

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT:
THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE
THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

WA.No. 767 of 2015 () IN WP(C).14962/2014

AGAINST THE ORDER/JUDGMENT IN WP(C) 14962/2014 of HIGH COURT OF
KERALA DATED 23-01-2015

APPELLANT(S)/PETITIONER:

K.V.BIJU AGED 41 YEARS
S/O.KARUKAMPALLY VIJAYAN, KARUKAMPALLY HOUSE
CHERUPU P.O., THRISSUR DISTRICT - 680 561.

BY ADVS.SRI.P.B.KRISHNAN
SRI.N.AJITH
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE

RESPONDENT(S)/RESPONDENTS:

1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
MINISTRY OF AGRICULTURE
DEPARTMENT OF AGRICULTURE AND CO-OPERATION
CENTRAL SECRETARIAT, NEW DELHI, PIN - 110 001.

2. THE HOINT SECRETARY (PP)
APPELLATE & REVISIONAL AUTHORITY TO CIB & RC
MINISTRY OF AGRICULTURE, KRISHI BHAVAN
DR.RAJENDRA PRASAD ROAD, NEW DELHI - 110 001.

3. THE REGISTRATION COMMITTEE
CENTRAL INSECTICIDES BOARD
DIRECTORATE OF PLANT PROTECTION
QUARANTINE & STORAGE (PPQ & S), N.H.IV, FARIDABAD
HARYANA - 121 001, REPRESENTED BY ITS SECRETARY.

4. M/S.SUMITOMO CHEMICALS INDIA PVT LTD.
UNIT NO. 703 & 704, 7TH FLOOR
AGGARWAL CORPORATE TOWERS, PLOT NO. 23
DISTRICT CENTRE, RAJENDRA PLACE, NEW DELHI - 110 008.

5. INDIAN COUNCIL OF MEDICAL RESEARCH
P.O.BOX NO. 4911, ANSARI NAGAR
NEW DELHI - 110 029 REPRESENTED BY ITS DIRECTOR GENERAL.

R1-R3 BY ADV. SRI.TULASI PANICKER, CGC
R4 BY SRI.RAJESH AGGARWAL (Sr.)
R4 BY SMT.MRITHUL AGARWAL
BY SRI.MADHU N.NAMBOOTHIRIPAD
R5 BY SRI.SUNIL JACOB JOSE

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 28-05-2015,
ALONG WITH WA. 769/2015, THE COURT ON 11.6.2015 DELIVERED THE
FOLLOWING:

“C.R.”

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

W.P(C).No. 767 AND 769 of 2015

Dated this the 11th June, 2015

JUDGMENT

Ashok Bhushan, CJ.

These two Writ Appeals have been filed against the common judgment dated 23.1.2015 passed by a learned Single Judge in W.P(C).Nos.14962 of 2014 and 28454 of 2013. The appellant shall hereinafter be referred to as 'writ petitioner'. The fourth respondent shall hereinafter be referred to as 'the Company'. The brief facts giving rise to the Writ Appeals are as follows:

2. The fourth respondent Company has submitted an application before the Registration Committee (hereinafter referred to as “the Committee”), the third respondent for registration of indigenous manufacture of insecticides under Section 9 of the Insecticides Act, 1968

(hereinafter referred to as 'the Act'). The application came up for consideration in the 303rd meeting of the Committee dated 5.8.2009 in which meeting the Committee deliberated the application of the Company and desired that Secretary may re-visit the comments submitted by Experts. The Committee had submitted an application for grant of registration for import of metofluthrin. In the 305th meeting dated 20.10.2009 the Committee refused to approve due to its high vapour pressure and country being a tropical country and the product is carcinogenic to human being". In response to the above decision, the Company submitted representation clarifying all the concerned issues and requested for an opportunity to present their case in the Committee to address all concerned issues. The Committee agreed to give an opportunity to the Company to make representation before it. The Committee made its presentation in the meeting of the Committee dated 30.4.2010 which presentation was followed by a

discussion, wherein the Company was advised to submit relevant documents/studies/data pertaining to vapour pressure and carcinogenicity, which were referred to by the representative during the presentation. The Company submitted relevant documents and studies before the Committee. The Committee had also made a reference to ICMR, Delhi for review, which advised a study for inhalation toxicity for whole body exposure on rabbit and rat for 90 days. The Company got the study done on rabbit at IIBAT, Padappai, Tamil Nadu for 90 days and also submitted the studies. The Committee reviewed the whole case and they decided to approve registration in its 330th meeting dated 16.07.2012 with the condition that data on post-marketing surveillance for health monitoring on exposure of inhabitants of 100 houses in each region shall be conducted by the applicant for a period of one year and submit to the Registration committee within three years from the date of issue of certificate of registration. The petitioner, who claims to be an activist

involved in the 'swadeshi' movement, filed an appeal under Section 10 of the Act before the Appellate Authority. The Appellate Authority held that although appeal was not maintainable under Section 10, the appeal can be treated as revision. The appeal was treated as revision and after hearing the Company, order dated 18.10.2013 was issued by the revisional authority striking down the decision of the Committee dated 16.7.2012 approving the registration. The revisional authority, however, gave liberty to the Committee to reconsider the representation of the Company subject to the condition that the opinion of ICMR on toxicity of the chemical and its formulations shall be taken and duly considered in the Registration Committee before final decision on registration is taken. The Company gave a representation dated 25.10.2013 requiring the Committee to reconsider as per liberty granted by the revisional authority. The petitioner filed W.P(C).No.28454 of 2013 praying for setting aside the part of the order dated 18.10.2013 by which the liberty

was granted to the Committee to reconsider the issue. The Committee referred the matter of the Company to the ICMR as per the observation made by the revisional authority in the order dated 18.10.2013. The ICMR sent a letter dated 21.4.2014 to the Committee. The Committee in its 348th meeting dated 27.5.2014 granted registration as prayed for by the Company. Against the decision dated 27.5.2014, the petitioner filed Appeal No.5/2014 on 31.5.2014. W.P(C).No.14962 of 2014 has been filed by the petitioner praying for a direction to the Appellate Authority to consider and pass orders on Exhibit P8 appeal/revision filed by the petitioner. Both the above Writ Petitions, i.e., W.P(C).Nos.28454 of 2013 and 14962 of 2014 were heard by the learned Single Judge and the learned Single Judge dismissed W.P(C).No.28454 of 2013, whereas W.P(C).No.14962 of 2014 has been disposed of directing the Appellate Authority to dispose of Exhibit P8 appeal within four months after hearing the petitioner and the Company. Aggrieved by the above judgment, both

these appeals have been filed.

