

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

Writ Petition (Civil) No.728/2015

ARJUN GOPAL & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(IA No. 15541/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 24794/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 178878/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 76593/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 72421/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 44727/2021 - CLARIFICATION/DIRECTION
IA No. 119396/2017 - CLARIFICATION/DIRECTION
IA No. 110450/2021 - CLARIFICATION/DIRECTION
IA No. 13877/2019 - EXEMPTION FROM FILING O.T.
IA No. 10915/2019 - INTERVENTION/IMPLEADMENT
IA No. 4/2019 - INTERVENTION/IMPLEADMENT
IA No. 58280/2021 - INTERVENTION/IMPLEADMENT
IA No. 179554/2018 - INTERVENTION/IMPLEADMENT
IA No. 179145/2018 - INTERVENTION/IMPLEADMENT
IA No. 179036/2018 - INTERVENTION/IMPLEADMENT
IA No. 178876/2018 - INTERVENTION/IMPLEADMENT
IA No. 105478/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

W.P.(C) No. 899/2016 (PIL-W)

W.P.(C) No. 891/2016 (PIL-W)

W.P.(C) No. 895/2016 (PIL-W)

W.P.(C) No. 213/2017 (PIL-W)

Date : 29-09-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE A.S. BOPANNA

For Parties

Mr. Gopal Sankaranarayanan, Sr. Adv.
Ms. Pooja Dhar, AOR
Mr. Shrutanjaya Bhardwaj, Adv.

Mrs. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.

contd..

Ms. Aishwarya Bhati, ASG
Mr. Ajit Kumar Sinha, Sr. Adv.
Ms. Ruchi Kohli, Adv.
Mr. B.K. Satija, Adv.
Mr. R.R. Rajesh, Adv.
Mr. Satya Lipsu Ray, Adv.
Ms. Archana Pathak Dave, Adv.
Mr. Vibhu Shanker Mishra, Adv.
Mr. Satya Lipsu Ray, Adv.
Mr. S.S. Rebello, Adv.
Ms. Archana Pathak Dave, Adv.
Mr. Balendu Shekhar, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Raj Bahadur Yadav, AOR
Mr. Amrish Kumar, AOR
Mr. B.V. Balaram Das, AOR

Mr. Anil Grover, Sr. AAG
Ms. Noopur Singhal, Adv.
Mr. Satish Kumar, Adv.
Mr. Amit Sahni, Adv.
Mr. Sanjay Kumar Visen, AOR

Mr. Atmaram Nandkarni, Sr. Adv.
Ms. Kiran Suri, Sr. Adv.
Mr. Devesh Tripathi, Adv.
Ms. Anasuya Choudhary, Adv.
Mr. Saksham Pathak, Adv.
Mr. Praveen Swarup, Adv.
Ms. Payal Swarup, Adv.
Ms. Pareena Swarup, Adv.
Mr. Kanishk Chaudhary, Adv.
Mr. K.P. Singh, Adv.
Mr. R.K. Singh, Adv.

Mr. Anubhav Kumar, Adv.
Ms. Lalita Kohli, Adv.
M/S. Manoj Swarup And Co., AOR

Mr. Abhishek Agarwal, AOR
Petitioner-in-person

Mr. Ashok Kumar Gupta II, AOR
Mrs. Yugandhara Pawar Jha, AOR
Mr. S. K. Verma, AOR
Mr. Mohinder Jit Singh, AOR

Mr. Anish R. Shah, AOR
Mrs. V. D. Khanna, AOR
Ms. Rohini Musa, AOR

contd..

Mr. B. Krishna Prasad, AOR
M/S. Corporate Law Group, AOR

Mr. Chirag M. Shroff, AOR
Mr. Chandan Kumar, AOR
Mrs. Anil Katiyar, AOR
Mr. Anand Dilip Landge, AOR
Mr. Sanjay Kumar Tyagi, AOR
Applicant-in-person, AOR
Ms. Vandana Sehgal, AOR
Ms. Lakshmi Ramamurthy, AOR
Mr. Hitendra Nath Rath, AOR
Mr. Vaibhav Manu Srivastava, AOR
Ms. Garima Bajaj, AOR
Mr. Subhro Sanyal, AOR
Ms. Astha Sharma, AOR

Mr. Ibad Mushtaq, Adv.
Mr. Fuzail Ahmad Ayyubi, AOR

Mr. Dhruv Pal, AOR
Ms. Nishi Jaswal, Adv.

