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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-16742-2025 (O&M)

Date of Decision : 13.08.2026

Crop Care Federation of India

... Petitioner(s)

Versus

State of Punjab & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**HON'BLE MS. JUSTICE NEERJA K. KALSON**

Present: Mr. D.S. Patwalia, Senior Advocate with
Mr. Ashish Kothari, Mr. Pradeep Sharma, Ms. Jasneet Kaur and
Mr. Rishu Bajaj, Advocates for the petitioner.

Mr. Rahul Rampal, Addl. AG Punjab for respondent No.1.

Mr. Ashish Rawal, Senior Panel Counsel
for respondent No.2-UOI.

Mr. Ankit Virmani, Advocate and
Mr. Rohit Sud, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. On 30.07.2025 the following order was passed :

*“1. The following order was passed in the matter on
25.07.2025:-*

*1. Prayer for interim relief in the instant petition is based
on the ground that the State of Punjab, since the year
2018, has been issuing a similar notification, as is
impugned in the instant petition, wherein, the sale of
insecticides for a period of 60 days, has been forbidden.*

*2. Section 27 of the Insecticides Act, 1968, contemplates
that the Central Govt. or the State Govt., for the reasons
to be recorded in writing may prohibit a specific*

insecticide for a period of 60 days. A final decision upon the report of the State, is required to be taken by the Central Govt. This is so, as the registration of insecticides is by the Central Govt., and can be cancelled only by the Central Govt. It appears that the system of prohibition of sale of insecticides is continuing since the year 2018. No decision in this regard has been taken by the Central Govt., till date.

3. The attention of this Court, has been invited to an order dated 12.07.2024, passed by a Coordinate Bench of this Court, in CWP-13793-2024, wherein, the following observations were made :-

“Thus, it is the stand of the State that the use of such insecticides leads to large scale rejection of the basmati rice, which is exported to the European Union. It is in such circumstances, we have to get into the pros and cons and the balance of convenience between the right of the manufacturer and the adverse effect on the environment and the human bodies and animals as provided under Section 27 of the Act itself which talks about risk to the life of human beings and the animals. Apart from that, the economic and financial impact of the basmati rice traders who export the same, and on account of its rejection by the countries on large scale basis, which is another aspect. Thus, we are of the firm opinion that the balance of convenience and the loss which is stated to be irreparable does not lie in favour of the petitioners, rather the irreparable loss caused to the environment cannot be compensated in any manner keeping in mind the fact that usage of such pesticides would be permitted by staying the notification in question. In such circumstances, we do not deem it fit to stay

operation of the notification since the counsel for the permitted by staying the notification in question. In such circumstances, we do Union of India has stated that processing of the report as such, which has been received, would take some time and the period of two months of ban is likely to expire by then. Accordingly, we decline interim relief to the petitioners.

Let Union of India take a final call on the report, which it has received from the State of Punjab at the earliest so that the said exercise be taken to its logical end and not left midway so that the petitioners would not be put to the same loss for the coming year. Accordingly, stay of notification dated 15.01.2024 is declined and hearing is deferred to 13.11.2024.”

4. More than a year has elapsed since the aforesaid order has been passed. However, till date, no decision has been taken by the Central Government. Learned senior panel counsel representing the respondent-Union of India, submits that complete records were not sent by the State of Punjab. Learned counsel for the State, however, takes a stand contrary to it.

5. From the materials placed on record, it transpires that the authorities are shifting responsibility of taking appropriate action in the matter. The prohibition of insecticides for a period of 60 days, is in aid of a final determination. The proviso (supra), permits the extension of such notification by further period of 30 days. As against the permissible period of 90 days, the notification has continued, for over six years, which is not desirable.

6. In the facts of the case, this Court deem it appropriate to call upon the counsel representing the Union of India, as well as, the State of Punjab, to take apt action in this

regard, and apprise this Court, on the next date of hearing, as to whether, any action is proposed to be taken by the competent authorities, in the instant matter. This is so, as any use of insecticide, which is otherwise hazardous, may be to the prejudice of overwhelming public interest.

7. This Court is also informed that the insecticides, as pointed out by the State of Punjab, are otherwise available for sale throughout the country, except the State of Punjab, and therefore, the apprehension expressed by the State of Punjab, that it is injurious to human being and animal health, is misplaced.

8. List this matter on 30.07.2025.

9. To be shown immediately after the urgent list.

10. It is made clear that on the next date of hearing, no request for an adjournment on behalf of either of the parties concerned, shall be entertained.