3. Learned counsel for the appellant Sri.P.B.Krishnan, in support of the appeal, made the following submissions: The revisional authority committed an error by granting liberty to the Registration Committee to reconsider its earlier decision taken in the 305th meeting while passing the order dated 18.10.2013. It is submitted that the decision taken by the Registration Committee in its 305th meeting rejecting the application of the Company was a quasi-judicial decision and the Registration Committee has no jurisdiction to review the said decision. It is submitted that the Committee, while deciding the application under Section 9 of the Act for registration, has to decide the application after conducting an enquiry which makes the function of the Committee a quasi judicial function. The Committee has not been empowered under the Act or Rules any jurisdiction to review its decision. A quasi judicial authority unless specifically empowered under the Statute has no jurisdiction to review its decision. Once the

application for registration submitted by the Company is rejected, the revisional authority had no jurisdiction to permit the Committee to reconsider, since no such power is vested in the Committee. The decision of the Committee dated 16.7.2012 approving registration was illegal and has rightly been set aside by the revisional authority on 18.10.2013, but while deciding the said decision, liberty has been wrongly granted by the revisional authority, which being against the statute was wholly uncalled for. Learned counsel for the appellant submitted that although against the subsequent decision of the Committee dated 27.5.2014 granting registration the petitioner filed appeal before the Appellate Authority, which is being heard, the learned Single Judge in the impugned judgment confined the scope of hearing of the appeal only on the merits of the decision and denied the petitioner the right to challenge the procedure adopted by the Committee, which is uncalled for and an undue limitation on the statutory right of the petitioner, which

deserves to be set aside.

4. The submissions of learned counsel for the petitioner have been opposed by the learned counsel appearing for the respondents. Senior Advocate Sri.Rajesh Agarwal assisted by Advocate Smt.Mridhul Agarwal and Advocate Sri.Madhu N.Namboothiripad, refuting the submissions made by learned counsel for the appellant, contended that the decision of the Committee regarding registration/non registration under Section 9 of the Act is an administrative decision and the Committee is fully competent to review its decision for appropriate reasons. It is submitted that reconsideration of the decision was sought for by the Company on fresh studies and material including the reports and studies of 2007, which were not before the Committee when the earlier decision was taken in the 305th meeting. It is submitted that the petitioner has no locus standi to challenge the registration. The petitioner is not an aggrieved person. It is submitted that the liberty granted by the revisional authority in its order

dated 18.10.2013 was in accordance with law. The revisional authority under Section 11 of the Act has ample jurisdiction to pass any order and the reconsideration by the Committee pursuant to the order of the revisional authority is fully in accordance with law. It is submitted that in so far as W.P(C).No.14962 of 2014, the only relief prayed for by the petitioner was to direct the Appellate Authority to decide the appeal which relief has already been granted to the petitioner by the learned Single Judge.

5. Advocate Smt.Thulasi Panicker and Advocate Sri.V.S.Anil Kumar had appeared on behalf of respondents 1 and 2. Refuting the submissions of learned counsel for the appellant it is contended that the Committee is fully empowered to reconsider its decision and the subsequent decision dated 27.5.2014 is based on consideration of all relevant materials in which there is no error. It is submitted that reference was made to the Indian Council of Medical Research and after receiving the reply of the

ICMR the Committee proceeded to examine the matter.

6. Advocate Sri.Sunil Jacob appearing for the fifth respondent submitted that ICMR, in response to the letter of the Committee, has already sent its report informing that there are no facilities for study on toxicity on the whole body.

7. Learned counsel for the parties have also relied on various judgments of the Apex Court as well as this Court, which shall be referred to while considering the submissions in detail.

8. We heard learned counsel for the parties and perused the records.

9. From the submissions made by learned counsel for the parties and the pleadings on record, following are the issues which arise for consideration in these Writ Appeals:

I. Whether the function of registration of an insecticide by the Registration Committee under Section 9 of the Act

is an administrative function or quasi judicial function?

II. Once the Registration Committee refuses to register an insecticide on an application submitted by a person, whether the Registration Committee has any jurisdiction to reconsider and review its decision?

III. Whether the revisional authority while passing the order dated 18.10.2013 in revision under Section 11 of the Act had jurisdiction to grant liberty to the Registration Committee to reconsider its earlier decision taken in the 305th meeting?

