HC-KAR

NC: 2026:KHC:64046
WP No. 19327 of 2024

CNR: KAHC010415212024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO.19327 OF 2024 (GM-RES)

BETWEEN:

1. M/S B. GANAPATHI BHANDARKAR
AND SONS
A PARTNERSHIP FIRM
REGISTERED UNDER INDIAN
PARTNERSHIP ACT, 1932
OFFICE AT NO.598, AVENUE ROAD
BANGALORE-560 002
REPRESENTED BY ITS PARTNER
MR. DAMODAR BHANDARKAR B
S/O GANAPATHI BHANDARKAR

2. M/S. K.C. SADASHIVAIAH AND SONS
A PARTNERSHIP FIRM
REGISTERED UNDER INDIAN
PARTNERSHIP ACT, 1932
OFFICE AT NO.9/4, MAMULPET
BANGALORE-560 053
REPRESENTED BY ITS PARTNER
MR. SUPRIT K.S
S/O K.S UDAYA SHANKAR

3. K.S. MUTHURANJAN
S/O SRI. K.M. SANGANA NADAR
AGED ABOUT 58 YEARS
NO.170/6, OLD TARAGUPET

Digitally signed by
PAVITHRA B
Location: HIGH
COURT OF
KARNATAKA

SULTHANPET, BANGALORE URBAN
BANGALORE-560 053

…PETITIONERS

(BY SRI. S. CHANDRASHEKAR AND
SMT. MEGHANA BALLAL FOR
SRI. VIVEK HOLLA, ADVOCATES)

AND:

1. THE COMMISSIONER OF POLICE
HAVING OFFICE AT ALI ASKAR ROAD
VASANTH NAGAR
BENGALURU-560 051

2. THE CHIEF CONTROLLER OF EXPLOSIVES
PETROLEUM AND EXPLOSIVES SAFETY
ORGANIZATION, 2ND FLOOR
CITY CENTRE, OPPOSITE TO HOTEL ROOPA
BALMATTA ROAD, MANGALORE-575 001
REP. BY ITS CHIEF FIRE SERVICE OFFICER

…RESPONDENTS

(BY SRI. BHANU PRAKASH V G, AAG FOR R1;
SRI. B VACHAN, CGSC FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER BEARING COPBCP/MAG/ MAG(CRK)/5/2023 DATED 04.06.2024 (ANNEXURE-W) PASSED BY R1 AND QUASH THE ENDORSEMENT NO. E2(5)GENL/VOL.II (E19785) (E20180) AND (E38153) DATED 13.06.2024 ISSUED BY R2 (ANNEXURE-X).

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

The petitioners are before this Court challenging the order dated 04.06.2024 at Annexure-W passed by the respondent No. 1- The Commissioner of Police, Bangalore City, and the consequential endorsement dated 13.06.2024 issued by respondent No.2-Chief Controller of Explosives, Mangalore at Annexure-X. By the aforesaid order, the 1st respondent has cancelled the NOC issued under the Explosives Rules 2008, for grant of explosive license for sale of firecrackers in favour of the petitioners.

2. Following the order passed by the 1st respondent, the 2nd Respondent has also cancelled the explosive license on the ground that the licensed premises are located at densely populated residential and commercial hub, and there is lack of sufficient roads available for the movement of fire engines in case of an unforeseen circumstances of fire accidents.

3. This writ petition was heard on 30.10.2026, and this Court was not inclined to accept the contentions canvassed on behalf of the petitioners and grant the relief sought. It is at that stage, the learned counsel for the petitioners has submitted that the petitioners may be permitted to carry on the business of sale of firecrackers during the current festival season and immediately, thereafter, they would stop the business activities in the premises for which the licenses were granted.

4. On 04.11.2026, the petitioners filed affidavits undertaking that they would stop their business of sale of firecrackers in the premises, for which, the licences are granted in their favour with effect from 12.11.2026.