Mr. T. V. S. Raghavendra Sreyas, AOR
Mr. M. Yogesh Kanna, AOR
Mr. S. Ravi Shankar, AOR
Mr. D. N. Goburdhan, AOR

Mr. Vinodh Kanna B., AOR
Mr. Tayenjam Momo Singh, AOR
Mrs. Malavika Jayanth, AOR
Ms. Usha Nandini. V, AOR

Mr. M. Shoeb Alam, AOR

Ms. Manisha Ambwani, AOR
Ms. K. Enatoli Sema, AOR
Mr. Ashiesh Kumar, AOR
Mr. Ranjan Mukherjee, AOR

Mr. Aravindh S., AOR
Mr. Jogy Scaria, AOR

Mr. Arvind Kumar Sharma, AOR
Mr. P. V. Yogeswaran, AOR
Mr. S. N. Bhat, AOR
Mr. K. V. Muthu Kumar, AOR
Mr. Shuvodeep Roy, AOR

Ms. Uttara Babbar, AOR
Mr. Manan Bansal, Adv.

contd..

- 4 -

Mr. S. Manoj Selvaraj, Adv.
Mr. J. Vijetha, Adv.
Ms. Leena Saxena, Adv.
Ms. Nancy Mittal, Adv.
Mr. C. Solomon, Adv.
Mr. Krishna Perumal, Adv.
Mr. R. Naveen Raj, Adv.
Ms. Aswathi M.K., AOR

Ms. Madhumita Bhattacharjee, AOR
Ms. Srija Chowdhary, Adv.
Mr. Anant, Adv.

Mr. J. Sai Deepak, Adv.
Mr. Suvidutt M.S., AOR
Mrs. Anu B., Adv.
Mrs. Dhanya C., Adv.
Ms. Vijayalakshmi Raju, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. Shaurya Sahay, Adv.
Mr. T.K. Nayak, Adv.

Mr. Jaideep Gupta, Sr. Adv.
Mr. D. Kumanan, AOR
Mr. Sheikh Fakhruddin Kalia, Adv.

Mr. Siddhesh Kotwal, Adv.
Ms. Ana Upadhyay, Adv.
Ms. Manya Hasija, Adv.
Ms. Pragya Barsaiyan, Adv.
Mr. Akash Singh, Adv.
Mr. Nirnimesh Dube, AOR

Mr. Vijay Pratap Singh, Adv.
Mr. Jayesh K. Unnikrishnan, AOR

Mr. D.N. Goburdhun, Adv.
Ms. Gauri Goburdhun, Adv.

Mr. Mukesh Verma, Adv.

Mr. Yash Pal Dhingra, AOR

Mr. Jayesh Gaurav, Adv.
Ms. Diksha Oja, Adv.
Mr. Farrukh Rasheed, AOR

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.

- 5 -

Mr. G. Prakash, AOR
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.

Ms. Taruna Ardhendumauli Prasad, AOR
Ms. Deepika Gupta, Adv.
Ms. Ankita Budhiraja, Adv.

Mr. Shishir Deshpande, AOR
Ms. Ruchira Gupta, Adv.
Mr. Anurag Sharma, Adv.

Mr. M. A. Chinnasamy, AOR
Mr. C. Rubavathi, Adv.
Mr. CH. Leela Sarveswar, Adv.
Mr. T. Meikandan, Adv.
Mr. P. Rajaram, Adv.
Mr. V. Senthil Kumar, Adv.

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Mr. Manoj Kr. Sharma, Adv.
Mr. Bhuwan Chandra, Adv.

Mr. Jayanth Muth Raj, Sr. Adv.
Mrs. Malavika Jayanth, Adv.
Mr. Sureshan P., AOR

Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, AOR
Ms. Habilila Nana, Adv.

Mr. V. Krishnamurthy, Sr. Adv./AAG
Dr. Joseph Aristotle S., AOR
Ms. Preeti Singh, Adv.
Ms. Ripul Swati Kumari, Adv.

Mr. Vijay Panjwani, AOR

Ms. Ruchira Goel, AOR

Mr. Avijit Roy, AOR

Ms. Supriya Juneja, AOR

Mr. Arvind Kumar, AOR

- 6 -

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

I.A. No.24794/2020 in Writ Petition (C) No.728/2015

The present application is filed by the original writ petitioners making a grievance with respect to the violation of the various orders passed by this Court in Writ Petition (C) No.728/2015. It is not in dispute and it cannot be disputed that pursuant to the earlier orders passed by this Court use of barium and barium salts are banned in manufacture and use of the fire crackers. It is alleged that the manufactures named in the application have violated the various orders passed by this Court and in flagrant violation of the orders, they have continued to use the banned items, namely, barium and barium salts. Therefore, this Court by order dated 03.03.2020, directed the Joint Director, Central Bureau of Investigation (CBI) at Chennai to make a detailed investigation regarding the alleged violation of this Court's earlier orders by the respondents-manufacturers, named in the application by using the ingredients which have been banned and by mislabeling their products contrary to the directions of this Court as stated in the instant application, this Court passed the following order -

"I.A. No.24794/2020 in Writ Petition (C) No.728/2015

Mr. Gopal Sankaranarayanan, learned senior counsel appearing for the petitioners/applicants, has brought to our notice violations of our earlier order(s) banning

contd..

the use of certain chemicals in the fireworks by the manufacturers.