IV. Whether in the appeal filed by the petitioner being Appeal.No.5/2014 the petitioner can be precluded by the learned Single Judge from questioning

**any procedure adopted by the
Registration Committee for reviewing
its decision?**

10. The first three questions, being interconnected, are being taken together. Before we proceed to examine the above issues, it is necessary to refer to the relevant statutory provisions governing the field. The Insecticides Act, 1968 has been enacted to regulate the import manufacture, sale, transport, distribution and use of insecticides with a view to prevent risk to human beings or animals, and for matters connected therewith. The word 'insecticide' is defined under Section 3(e) of the Act, which is to the following effect:

“3(e) 'Insecticide' means-

- (i) any substance specified in the Schedule; or*
- ii) such other substances (including fungicides and weedicides) as the Central Government may, after consultation with the Board, by notification in the Official Gazette, include in the Schdule from time to time; or*
- (iii) any preparation containing any one or*

more of such substances;"

11. Section 4 of the Act empowers the Central Government to constitute a Board, namely, Central Insecticides Board. Section 5 empowers the Central Government to constitute a Registration Committee. Section 5 of the Act is as follows:

"5. Registration Committee.- (1) *The Central Government shall constitute a Registration committee consisting of a Chairman, and not more than five persons who shall be members of the Board (including the Drugs Controller, India and the Plant Protection Adviser to the Government of India)-*

(i) to register insecticides after scrutinising their formulae and verifying claims made by the importer or the manufacturer, as the case may be, as regards their efficacy and safety to human beings and animals, and

(ii) to perform such other functions as are assigned to it by or under this Act.

(2) Where the Chairman is not a member of the Board, his term of office and other conditions of service shall be such as may be determined by the Central Government.

(3) Subject to the provisions of sub-section (2), a

member of the Registration Committee shall hold office for so long as he is a member of the Board.

(4) The Committee may also co-opt such number of experts and for such purpose or period as it may deem fit, but any expert so co-opted shall have no right to vote.

(5) The Registration Committee shall regulate its own procedure and the conduct of business to be transacted by it."

12. Section 9 of the Act, which provides for registration for insecticides, is follows:

*"9. **Registration of insecticides.**- (1) Any person desiring to import or manufacture any insecticide may apply to the Registration Committee for the registration of such insecticide and there shall be separate application for each such insecticide.*

Provided that any person engaged in the business of import or manufacture of any insecticide immediately before the commencement of this section shall make an application to the Registration Committee within a period of seventeen months from the date of such commencement for the registration of any insecticide which he has been importing or manufacturing before that date:

Provided further that where any person referred to in the preceding proviso fails to make an application under the proviso within the period

specified therein, he may make such application at any time thereafter on payment of a penalty of one hundred rupees for every month or part thereof after the expiry of such period for the registration of each such insecticide.

(2) Every application under sub-section (1) shall be made in such form and contain such particulars as may be prescribed.

(3) On receipt of any such application for the registration of an insecticide, the Committee may, after such enquiry as it deems fit and after satisfying itself that the insecticide to which the application relates conforms to the claims made by the importer or by the manufacturer, as the case may be, as regards the efficacy of the insecticide and its safety to human beings and animals, register, on such conditions as may be specified by it and on payment of such fee as may be prescribed, the insecticide, allot a registration number thereto and issue a certificate of registration in token thereof within a period of twelve months from the date of receipt of the application:

Provided that the Committee may, if it is unable within the said period to arrive at a decision on the basis of the materials placed before it, extend the period by a further period not exceeding six months:

Provided further that if the Committee is of opinion that the precautions claimed by the applicant as being sufficient to ensure safety to human beings or animals are not such as can be easily observed or that notwithstanding the observance of such precautions the use of the insecticide involves serious risk to human beings or animals, it may refuse to register the insecticide."

13. Section 10 of the Act provides for appeal against non-registration or cancellation. Section 11 confer on the Central Government the power of revision. Section 11 of the Act is as follows:

"11. Power of revision of Central Government.- *The Central Government may, at any time, call for the record relating to any case in which the Registration Committee has given a decision under section 9 for the purpose of satisfying itself as to the legality or propriety of any such decision and may pass any such order in relation thereto as it thinks fit:*

Provided that no such order shall be passed after the expiry of one year from the date of the decision:

Provided further that the Central Government shall not pass any order prejudicial to any person

unless that person has had a reasonable opportunity of showing cause against the proposed order.”

14. The Rules have been framed, namely, the Insecticides Rules, 1971 in exercise of power under Section 36 of the Act. Rule 6 provides for manner of Registration.

15. As noted above, the main thrust of the submissions of learned counsel for the appellant is with regard to the nature of functions of the Registration Committee which it performs while considering the application for registration. The submission is that the function being a quasi-judicial an application once rejected cannot be reconsidered on the premise that the Act and the Rules do not empower the Registration Committee to review its decision being a quasi-judicial decision. It is further submitted that it is clear that in the event the function of the Committee is found to be only administrative function, there is no inhibition against the Registration Committee to reconsider/review its decision.

16. Both the parties have made rival submissions on the issue.

17. Before we embark upon the above enquiry it is relevant to refer to a note of caution issued by Prof.H.W.R.Wade in “Administrative” Law (by Sir William Wade) Ninth Edition in the following words:

“Administrative law needs consistent working definitions of the three primary constitutional functions, legislative administrative and judicial; and also of the hybrid 'quasi-judicial' function which has a part of its own to play. But the reader must be warned that the courts themselves are addicted to distinctions which are more superficial and more confusing than those discussed here, and which by no means always help to clarity. Nor is it very profitable to take concepts out of their particular contexts and analyse them in the abstract.”

(underlined by us)

18. Prof.Wade, after giving the above caution, proceeded to note the distinction between the different functions. It is useful to quote the following words of Prof.Wade:

“The one distinction which would seem to be

workable is that between judicial and administrative functions. A judicial decision is made according to rules. An administrative decision is made according to administrative policy. A judge attempts to find what is the correct solution according to legal rules and principles. An administrator attempts to find what is the most expedient and desirable solution in the public interest. It is true, of course, that many decisions of the courts can be said to be made on grounds of legal policy and that the courts sometimes have to choose between alternative solutions with little else than the public interest to guide them. There will always be grey areas. Nevertheless the mental exercises of judge and administrator are fundamentally different. The judge's approach is objective, guided by his idea of the law. The administrator's approach is empirical, guided by expediency. Under this analysis, based on the nature of the functions, many so-called administrative tribunals, such as social security and employment tribunals, have judicial rather than administrative functions, since their sole task is to find facts and apply law objectively. Yet in the case of a local valuation court, whose task is similar, the House of Lords has held exactly the opposite.

