard to air quality.

iii. During Christmas and New Year, green crackers can be used from 11:55 pm to 12:30 am only at places where air quality is 'moderate' or below as directed by the Hon'ble Supreme Court.

iv. With a view to ensure availability of air quality data, atleast one air quality monitoring station must be set up at every district headquarter at the earliest. Where no such monitoring station exists, atleast a manual monitoring station which is very easy to set up and is not costly must be installed at the earliest, using simpler procedure like GeM. This should not exceed three months in any case. This will be the responsibility of the State PCBs/PCCs from available funds under 'consent mechanism' / 'environmental compensation'. The air quality data may be placed on the website of the District administration and also at prominent locations in the towns, in the form of AQI, PM<sub>2.5</sub> and PM<sub>10</sub>.

v. We further direct that the Air Quality Monitoring Committees (AQMC) in terms of order of this Tribunal dated 08.10.2018 in OA No.681/2018 to coordinate with the District Magistrate. For compliance of the above directions.

vi. The District Magistrates in every district may take steps to ensure that banned fire crackers are not sold in terms of order of the Hon'ble Supreme Court dated 23.10.2018.

vii. The District Magistrate, on a complaint or otherwise, will recover compensation from violators

of the above directions on the parameters already mentioned in Para 24 above.

viii. Any victim of pollution, apart from other remedies, can approach the District Magistrate for compensation, by showing evidence of individual damage and the person responsible for the damage. Such claim may be dealt with by a reasoned order.

ix. If no such claim is made for six months after collection of the compensation, the amount credited to the 'District Environment Compensation Fund' can be spent for restoration of the Environment in the District.

x. The State PCBs/PCCs may compile data of compliance from all the Districts by 28.2.2021 and furnish the same to the CPCB by 15.3.2021. CPCB may file consolidated report in this regard in OA 681/2018 by 31.3.2021..."

No further clarification much less deliberation is required with regard to the correctness of the operative order as passed by the Tribunal.

The apprehension expressed by learned counsel appearing for the appellants/applicants that manufacturing activity will also be prohibited in the concerned area where the air quality falls under poor category is unfounded. For, the impugned order does not deal with manufacturing activity. Needless to observe that if that is covered by the general directions issued

by this Court in the reported decision, all concerned including the manufacturers must abide by the same and give effect to it in its letter and spirit.

In view of the above, these appeals are devoid of merits and are, therefore, dismissed.

Learned counsel for the appellants/applicants seek liberty to participate in the proceedings pending in this Court. If that option is open to the appellants/applicants, they are free to take recourse to that remedy, which obviously will be decided on its own merits.

Pending applications, if any, stand disposed of.

.....J  
(A.M. KHANWILKAR)

.....J  
(SANJIV KHANNA)

New Delhi  
July 23, 2021

ITEM NO.15

Court 4 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 10229/2021

(Arising out of impugned final judgment and order dated 01-12-2020 in OA No. 249/2020 01-12-2020 in OA No. 254/2020 01-12-2020 in OA No. 255/2020 passed by the National Green Tribunal)

UTTAR PRADESH UDHYOG VYAPAR PRATINIDHI MANDAL &amp; ANR. Appellant (s)

VERSUS

MINISTRY OF ENVIRONMENT FOREST  
AND CLIMATE CHANGE & ANR.ETC.

Respondent (s)

(FOR ADMISSION and I.R. and IA No.69330/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.69329/2021-EX-PARTE STAY and IA No.69331/2021-EXEMPTION FROM FILING O.T. and IA No.69328/2021-PERMISSION TO FILE APPEAL)

WITH

Diary No(s). 14112/2021 (XVII)

(FOR ADMISSION and I.R. and IA No.80393/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.80395/2021-EXEMPTION FROM FILING O.T. and IA No.80392/2021-PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER)

Date : 23-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. J. Sai Deepak, Adv.  
Mr. Abhinav Hansaria, AOR  
Mr. Arjun Maheshwari, Adv.

Mr. Anupam Kishore Sinha, AOR  
Mr. Luv Virmani, Adv.

For Respondent(s)

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

Permission to file appeals is granted.

The appeals are dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

(NEETU KHAJURIA)  
COURT MASTER (SH)

(VIDYA NEGI)  
COURT MASTER (NSH)

[Signed order is placed on the file]