

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).423 OF 2022  
(Diary No(s). 20319/2021)

TAMIL NADU FIREWORKS AND AMORCES  
MANUFACTURERS ASSOCIATION (TANFAMA) APPELLANT(S)

VERSUS

STATE OF TAMIL NADU & ORS. RESPONDENT(S)

WITH

CIVIL APPEAL NO. 6118/2021

O R D E R

Permission to file appeal(s) is granted.

Heard learned counsel for the parties, who had appeared pursuant to notice issued in the concerned appeals.

The appeals assail the decision of the National Green Tribunal, dated 11.06.2021 in Original Application No. 44/2021.

The primary question raised in the appeals about the jurisdiction of the National Green Tribunal to initiate *suo motu* proceedings stands concluded in terms of the decision of this Court in "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

As has been mentioned in the said judgment, the Tribunal, even if were to initiate *suo motu* action, must put every person likely to be affected by its decision, to notice and give opportunity of hearing before passing final orders.

In the impugned judgment, it is noted that in spite of notice, the authorities and concerned parties did not enter appearance. In that sense, the matter proceeded *ex parte* against the concerned parties including the appellants.

Accordingly, in the interest of justice, we deem it appropriate to set aside the impugned judgment and order and relegate the parties before the National Green Tribunal for reconsideration of the entire matter afresh after giving opportunity to the concerned parties including the appellants, and to pass appropriate orders in accordance with law.

All contentions available to the parties are left open.

The parties appearing through learned counsel before this Court shall appear before the National Green Tribunal on 14.02.2022, on which date the Tribunal may proceed with the matter or assign a suitable date for hearing, as may be convenient to it.

The appeals and pending applications are disposed of accordingly.

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

....., J.  
(DINESH MAHESHWARI)

NEW DELHI  
JANUARY 21, 2022.

ITEM NO.30 Court 3 (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). 20319/2021

(Arising out of impugned final judgment and order dated 11-06-2021  
in OA No. 44/2021 passed by the National Green Tribunal)

TAMIL NADU FIREWORKS AND AMORCES  
MANUFACTURERS ASSOCIATION (TANFAMA) Petitioner(s)

VERSUS

STATE OF TAMIL NADU & ORS. Respondent(s)

IA No. 114314/2021 - EX-PARTE STAY  
IA No. 114313/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT  
IA No. 114316/2021 - EXEMPTION FROM FILING O.T.  
IA No. 114312/2021 - PERMISSION TO FILE APPEAL)

WITH

C.A. No. 6118/2021 (XVII)  
IA No. 127111/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT & IA No. 127109/2021 - STAY APPLICATION)

Date : 21-01-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Jaideep Gupta, Sr. Adv.  
Mr. V. Krishnamoorthy, Sr. Adv./AAG  
Mr. D.kumanan, AOR

Mr. Devesh Tripathi, Adv.  
Ms. Anasuya Choudhary, Adv.  
Mr. Sakshsam Pathak, Adv.  
Ms. Parthvi Ahuja, Adv.  
Ms. Prapti Singh, Adv.  
Mr. Anoop Prakash Awasthi, AOR

For Respondent(s)

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

Permission to file appeal(s) is granted.

The appeals and pending applications are disposed of accordingly.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER

(Signed order is placed on the file.)