A quasi-judicial function is an administrative function which the law requires to be exercised in some respects as if it were judicial. A typical example is a minister deciding whether or not to confirm a compulsory

purchase order or to allow a planning appeal after a public inquiry. The decision itself is administrative, dictated by policy and expediency. But the procedure is subject to the principles of natural justice, which required the minister to act fairly towards the objectors and not (for example) to take fresh evidence without disclosing it to them. A quasi-judicial decision is therefore an administrative decision which is subject to some measure of judicial procedure. since nowadays the great majority of administrative decisions which affect the rights or legal position of individuals are subject to the principles of natural justice in any case, the term quasi-judicial is now little used."

19. De Smith's Judicial Review, Sixth Edition also defines classification of functions. While explaining the quasi judicial function the following has been stated in paragraph B-014 of Appendix B:

"Quasi-judicial"

B-014 In administrative law this term may have any one of three meanings. It may describe a function that is partly judicial and partly administrative, e.g. the making of a compulsory purchase order (a discretionary or administrative act) preceded by the holding of a judicial-type local inquiry and the consideration of objections. It may,

alternatively, describe the “judicial” element in a composite function; holding an inquiry and considering objections in respect of a compulsory purchase order are thus “quasi-judicial” acts. Or it may describe the nature of a discretionary act itself where the actor's discretion is not unfettered Seldom is it essential to use this ambiguous term, and it will be avoided here as far as possible.”

20. De Smith has further defined the word “Judicial” identifying judicial decision in paragraph B-015 as follows:

“Judicial

B-015 A judicial decision made within jurisdiction is binding and conclusive in so far as it cannot be impeached in collateral proceedings; and it cannot, in general, be rescinded by the tribunal itself.....”

21. However, **De Smith** further says “power to make orders that are binding and conclusive is not, therefore, a decisive factor”.

22. In Principles of Administrative Law by M.P.Jain and S.N.Jain, Sixth Edition again some examples of administrative powers were elaborated in Chapter XV, “Administrative Bodies and Powers”, which is to the

following effect:

“5. Some examples of administrative powers

There exist numerous administrative powers of various types. The range and scope of such powers is vast. These powers range from such simple matters as registration of births and deaths to regulation of a business activity, acquiring property for a public purpose, and detaining a person on the subjective satisfaction of the executive. There exist a miscellany of administrative powers e.g., grant of licences, grant of permissions, registration, inspection, investigation, ordering inquiries, undertaking searches, seeking information, seizing property, even destroying property of an individual without hearing him in the interest of public health, safety and morality. Some idea of the vastness of the range and scope of administrative powers is given below, but this is only illustrative, by no means exhaustive. The catena of administrative powers is too numerous to be fully mentioned here.

In broad terms, administrative powers of the Administration fall into the following categories: (1) Non-statutory powers e.g., evolving and implementing of policies; (2) Statutory powers, e.g., execution of laws; applying vague standards

laid down in statutes or delegated legislation from case to case."

23. The quasi-judicial and administrative function also came up for consideration before the Apex Court as well as this Court in several cases. In ***Province of Bombay v. Khushaldas*** (AIR 1950 SC 222) **Das, J.** had occasion to consider the characteristics of both administrative and quasi-judicial functions. While explaining what is the administrative act, the following was laid down in paragraphs 139, 140 and 141 of the judgment, which read as under:

"139. It is well established that if the Legislature simply confides the power of doing an act to a particular body if in the opinion of that body it is necessary or expedient to do it, then the act is purely an administrative, i. e., an executive act as opposed to a judicial or quasi-judicial act, and, in the absence of proof of bad faith, the Court has no jurisdiction to interfere with it and certainly not by the high prerogative writ of certiorari. Usually this discretion is confided by the use of expressions like "if it appears to," "if in the opinion of" or "if so and so is satisfied." In Mayor etc. of Westminster v. London

and North-Western Railway Co., (1905) A. C. 426: (74 L.J. Ch. 629), Lord Halsbury L.C. observed :

"Assuming the thing done to be within the discretion of the local authority, no Court has power to interfere, with the mode in which it has exercised it. Where the Legislature has confided the power to a particular body, with a discretion how it is to be used, it is beyond the power of any Court to contest that discretion. Of Course, this assumes that the thing done is the thing which the Legislature has authorised."

140. To the like effect are the following observations of Batty J. in Balvant Ramchandra Natu v. Secretary of State, 29 Bom. 480 at p. 503 : (7 Bom L.R. 497) :

"No doubt when a power has been conferred in unambiguous language by Statute, the Courts cannot interfere with its exercise and substitute their own discretion for that of persons or bodies selected by the Legislature for the purpose."

141. Sometimes the Legislature may entrust a power to a specified authority to do an act for a certain purpose. Even in such a case, the Legislature may, nevertheless, by appropriate language, leave not only the determination of the necessity or expediency for doing the act but also the determination of the necessity or expediency for doing the act for that purpose as a composite matter

to the opinion, satisfaction or discretion of that authority. In such a case what is a condition precedent for the doing of the act is not the actual existence of the particular purpose but the opinion of the specified authority that the purpose exists. In other words the authority is also made the sole judge of the existence of the purpose, for otherwise it cannot form its opinion as to the necessity or expediency of doing the act for that purpose."

Similarly, in **Province of Bombay's case (supra)**, **Das J.** laid down what is the "quasi judicial" act in paragraphs 161, 162, 163 and 164 of the judgment, which are TO the following effect:

161. As to what is a quasi-judicial act there have been many judicial pronouncements. May C.J. in Queen v. Dublin Corporation, (1878) 2 L.R. Ir. 371 described a quasi-judicial act as follows :

"In this connection the term judicial does not necessarily mean acts of a Judge or legal tribunal sitting for the determination of matters of law, but for purpose of this question, a judicial act seems to be an act done by competent authority upon consideration of facts and circumstances and imposing liability or affecting the rights. And if there be a body empowered by law to enquire into facts, make estimates to impose a rate on a district, it would seem to me that the acts of such a body involving such consequence would be judicial acts."