According to Mr. Sankaranarayanan, learned senior counsel, many of the respondents-manufacturers are using the same chemicals which have been banned by this Court under various orders. He also pointed out that many respondents-manufacturers are also not labeling their products as required by this Court's order dated 10.02.2017.

If the aforesaid allegations are true then there is no doubt that the respondents-manufacturers would be guilty of contempt of this Court.

We therefore issue notice to the respondents-manufacturers mentioned at page 10 of the instant application for directions viz., M/s Standard Fireworks, M/s Hindustan Fireworks, M/s Vinayaga Fireworks Industries, M/s Shree Mariamman Fireworks, M/s Shree Suryakalaa Fireworks and M/s Selva Vinayagar Fireworks, except respondent no.5, to show cause why they should not be punished for contempt of this Court for the alleged violation of this Court's earlier orders.

The Joint Director, Central Bureau of Investigation (CBI) at Chennai, is directed to make a detailed investigation regarding the alleged violation of this Court's earlier orders by the aforesaid respondents-manufacturers by using the ingredients which have been banned and by mislabeling their products contrary to the directions of this Court as stated in the instant application.

Order accordingly.

The Registry of this Court is directed to serve a copy of the instant application for directions upon the Joint Director, CBI at Chennai forthwith.

The Joint Director, CBI at Chennai, shall submit his/her report to this Court within a period of six weeks from the date of receipt of copy of this order.

List the matter after eight weeks."

The Joint Director, CBI at Chennai was directed to submit his/her report to this Court within a period of six weeks from the date of receipt of the said order. It appears that the enquiry

could not be completed within the time prescribed by this. However, subsequently the Enquiry Report pursuant to enquiry in PE 032 2020 A001.. CBI PSB Chennai has been submitted.

It is stated in the report that various samples of finished fire crackers, semi-finished fire crackers and raw materials were collected from the manufacturer factories which were sent for chemical analysis. It has been found that in many fire crackers manufactured by the manufacturers named in the earlier order, barium/barium salts have been found positive. It has also been found that huge quantity of barium/barium salts have been purchased by the manufacturers after the imposition of ban on use of barium/barium salts by this Court, more particularly in the year 2019.

It has also been found that labels of finished fire crackers collected from the factory premises of some of the manufacturers revealed that they did not contain the chemical composition of the fire crackers and also the year of manufacturing. Therefore, they have violated the Explosives Rules, 2008 and also the orders passed by this Court with respect of labeling of fire crackers also.

As observed hereinabove and as such pursuant to the order passed by this Court dated 03.03.2020, (1) M/s Standard Fireworks; (2) M/s Hindustan Fireworks; (3) M/s Vinayaga Fireworks Industries, (4) M/s Shree Mariamman Fireworks; (5) M/s Shree Suryakalaa Fireworks and (6) M/s Selva Vinayagar Fireworks, except respondent

- 9 -

no.5 were directed to show cause why they should not be punished for contempt of this Court for the alleged violation of this Court's earlier orders.

Therefore, considering the report submitted by the CBI, Chennai on conducting the preliminary enquiry, which has been conducted pursuant to the order passed by this Court dated 03.03.2020, prima facie, it appears that they have violated this Court's earlier orders on use of barium/barium salts as well the orders passed by this Court with respect to labeling of fire crackers. However, so as to give one further opportunity to the aforesaid manufacturers to put forward their case and before we pass further order on violation of this Court's earlier orders, we deem it fit to furnish the enquiry report submitted by the Central Bureau of Investigation, Anti Corruption Branch, Chennai to the respective counsel appearing on behalf of the aforesaid manufacturers.

We request Ms. Aishwarya Bhati, learned ASG appearing on behalf of the CBI to furnish the copy of enquiry report in PE MA1 2020 A0001 ACB/CBI/CHENNAI to the respective counsel appearing on behalf of the aforesaid manufacturers by tomorrow. The copy of the report be also furnished to Shri Gopal Sankaranarayanan, learned senior counsel appearing for the petitioners.

Contd..

It will be open for the concerned manufacturers against whom the allegations are made to file counter affidavit, with a copy to Ms. Bhati, learned ASG and Shri Gopal Sankaranarayanan, learned senior counsel.

The Registry is directed to issue formal notices in IA Nos.110450/2021 and 44727/2021. It is reported that in the aforesaid IAs, respective parties are already represented through their counsel and therefore, Registry need not issue notices upon the concerned parties.

Put up on 06.10.2021.

(NEETU SACHDEVA)
COURT MASTER (SH)

(NISHA TRIPATHI)
BRANCH OFFICER