



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 924 of 2025

Ram Ambadas Agrawal

vs.

The Union of India, through its Secretary, Ministry of Commerce and Industries,
Petroleum and Explosives Safety Organization (PESO), Nagpur and others

Mr. S. S. Sharma, Advocate for petitioner.

Mr S. A. Chaudhari, Advocate for respondent nos.1 to 3.

Ms Kalyani Marpakwar, AGP for respondent nos. 4 to 6.

Mr. P. P. Deshmukh, Advocate for respondent no.7.

CORAM :- NITIN W. SAMBRE AND M. M. NERLIKAR, JJ.

DATE :- 8th JULY, 2025

P. C.

Heard learned counsel for the parties.

2. Only reason cited for not granting the request of the petitioner is the location of the plot of the petitioner, where he intends to sale and store crackers in the form of explosives is within two kilometers from the *Gaothan*. As such, violates Clause 4.11(xxxi) of the Unified Development Control and Promotion Regulations for Maharashtra.

3. It is the contention of the counsel for the petitioner that vide Government Resolution dated 19.12.2018 the distance of two kilometers is reduced to 1.5 kilometers which fact is ignored by the respondents. He has invited our attention to the order in Writ Petition No. 1177 of 2020 (*Mintech Explochem India LLP vs. The Union of India and others*) decided on 02.12.2021.

4. Ms Marpakwar, learned Assistant Government Pleader appearing for the respondent nos. 4 to 6 seeks time in the matter, whereas rest of the respondents submit that the Court may pass appropriate order in the matter.

Corrected as
per Hon'ble
Court's order
dated
17.07.2025

5. The Division Bench of this Court while deciding Writ Petition No. 1177/2020 on 02.12.2021 has already declared that the Government Resolution dated 19.12.2018 is *ultra vires* to the Explosives Rules, 2008 in particular, Rule 103 of the said Rules and accordingly quashed the same.

6. A further direction was issued by remanding the matter back to the Respondent No.4/District Magistrate i.e. the Collector of the District to consider the case in the light of the provisions of Rule 103 of the Explosives Rules, 2008.

7. Though the prayer for adjournment is sought by the learned AGP, we are of the view that since the issue is settled by the judgment in Writ Petition No. 1177/2020 (Mintech Explochem India LLP Vs. The Union of India and others), we deem it appropriate to allow the Writ Petition.

8. We direct the District Magistrate to take the decision afresh in the light of Rule 103 of the Explosives Rules, 2008. We permit the Petitioner to appear before the District Magistrate on 29.07.2025, who is directed to take decision and communicate the same within a period of three weeks thereafter.”

(M.M.NERLIKAR, J.)

(NITIN W. SAMBRE, J.)

Andurkar.