162. Lord Atkinson in *Frome United Brsweries v. Bath Justices*, (1926) A.C., 566, approved of this definition as one of the best definitions. The definition that now holds the field is that of Atkin L. J, as he then was, in *Rex v. Electricity Commissioners*, (1924) 1 K.B. 171 : (93 L. J. K. B. 390). It runs as follows :

"Whenever any body of persons having legal authority to determine question affecting the right, of subjects, and having the duty to act judicially act in excess of their legal authority they are subject to the controlling jurisdiction of the King's Bench Division exercised in these writs."

163. This definition was accepted as correct in *Rex v. London County Council*, (1931) 2 K. B. 215 : (100 L.J. K. B. 760) and by many learned Judges in subsequent cases including the latest decision of the Privy Council in *Nakkuda Ali v. M. F. De S. Jayaratne*, 54 C. W. N. 883 (P.C.). In *Banwarilal's case*:, 48 C. W. N. 766 at pp. 779, 801, I had occasion to analyse the essential characteristics of a quasi-judicial act as opposed to an administrative act. I stand by what I said on this point on that occasion. As I pointed out there, the two kinds of acts have many common features. Thus a person entrusted to do an administrative act has often to determine questions of fact to enable him to exercise his power. He has to consider facts and circumstances and to weigh

pros and cons in his mind before he makes up his mind to exercise his power just as a person exercising a judicial or quasi-judicial function has to do. Both have to act in good faith. A good and valid administrative or executive act binds the subject and affects his rights or imposes liability on him just as effectively as a quasi-judicial act does. The exercise of an administrative or executive act may well be and is frequently made dependent by the Legislature upon a condition or contingency which may involve a question of fact, but the question of fulfilment, of which may, nevertheless, be left to the subjective opinion or satisfaction of the executive authority as was done in the several ordinances regulation and enactment considered and construed in the several cases referred to above. The first two items of the definition given by Atkin L.J. may be equally applicable to an administrative act. The real test which distinguishes a quasi-judicial act from an administrative act is the third item in Atkin L.J's definition, namely, the duty to act judicially. As was said by Lord Howart C.J. in R.v. Legislative Committee of the Church Assembly, (1928) 1 K.B. 411 at p. 415: (97 L.J.K.B. 222) :

"In order that a body may satisfy the required test it is not enough that it should have legal authority to determine questions affecting the rights of subjects; there must be superadded to that characteristic the further characteristic

that the body has the duty to act judicially."

164. The above passage was quoted with approval by Lord Radcliffe in delivering the judgment of the Privy Council in *Nakkuda Ali's case*, 54 C. W.N. 883 (P.C.) (*supra*). Therefore, in considering whether a particular statutory authority is a quasi-judicial body or a mere administrative body it has to be ascertained whether the statutory authority has the duty to act judicially. When and under what circumstances then can a statutory body be said to be under a duty to act judicially?"

24. In ***Engineering Mazdoor Sabha v. Hind Cycles Ltd.*** (AIR 1963 SC 874) it was held that where the executive or administrative bodies are not required to act judicially and are competent to deal with issues referred to them administratively, their conclusions cannot be treated as quasi-judicial conclusions. Following was laid down in paragraph 5 of the judgment:

"5. The distinction between purely administrative or executive acts and judicial or quasi-judicial acts has been considered by this Court on several occasions. In the case of Province of Bombay v. Khushaldas S. Advani, 1950 SCR 621: (AIR 1950 SC 222), Mahajan J. observed that the question whether an act is a judicial or a quasi-judicial

one or a purely executive act depends on the terms of the particular rules and the nature, scope and effect of the particular powers in exercise of which the act may be done and would, therefore, depend on the facts and circumstances of each case. Courts of law established by the State decide cases brought before them judiciary and the decisions thus recorded by them fall obviously under the category of judicial decisions. Administrative or executive bodies, on the other hand, are often called upon to reach decisions in several matters in a purely administrative or executive manner and these decisions fall clearly under the category of administrative or executive orders. Even judges have, in certain matters, to act administratively, while administrative or executive authorities may have to act quasi-judicially in dealing with some matters entrusted to their jurisdiction. Where an authority is required to act judicially either by an express provision of the statute under which it acts or by necessary implication of the said statute the decisions of such an authority generally amount to quasi-judicial decisions. Where, however, the executive or administrative bodies are not required to act judicially and are competent to deal with issues referred to them administratively, their conclusions cannot be treated as quasi-judicial conclusions. No doubt, even while acting administratively, the authorities must act bona fide; but that is different from saying that they must act

judicially....”

25. It is relevant to note that whether an act is a judicial or a quasi-judicial one or a purely executive act depends on the terms of the particular rules and the nature, scope and effect of the particular powers in exercise of which the act may be done, which proposition was propounded and reiterated by the Supreme Court in ***Engineering Mazdoor Sabha's case (supra)***. The Apex Court in ***Western India Watch Co. v. Western India Watch Co. Workers Union and others*** (AIR 1970 SC 1205) had occasion to consider the power of the Central Government to make reference under Section 4-K. The Apex Court laid down that looking to the nature of the function of the Government and the object for which the power is conferred on it, it would be difficult to hold that once the Government has refused to refer, it cannot change its mind on a reconsideration of the matter. The following was laid down in paragraph 9 of the judgment:

“9. In the State of Madras v. C. P. Sarathy, 1953 SCR

334 at p. 346 = (AIR 1953 SC 53 at p. 57) this Court held on construction of Section 10(1) of the Central Act that the function of the appropriate Government thereunder is an administrative function. It was so held presumably because the Government cannot go into the merits of the dispute, its function being only to refer such a dispute for adjudication so that the industrial relations between the employer and his employees may not continue to remain disturbed and the dispute may be resolved through a judicial process as speedily as possible. In the light of the nature of the function of the Government and the object for which the power is conferred on it, it would be difficult to hold that once the Government has refused to refer, it cannot change its mind on a reconsideration of the matter either because new facts have come to light or because it had misunderstood the existing facts or for any other relevant consideration and decide to make the reference. But where it reconsiders its earlier decision it can make the reference only if the dispute is an industrial one and either exists at that stage or is apprehended and the reference it makes must be with regard to that and no other industrial dispute...."

26. The Apex Court in **State of H.P v. Raja Mahendra Pal and others** [(1999)4 SCC 43] has also, while noticing the characteristics of judicial function and

administrative function laid down the following in paragraph 9 of the judgment:

"9. It follows, therefore, that an authority is described as quasi-judicial when it has some of the attributes or trappings of judicial functions, but not all. This Court in Province of Bombay v. Khusaldas S. Advani, 1950 SCR 621 : (AIR 1950 SC 222) dealt with the actions of the statutory body and laid down tests for ascertaining whether the action taken by such body was a quasi-judicial act or an administrative act. The Court approved the celebrated definition of the quasi-judicial body given by Atkin L. J. as he then was in Rex v. Electricity Commissioner, (1924) 1 KB 171 in which it was held :

"Whenever any body of persons having legal authority to determine questions affecting rights of subjects, and having the duty to act judicially act in excess of their legal authority they are subject to the controlling jurisdiction of the King's Bench Division exercised in these writs."

The aforesaid definition was accepted as correct in Rex v. London County Council (1931) 2-KB 215 and many subsequent cases both in England and in India. Again this Court in Radheshyam v. State of M. P., AIR 1959 SC 107 relying upon its earlier decision held (At P. 116 of AIR) :-

"It will be noticed that this definition insists on three requisites each of which must

be fulfilled in order that the act of the body may be quasi judicial act, namely, that the body of persons (1) must have legal authority, (2) to determine questions affecting the rights of parties, and (3) must have the duty to act judicially. Since a writ of certiorari can be issued only to correct the errors of a court or a quasi judicial body, it would follow that the real and determining test for ascertaining whether an act authorised by a statute is a quasi judicial act or an administrative act is whether the statute has expressly or impliedly imposed upon the statutory body the duty to act judicially as required by the third condition in the definition given by Atkin L. J.

Relying on paragraphs 114 and 115 of Halsbury's Laws of England, 3rd Edition, Volume 11 at pages 55-58 and citing the case of R. v. Manchester Legal Aid Committee (1952) 2 QB 413 learned counsel for the appellants contends that where a statute requires decision to be arrived at purely from the point of view of policy or expediency the authority is under no duty to act judicially. He urges that where on the other hand, the order has to be passed on evidence either under an express provision of the statute or by implication and determination of particular facts on which its jurisdiction to exercise its power depends or if there is a proposal and an opposition the authority is under a duty to act judicially. As stated in paragraph 115 of Halsbury's Laws of England, Volume 11, page 57, the duty to act judicially may arise in widely

differing circumstances which it would be impossible to attempt to define exhaustively. The question whether or not there is a duty to act judicially must be decided in each case in the light of the circumstances of the particular case and the construction of the particular statute with the assistance of the general principles laid down in the judicial decisions. The principles deducible from the various judicial decisions considered by this Court in 1950 SCR 621 : AIR 1950 SC 222 at page 725 (of SCR) : (at p. 260 of AIR) were thus formulated namely :-

"(i) that if a statute empowers an authority not being a Court in the ordinary sense, to decide disputes arising out of a claim made by one party under the statute which claim is opposed by another party and to determine the respective rights of the contesting parties who are opposed to each other there is a lis and prima facie and in the absence of anything in the statute to the contrary it is the duty of the authority to act judicially and the decision of the authority is a quasi judicial act; and

(ii) that if a statutory authority has power to do any act, which will prejudicially affect the subject, then, although there are not two parties apart from the authority and the contest is between the authority proposing to do the act and the subject opposing it, the final determination of the authority will yet be a quasi judicial act provided the authority is required by the statute to act judicially."

In the instant case the order appointing the Pricing Committee which was amended on 26-11-86

specifically provided :

"The aforesaid Pricing Committee was established to determine (not merely to advise on) the price and terms and conditions for the supply of resin, resin blazes, standing trees and other foreign produce to be handed over by the HP Forest Department to the HP State Forest Corporation Ltd. from time to time."

Applying the tests noticed hereinabove, it cannot be said by any stretch of imagination that the said committee was or intended to be a quasi-judicial Tribunal as argued on behalf of the respondent No. 1. This Committee can also not be stated to have been constituted in exercise of the plenary administrative power of the appellant-State. It has been conceded before us that the said Committee was not constituted in terms of Section 6 of the Himachal Pradesh Forest Produce (Regulation of Trade) Act, 1982. No other statutory provision has been relied either. The Committee appears to have been constituted for settlement of the claims and disputes between the appellant-State and the respondent-corporation. The decisions of the Committee were applicable to the parties to the said Committee and not to any third person. The said Committee had no source of its constitution in any statutes nor was it intended to determine or adjudicate the claims of parties with respect to the matters referred to it for opinion and suggestion or

even for settlement between the parties concerned. The decision of the Committee, not being statutory, thus could not be given effect to by the High Court."

