

28.09.2022.
Court No.13
Item No. 02
pk

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

W.P.A. No. 2807 of 2022

**Sudipta Bhowmick
Versus
State of West Bengal and others**

Mr. Srijib Chakraborty,
Mr. Arnab Sengupta,
Mr. Deborshi Dhat
... for the petitioner.

Mr. S. N. Mookherjee, Ld. A. G.
Mr. T. M. Siddiqui,
Ms. Adreeka Pandey
... for the State.

Ms. Sonal Sinha
... for the State Pollution Control Board.

Ms. Soumi Guha Thakurta
... for the respondent nos. 5 and 6.

The petitioner is the Secretary of an unregistered association of retail sellers and traders of green fire crackers of Siliguri Sub-Division, Darjeeling. In view of restrictions imposed by the National Green Tribunal and Supreme Court, all the members of the association carry on their business of trading only in green fire crackers (environmental, friendly and less polluting than normal crackers).

The petitioner has applied before the Commissioner of Police, Siliguri Metropolitan Police and the Collector, West Bengal Fire And Emergency Service, North Zone, Siliguri for permission to trade in

green crackers in Siliguri Sub-Division under Darjeeling district in West Bengal which is pending consideration.

Counsel for the Collector submits that they require guidelines for permitting the sale and trade of green crackers, as aforesaid.

The West Bengal Pollution Control Board has such guidelines and the same may be forwarded to the Collector, West Bengal Fire and Emergency Service, North Zone, Siliguri and the Commissioner of Police, Siliguri Metropolitan Police.

On the undertaking of the petitioner's association to this Court, to trade only in green and environmental, friendly fire crackers during the festive season, the Commissioner of Police, Siliguri Metropolitan Police and the Collector, West Bengal Fire and Emergency Service, North Zone, Siliguri shall consider and dispose of the petitioner's application within a period of two weeks from date.

Any breach of any of the conditions as stipulated by the West Bengal Pollution Control Board shall be dealt with by the Commissioner of Police, Siliguri Metropolitan Police and the Collector, West Bengal Fire and Emergency Service, North Zone, Siliguri strictly in accordance with the applicable Rules and at their end even without reference to this Court.

The Central Pollution Control Board may also pass on any guidelines to the respondent nos. 9 and 10 within a week from date.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)