5. Taking note of the said undertaking, this Court passed the following order on 04.11.2026:

> *"The learned counsel appearing for the petitioners has filed three separate affidavits of all the writ petitioners. The contents of all the three affidavits are identical and the relevant paragraphs of the said affidavits is extracted herein below:*

"4. In view of the aforesaid exceptional circumstances and the substantial stock of firecrackers already procured and stored at the licensed godown for the ensuing festival season. I hereby undertake that the Petitioner shall confine the retail sale of firecrackers at the existing business premises strictly till the disposal of the aforesaid stock and, in any event, upto 12 November 2026.

5. I respectfully clarify that the present undertaking is confined exclusively to the existing business premises identified in this affidavit and to the limited period and activities expressly stated herein. Nothing contained herein shall be construed as a waiver, abandonment or relinquishment of the Petitioner's right to apply for a either a fresh license, NOC or other requisite permission to carry on the business of firecrackers at any other premises or location in the future.

6. I accordingly undertake that any future application made by the Petitioner for the grant, renewal or transfer, as applicable, of a license or NOC in respect of any other premises or location shall be considered by the competent authority independently, on its own merits and in accordance with the applicable law, rules and prescribed procedure. The present undertaking shall not, by itself, be treated as a bar to the filing or consideration of any such application, nor shall it be construed as conferring any automatic entitlement to the grant of such license or permission.

7. I hereby undertake that during such period of sale, I shall be solely responsible for any untoward incident, accident, fire hazard, injury, loss or damage to life or property arising out of or in connection with the conduct of my business."

The sum and substance of the undertaking given by the petitioners in the

affidavits is that they would carry on the business of sale of fire crackers in the respective premises up to 12.11.2026 and they would abandon the business of sale of fire crackers from 13.11.2026 onwards in the respective premises, which are the subject matter of the present writ petition.

Subject to further orders in the writ petition, so also on the affidavits filed by the petitioners, the petitioners are permitted to carry on the business of sale of fire crackers till 12.11.2026. However, it is made clear that from this day till 12.11.2026, if any untoward incidents, accidents, fire hazard, injury, loss or damage to life or property occurs, it is the sole responsibility of the respective petitioners as undertaken in paragraph No.7 of the affidavits.

Placing the affidavits and the submissions of the learned counsel for the petitioners and permitting the petitioners to carry on the business of sale of fire crackers till 12.11.2026, hearing of the petition is adjourned to ***18.11.2026****.*

It is needless to observe that till 12.11.2026, there shall be no interference by the respondent -Authorities for the petitioners carrying on the business as detailed above with strict adherence to the undertaken given in paragraph No.7 of the affidavits filed by the petitioners."

6. Today the learned Additional Advocate General appearing for the respondent-State has filed a memo dated 18.11.2026 enclosing therewith the report of the

jurisdictional Police Officer, whereby it is confirmed that with effect from 12.11.2026, the petitioners are not carrying on any business of sale of the firecrackers in the respective premises.

7. Taking note of the undertaking given by the petitioners in the affidavit referred to supra and the report, which is placed on record by the learned Additional Advocate General, no further orders are required on the merits of the writ petition.

8. At this stage, learned counsel appearing for the petitioners submits that taking note of the fact that the petitioners are carrying on the business of sale of firecrackers since 1967, without any violation of licence conditions and without there being any complaints whatsoever, there being no fire accidents or mishaps, if the petitioners applies for grant of temporary licence during the festival season, the Authorities may be directed to consider the said request on preferential basis.

9. It is needless to observe that, if the petitioners were to make applications in consonance with the statutory regulations and complies with the statutory requirements, there is no reason to believe that the respondents would not consider the request of the petitioners taking note of their past conduct in the business in question in accordance with law.

With the above observations, the writ petition is ***disposed of.***

Sd/-
(T.P.VIVEKANANDA)
JUDGE

PB
List No.: 1 Sl No.: 51