2. When the matter is take up today, learned counsel for the State of Punjab has placed before us a list of dates, according to which in the year 2018 and 2019, no formal notification had been issued in respect of the insecticides in question and only the farmers were educated not to purchase and utilise such insecticides. The first notification of an emergent nature prohibiting sale of insecticides for 60 days was issued in the year 2020. With the exception of 2021, on account of Covid pendamic, in all subsequent years similar notifications have been issued. What is pressed by the State of Punjab is that in the earlier round of litigation no interim orders were passed.

3. The Court is also informed that a report of Punjab Agricultural University was received on 24.01.2024, which has been forwarded to the Central Government on 12.03.2024. According to the State of Punjab certain additional data as was desired, was also sent from time to time.

4. Learned senior counsel for the petitioner in response to the above, contends that except the State of Punjab in all other States

of the India there is no ban on the insecticides nor any incident of any loss of life of cattle or human, has been reported. It is also urged that report of the Punjab Agricultural University also does not hold the insecticides to be toxic rather, it is found to be used in excess by the farmers. Such excess use is also found in 2 out of 200 samples. It is therefore submitted that the issuance of impugned notification has become a matter of routine without any justifiable reason and the State is indulging in abuse of its powers.

5. Learned counsel for the respondent no.2-UOI has also obtained instructions from the Secretary, Central Insecticides Board and Registration Committee. Contents of the instructions contained in para 2 are reproduced herein:-

“In continuation with the trail mail it is clarified that the RC has taken the decision in its 465th meeting held on 10.7.2025 at Agenda item no 10.31 (Approved Minutes uploaded on 28.7.2025) and the RC shall communicate the same to the Central Government for a final view in the matter as directed by this Hon'ble Court vide Order 12.7.2024. The pesticides in question are already evaluated by the RC in terms of its safety and efficacy and valid registration certificate have been granted to the applicants for the pesticides in question. Based on the Report/documents provided by the Government of Punjab the RC at this stage could not found any safety concern for recommending the ban of the said pesticides to the Central Government which shall take an appropriate decision in terms of Section 27 (2) of the Insecticides Act, 1968. As and when the Central Government shall take a final view the same shall be communicated at the earliest.

Learned ASG is humbly requested to kindly appear on behalf of Uoi tomorrow i.e. 30.7.2025 to protect the interest of the Government.”

6. Though the matter has been referred to the Central

Government and a final decision is awaited, but the expert body of the Central Government, as of now, has found no concern of safety for recommending the ban of sale of insecticides.

7. Considering the fact that except the State of Punjab, no other State has issued a similar notification and the expert body of the Central Government has, otherwise, not found any substance in the report submitted by the State of Punjab, we are inclined to examine the grievance of the petitioner in the present petition, as per which the exercise of power by the State of Punjab, is arbitrary.

8. It is also urged that the State action suffers from colorable exercise of powers, inasmuch as, none of the ingredients to exercise powers of emergent nature is made out.

9. In view of the above, operation of the impugned notification dated 10.05.2025 is stayed, till further orders.

10. Adjourned to 17.09.2025.”

2. Short reply dated 20.08.2025 has been filed on behalf of respondent No.2-Union of India wherein the following stand has been taken :

“13. That it is humbly submitted that upon receipt of aforesaid recommendation(s) along with relevant documents, the decision would be taken thereon by the answering respondent expeditiously.

14. That in view of submissions made above, it is humbly submitted that based on the report/documents provided by the respondent-State of Punjab the Registration Committee (RC), at this stage, did not find any safety concern for recommending ban of the pesticides to the answering respondent as envisaged in Section 27(2) of the Insecticides Act, 1968.

15. That further, it is humbly submitted that there is no merit in the writ petition qua the answering respondent especially when impugned notification dated May 10, 2025 has not been issued by the answering respondent.

The petition thus deserves to be dismissed qua answering respondent”

3. In view of the stand taken by respondent No.2-UOI, the learned counsel for respondent No.1-State of Punjab, on instructions from Mr. Harpreet Singh, Agriculture Development Officer, submits that the State of Punjab does not intend to issue any fresh notification as of now and in future in case any fresh material is found for invoking Section 27 of the Insecticides Act, 1968, the same would be done in accordance with law.

4. In view of the above, the learned senior counsel for the petitioner states that nothing survives in the present writ petition.

5. Accordingly, the present writ petition is disposed off as having been rendered infructuous. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

13.08.2026
Yogesh Sharma

(NEERJA K. KALSON)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO