APHC010587142026

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI **[3504]**

(Special Original Jurisdiction)

THURSDAY, THE 5th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 32301/2026

Between:

1. SRI DURGA BHAVANI FIRE WORKS, (LICENSE NO.594/2015) REP. BY ITS PROPRIETOR, GUTTULA YEDUKONDALA SWAMY S/O SATYANARAYANA, AGED ABOUT 56 YEARS, R/O. D. NO.3-222, SY. NO. 8-6,SETTIPALLI, THANDAVAPALLI, AMALAPURAM MANDALAM, KONASEEMA DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH.

2. THE DIRECTOR GENERAL, STATE DISASTER RESPONSE AND FIRE SERVICES, ANDHRA PRADESH, VIJAYAWADA.

3. THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE, AMALAPURAM, DR B.R. AMBEDKAR KONASEEMA DISTRICT, ANDHRA PRADESH.

4. THE DISTRICT DISASTER RESPONSE AND FIRE OFFICER, DR B.R. AMBEDKAR KONASEEMA DISTRICT, ANDHRA PRADESH.

5. THE REVENUE DIVISIONAL OFFICER, DR B.R. AMBEDKAR KONASEEMA DISTRICT, AMALAPURAM, ANDHRA PRADESH.

6. THE DEPUTY SUPERINTENDENT OF POLICE, DR B.R. AMBEDKAR KONASEEMA DISTRICT, ANDHRA PRADESH.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one

in the nature of a Writ of Mandamus, declaring the action of the Respondents, in not renewing the LE-1 Licence Renewal, bearing Licence No.594/2015, after the paying the valid consideration made for renewal, dated.19.02.2026 vide APTC FORM-10, Challan Nos. 90201596982025 as illegal, arbitrary, disproportionate, unjust and violation of Articles 14, 19(1) (g), and 21 of Constitution of India, contrary to the provisions of the Explosives Act, 1884 and the Explosives Rules, 2008, and opposed to the principles of natural justice, and consequently direct the Respondents to consider the Petitioner's application for renewal of the Fire No Objection Certificate and all consequential statutory permissions/licences without reference to the impugned proceedings, subject to verification of compliance with the prescribed safety norms and such additional safety measures, if any, as may be lawfully prescribed by the competent authority, and thereafter permit the Petitioner to resume the lawful manufacture of firecrackers in accordance with the licence conditions, within such time as may be stipulated by this Hon'ble Court,

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the respondents to give the permissions to carry out the Petitioner's manufacturing business in view of the upcoming Diwali Festival and insofar as the Petitioner is concerned, and consequently direct the Respondents to consider the Petitioner's application for renewal of the Fire No Objection Certificate and other consequential statutory permissions/licences, in accordance with law,

Counsel for the Petitioner:

1. M RAVINDRA

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR REVENUE

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION No: 32301 of 2026

ORDER:

Writ Petition has been filed under Article 226 of the Constitution of India seeking the following relief:

> *"……to issue an appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, declaring the action of the Respondents, in not renewing the LE-1 Licence Renewal, bearing Licence No.594/2015, after the paying the valid consideration made for renewal, dated.19.02.2026 vide APTC FORM-10, Challan Nos. 90201596982025 as illegal, arbitrary, disproportionate, unjust and violation of Articles 14, 19(1) (g), and 21 of Constitution of India, contrary to the provisions of the Explosives Act, 1884 and the Explosives Rules, 2008, and opposed to the principles of natural justice, and consequently direct the Respondents to consider the Petitioner's application for renewal of the Fire No Objection Certificate and all consequential statutory permissions/licences without reference to the impugned proceedings, subject to verification of compliance with the prescribed safety norms and such additional safety measures, if any, as may be lawfully prescribed by the competent authority, and thereafter permit the Petitioner to resume the lawful manufacture of firecrackers in accordance with the licence conditions, within such time as may be stipulated by this Hon'ble Court….."*

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home as well as learned Assistant Government Pleader for Revenue appearing for the respondents and perused the entire material available on record.

3. As per the facts pleaded by the petitioner, earlier licences were granted to the petitioner to manufacture fireworks. On the basis of the said licences granted in his favour, it is stated that the petitioner has been carrying on the business of manufacturing fireworks for a considerable period. While so, the said licences granted in favour of the petitioner stood expired.

4. It is also asserted that the petitioner has submitted an application before the competent authority for renewal of the said licences within the prescribed period. Learned counsel for the petitioner draw attention of this Court the following information in respect of his assertions:

Writ Petition No. and party names	**Type of Licence and Licence No.**	**Licence Issued date**	**Licence expired on**	**APTC FORM 10 Challan Nos./Date**
Sri Durga Bhavani Fire Works, Rep. by its Proprietor, Guttula Yedukondala Swamy	LE-1-Quantity-15 kgs Licence No. 594/2025	19.02.2026	31.03.2026	90201596982025, dt: 19.02.2026

5. Learned counsel further adds that the said application preferred by the petitioner are still pending consideration before the competent authority and no order either renewing the said licence or rejecting the same has been passed till now.

6. Petitioner states that he has been continuing his business in manufacturing fireworks for all this length of time pending the applications for renewal of his licences. It is the grievance of the writ petitioner that the respondents are now objecting the petitioner business works such as manufacture of fireworks, without any valid reason at all.

7. Learned Assistant Government Pleader for Home has not disputed the pendency of petitioner’s applications for renewal of licenses before competent authority. However, he states that in view of unfortunate incidents, the

authorities are verifying the ground realities so far as statutory violations across State of Andhra Pradesh.

8. The Explosives Act, 1884 is a special enactment. In terms of the Sections 5 and 7 of the Explosives Act, and in supersession of the Explosive Rules 1983, the Central Government issued the Explosives Rules, 2008. In this context, it is relevant to note Rule 112(5) of the Explosives Rules, 2008, which reads as follows:

> *"R.112(5). If the application for renewal reaches the renewing or licensing authority on or before the date of expiry, the licence shall be deemed to be in force until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the applicant."*
>
> *Emphasis supplied.*

9. A reading of the aforesaid rule makes it manifest that, it is a deeming provision and the relevant rule mandates that when the application for renewal that was submitted by the applicant reaches the renewing or licensing authority before the date of expiry, the licence shall be deemed to be in force, until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the applicant.

10. It is also apt to note Rule 116 of the Explosives Rules, 2008, which is as under:

116. Refusal to amend or renew a licence *---*

(1) The licensing authority refusing to amend or renew a licence shall record the reasons for such refusal in writing.

(2) The licensing authority shall refuse to renew a licence if such licence can be revoked in accordance with the Act or these rules.

(3) A brief statement of reasons for refusal to renew a licence shall be given to the holder of the licence on demand unless in any case the licensing authority is of the opinion that it will not be in public interest to furnish such statement.

(4) Where the renewal of the licence is refused, the fee paid for the renewal shall be refunded to the licensee after deducting the proportionate fee for the period beginning from the date from which the licence was to be renewed up to the date from which renewal thereof is refused.

(5) Before refusing renewal of a licence under the rule, the holder of the licence shall be given an opportunity of being heard.

11. As seen from the material on record and even as per the submission made by learned Assistant Government Pleader for Home, the application submitted by the petitioner for renewal of licences are still pending consideration before the competent authority. No decision either renewing the said licences or rejecting the same has been taken till now by the competent authority. Therefore, as per Rule 112(5) of the Explosives Rules, 2008, which is a deeming provision, the licences that were earlier granted to the petitioner are deemed to be in force as of now. Further, Rule 116 of the very same Explosives Rules, 2008 is also apt in this context.

12. In a similar situation, earlier the High Court of Andhra Pradesh, in W.P.No.27884, 27898 and 27917 of 2022 vide Common Order dated

06.09.2022, while considering the similar grievance, ordered the police officials therein not to interfere with the business activity of the petitioner therein. It is also brought to the notice of this Court that the orders passed in W.P.No.27884, 27898 and 27917 of 2022 vide Common Order dated 06.09.2022 attained finality. Therefore, relying on the aforesaid orders, this Court inclined to follow the same dictum in the present Writ Petition too. Accordingly, petitioner, who is similarly placed, is also entitled to the same relief in the instant Writ Petition as well.

13. As such, in view of the said clear legal position, when the licences, which were granted to the petitioner, are deemed to be in force, the respondents are not justified in interfering with the business activities of the petitioner in manufacturing the fireworks.

14. Consequently, the Writ Petition is allowed, directing the respondent-officials and personnel not to interfere with the business activities of the petitioner in manufacturing fireworks during the pendency of petitioner's application for renewal of licences. However, the petitioner shall comply with the other requirements contemplated under law. It is made clear that respondent authorities are at liberty to issue prior notice and take appropriate steps in accordance with the law, in the event of any violation of statutory provisions as well Rules in vogue. No order as to costs.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 05.11.2026 RMR

190

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION No: 32301 of 2026

Date: 05.11.2026

RMR