27. In ***R.Verma v. Union of India*** [(1982) SCC 402] the Apex Court while considering the power of review by the Central Government laid down in paragraph 5 as follows:

"5. The last point raised by Shri Garg was that the Central Government had no power to review its earlier orders as the rules do not vest the Government with any such power. Shri Garg relied on certain decisions of this Court in support of his submission : Patel Narshi Thakershi v. Pradyamunsinghji Arjunsinghji AIR 1970 SC 1273, D. N. Roy v. State of Bihar (1971) 2 SCR 522 : (AIR 1971 SC 1045) and State of Assam v. J. N. Roy Biswas (1976) 2 SCR 128 : (AIR 1975 SC 2277). All the cases cited by Shri Garg are cases where the Government was exercising quasi-judicial powers vested in them by statute. We do not think that the principle that the power to review must be conferred by statute either specifically or by necessary implication is applicable to decisions purely of an administrative nature. To extend the principle to pure administrative decisions would indeed lead to untoward and startling results. Surely, any Government must be free to alter its policy or its decision in administrative

matters. If they are to carry on their daily administration they cannot be hidebound by the rules and restrictions of judicial procedure though of course they are bound to obey all statutory requirements and also observe the principles of natural justice where rights of parties may be affected. Here again, we emphasise that if administrative decisions are reviewed, the decisions taken after review are subject to judicial review on all grounds on which an administrative decision may be questioned in a Court. We see no force in this submission of the learned counsel. The appeal is, therefore, dismissed."

28. One more judgment, which needs consideration, is ***Neelima Misra v. Harinder Kaur Paintal*** [(1990) 2 SCC 746]. The Apex Court in the said case was considering the power of the Chancellor as enumerated under Section 31(8) of the U.P.State Universities Act, 1973, which power was to be exercised by the Chancellor in the event of disagreement with the recommendation of the Selection Committee and the Executive Council. The following was laid down in paragraphs 19, 20, 27 and 28:

"19. We find it difficult to accept the reasoning underlying the aforesaid view. Before we consider the correctness of the proposition laid down by the High

Court we must, at the expense of some space, analyse the distinctions between quasi-judicial and administrative functions. An administrative function is called quasi-judicial when there is an obligation to adopt the judicial approach and to comply with the basic requirements of justice. Where there is no such obligation, the decision is called 'purely administrative' and there is no third category. This is what was meant by Lord Reid in Ridge v. Baldwin, (1963) 2 All ER 66, 75-76:

"In cases of the kind with which I have been dealing the Board of Works was dealing with a single isolated case. It was not deciding, like a judge in a law suit, what were the rights of the persons before it. But it was deciding how he should be treated - something analogous to a judge's duty in imposing a penalty

So it was easy to say that such a body is performing a quasi-judicial task in considering and deciding such a matter and to require it to observe the essentials of all proceedings of a judicial character the principles of natural justice. Sometimes the functions of a minister of department may also be of that character and then the rules of natural justice can apply in much the same way....."

20. Subba Rao, J, as he then was, speaking for this Court in G. Nageshwara Rao v. Andhra Pradesh State Transport Corporation, (1959) 1 SCR 319 : (AIR 1959 SC 308) put it on a different emphasis (at p. 353) (of SCR): (at p. 326 of AIR) :

"The concept of a quasi-judicial act implies that the act is not wholly judicial, it describes only a duty cast on the executive body or authority to conform to norms of

judicial procedure in performing some acts in exercise of its executive power"

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27. It has been argued that the order of the Chancellor becomes final and binding which is one of the features of judicial power. It is true that the conclusiveness of the decision without the need for confirmation or adoption by any other authority is generally regarded as one of the features of judicial power. But it must be added that the order made by a statutory authority even if it is given finality does not thereby acquire judicial quality if no other characteristic of judicial power is present. Power to make orders that are binding and conclusive is not, by itself a decisive factor to hold that the power is judicial. Prof. DeSmith makes a similar point in his book 'Judicial Review of Administrative Action' (4th Edition p. 82).

28. Taking all these factors into consideration, we would sum up our opinion in this way. The power of the Chancellor under S. 31(8)(a) is purely of administrative character and is not in the nature of judicial or quasi-judicial power. No judicial or quasi judicial duty is imposed on the Chancellor and any reference to judicial duty, seems to be irrelevant in the exercise of his function. The function of the Chancellor is to consider and direct appointment of a candidate on the basis of the relative performance assessed by the Expert Selection Committee and in the light of the opinion, if any,

expressed by the Executive Council. His decision nonetheless is a decision on the recommendation of the Selection Committee. Such a power cannot be considered as a quasi judicial power. And we see nothing in that to justify our thinking that it must conform to the principles of natural justice. The contention urged to the contrary is, therefore, unacceptable to us. We also do not agree with the contrary view taken by the High Court in the Full Bench decision in L. N. Mathur case (AIR 1986 All 273) (supra).

29. Sri.P.B.Krishnan has relied on the judgment of this Court reported in **Rev.Dr.George Njarakunnel v. State of Kerala** (2009(3) KLT 775). In the above case the Division Bench of this Court was considering the nature of function under Section 4(3) of the Kerala Ancient Monuments and Archaeological Sites and Remains Act, 1958. The Division Bench after noticing the earlier decisions explaining the characteristics of administrative and quasi-judicial decision had laid down the following in paragraph 19, which reads as under:

“19. True, the distinction between administrative and quasi judicial function is very

thin. In quasi judicial function the adjudication of civil rights of a person is involved. The legal rights of persons are decided according to legal rules and prudence. But an administrative authority does not do so. It is true that a balance has to be struck between executive function and legal protection of right of the citizen. Abuse of discretionary power should be checked."

There cannot be any dispute regarding the above proposition laid down by the Division Bench of this Court.

