



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13698 OF 2024

Jai Durga Fire Works

... Petitioner.

Versus

State of Maharashtra Thr
Additional Chief Secretary

... Respondent.

WITH

INTERIM APPLICATION (ST.) NO. 29776 OF 2024

Sunny Anil Rajwani

... Petitioner.

Versus

Jai Durga Fire Works

... Respondent.

Ms. Minal Chandnani, for the Petitioner.
Mr. Suresh M. Kamble, for Respondent Nos.2 and 3.
Mr. Robinsingh Palthiya, for the Intervenor in IAST/29776/2024.
Ms. Snehal Jadhav, AGP for the Respondent Nos.1 and 4-State.

Coram : Sharmila U. Deshmukh, J.

Date : October 15, 2024

P. C. :

1. At the outset the Interim Application No.29776 of 2024 filed by the Intervenor stands allowed. Amendment to be carried out forthwith.
2. Petition can be disposed of by permitting the Petitioner to file an Application for NOC from the Fire Department for the fire crackers license in respect of premises which is different from the premises i.e. Shop No.5A, Ground Floor, Nehru Chowk, Aman Talkies Road,

Ulhasnagar-2 as there is a dispute in respect of said premises. The impugned order dated 15th May, 2024 rejects the Application on the ground that in respect of the said shop, for the fire crackers business, there are two partners and there is dispute which is subjudice.

3. Considering the reasons which have been given for rejecting the fire NOC, it would be appropriate at this stage to direct the Petitioner to file an Application for fire NOC for fire crackers license from a premises which is different from one which is stated in the impugned order dated 15th May, 2024.

4. Learned counsel for the Petitioner, on instructions of the Petitioner, submits that the Application will be filed today itself with the Fire Department.

5. Learned counsel for the Respondent Nos.2 and 3 submits that the Application will be decided in accordance with law on or before 22nd October, 2024.

6. Learned counsel appearing for the newly added Respondents submits that no objection will be raised by the Intervenor to the Application to be filed by the Petitioners for fire NOC as the Application is being filed in respect of the Shop other than one described in the impugned order dated 15th May, 2024.

7. Petition stands disposed of in the above terms.
8. Needless to clarify that as far as the dispute between the parties are concerned, the mere fact that the fire NOC and fire cracker license has been obtained in respect of a premises different from one mentioned in the impugned order dated 15th May, 2024, will not come in the way of the Petitioner in the other proceedings.

[Sharmila U. Deshmukh, J.]