

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**PUBLIC INTEREST LITIGATION ST.NO.37243 of 2018**

Amol Ratan Balwadkar .. Petitioner  
Versus  
The State of Maharashtra,  
Mantralaya and ors .. Respondents

...

Mr.Anurag Jain with Sonal Chandak for the petitioner.  
Mr.Shardul Singh with Jatin Pore and Ankita Agrawal i/b DSK  
Legal for respondent no.8.  
Mr.P.G. Sawant, AGP for the State.

**CORAM: SMT. BHARATI H.DANGRE, JJ.**  
(Vacation Court)

**DATED : 28<sup>th</sup> DECEMBER, 2018**

**P.C:-**

1 The present Public Interest Litigation seek direction to the respondents to ensure that there is no air and noise pollution in the event known as 'Sun Burn music festival' to be held between 29<sup>th</sup> December 2018 to 31<sup>st</sup> December 2018. The said proceedings are instituted on 24<sup>th</sup> December 2018 and this PIL was partly heard on 26<sup>th</sup> December 2018. On the said date

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of hearing, the respondent no.8 has tendered an affidavit in reply and today, the learned counsel for the petitioner has placed on record a rejoinder in response to the said affidavit.

The said affidavit which is placed by respondent no.8 on record deals with the oral contention advanced on behalf of the learned counsel for the petitioner that the venue is located near a residential area and it is stated that the venue is not located in residential zone and it is approximately at a distance of 10 kms from the city and the closest residential area is beyond 2.5 kms. The statement of the learned counsel for the petitioner that educational institutions are located in the said area is also disputed and it is argued that no data to that effect has been pleaded in the petition. Further, the locus of the petitioner is also questioned on the ground that he is located at a distance of 13 kms from the venue.

2            Learned counsel for the respondent has made a categorical statement that they have applied for all the necessary requisite permissions from the competent authorities and it is expected that the competent authorities after verifying

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the rules and regulations, and in particular, the Noise pollution (Regulation and Control) Rules of 2000 as amended in 2017 would confer such permissions. The authorities granting the permission would also ensure that the directives issued by this Court and also the Hon'ble Apex Court from time to time pertaining to the decibel limits and also the display of crackers would be accordingly considered in light of the specific existing Rules and Regulations.

Learned counsel for respondent no.8 makes a categorical statement that only on availing the necessary permissions from the competent authority that the event will be organized.

List the matter on 14<sup>th</sup> January 2019.

**(SMT. BHARATI H. DANGRE, J.)**

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