30. One more decision, which has been heavily relied on by learned counsel for the appellant is ***Indian National Congress (I) v. Institute of Social Welfare*** [(2002)5 SCC 685]. The Apex Court was considering the power of the Election Commission of India under Section 29A of the Representation of the People Act, 1951 to cancel registration of political parties. The Apex Court held that where there is a lis or two contesting parties making rival claims and the statutory authority under the statutory provision is required to decide such a dispute, in the absence of any other attributes of a quasi-judicial

authority, such a statutory authority is quasi-judicial authority. The following was laid down in paragraph 20 of the judgment:

"20. On the argument of parties, the question that arises for our consideration is, whether the Election Commission, in exercise of its powers under S. 29-A of the Act, acts administratively or quasi-judicially. We shall first advert to the argument raised by learned counsel for the respondent to the effect that in the absence of any lis or contest between the two contending parties before the Election Commission under S. 29-A of the Act, the function discharged by it is administrative in nature and not a quasi-judicial one. The dictionary meaning of the word quasi is 'not exactly' and it is just in between a judicial and administrative function. It is true, in many cases, the statutory authorities were held to be quasi-judicial authorities and decisions rendered by them were regarded as quasi judicial, where there were contest between the two contending parties and the statutory authority was required to adjudicate upon the rights of the parties. In Cooper v. Wilson (1937) 2 KB 309, it is stated that "the definition of a quasi-judicial decision clearly suggests that there must be two or more contending parties and an outside authority to decide those disputes". In view of the aforesaid statement of law, where there are two or more parties contesting each

other's claim and the statutory authority is required to adjudicate the rival claims between the parties, such a statutory authority was held to be quasi-judicial and decision rendered by it as a quasi-judicial order. Thus, where there is a lis or two contesting parties making rival claims and the statutory authority under the statutory provision is required to decide such a dispute, in the absence of any other attributes of a quasi-judicial authority, such a statutory authority is quasi-judicial authority."

It was further held that even if there is no lis or two contesting parties before a statutory authority, the decision rendered by the State Authority will be quasi-judicial, when such a statutory authority is required to act judicially. The following was laid down in paragraph 21 of the judgment in ***Indian National Congress(I)'s case (supra)***:

"21. But there are cases where there is no lis or two contending parties before a statutory authority yet such a statutory authority has been held to be quasi-judicial and decision rendered by it as quasi judicial decision when such a statutory authority is required to act judicially.... "

When an act of statutory authority will be quasi judicial

and what distinguishes an administrative act of quasi-judicial were laid down in paragraphs, 24, 27, 29 and 31, which are to the following effect:

“24. The legal principles laying down when an act of a statutory authority would be a quasi-judicial act, which emerge from the aforesaid decisions are these :

Where (a) a statutory authority empowered under a statute to do any act (b) which would prejudicially affect the subject (c) although there is no lis or two contending parties and the contest is between the authority and the subject and (d) the statutory authority is required to act judicially under the statute, the decision of the said authority is quasi-judicial.

25. Applying the aforesaid principle, we are of the view that the presence of a lis or contest between the contending parties before a statutory authority, in the absence of any other attributes of a quasi-judicial authority is sufficient to hold that such a statutory authority is quasi-judicial authority. However, in the absence of a lis before a statutory authority, the authority would be quasi-judicial authority if it is required to act judicially.

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27. What distinguishes an administrative act from quasi-judicial act is, in the case of quasi-

judicial functions under the relevant law the statutory authority is required to act judicially. In other words, these law requires that an authority before arriving at decision must make an enquiry, such a requirement of law makes the authority a quasi-judicial authority.

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29. We do not find any merit in the submission. At the outset, it must be borne in mind that another test which distinguishes administrative function from quasi-judicial function is, the authority, who acts quasi-judicially is required to act according to the rules, whereas the authority which acts administratively is dictated by the policy and expediency. In the present case, the Election Commission is not required to register a political party in accordance with any policy or expediency but strictly in accordance with the statutory provisions. The afore-quoted passage from Administrative Law by Wade and Forsyth is wholly inapplicable to the present case. Rather, it goes against the argument of learned counsel for the respondent. The afore-quoted passage shows that where an authority whose decision is dictated by policy and expediency exercises administratively although it may be exercising functions in some respects as if it were judicial, which is not the case

here.

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31. From the aforesaid provisions, it is manifest that the Commission is required to consider the matter, to give opportunity to the representative of political party and after making enquiry and further enquiry arrive at the decision whether to register a political party or not. In view of the requirement of law that the Commission is to give decision only after making an enquiry, wherein an opportunity of hearing is to be given to the representatives of the political party, we are of the view that the Election Commission under Section 29A is required to act judicially and in that view of the matter the act of the Commission is quasi-judicial."

31. Now we refer to the provisions of the statutory scheme delineated under the Act to find out the real nature of the function, which is to be performed by the Administrative Committee. Section 9 empowers any person desiring to import or manufacture any insecticide may apply to the Registration Committee for registration of such insecticide. Proforma of the application is given in Form No.1 of Rule 6 of the Insecticides Rules, 1971, which

indicates that the application can be made by different category of the industries and the person belonging to different status, i.e., individual, partnership firm, Company etc. Paragraph 1(b) as well as 'note' to Form 1 is to the following effect:

*“1(b) Category of the industry -
SSI/DGTD/MRTP/FERA/others.*

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Note.- The application form including the verification portion must be signed in case of an individual, by the individual himself or a person duly authorised by him; in case of Hindu undivided family, by the Karta; in case of a partnership firm, by the managing partner; in case of a company, by a person duly authorised in the behalf by the Board of Directors, and in any other case, by a person in charge of or responsible for the conduct of the business.”

32. The above provision clearly indicates that a person in different capacity and different industries can make application for registration. For example, an individual, made application, which was disapproved. From the scheme of the act and the rules, any application

by any different person or industry can be submitted for registration of same insecticide. Since it cannot be said that where an application by one person regarding a particular insecticide is not approved, the same cannot be applied for other reason. The applications for registration are submitted on the basis of studies undertaken by different persons having different capacities. Similarly, when same person, whose application is not registered, comes up with the request to reconsider on the basis of the materials including analytical studies, there is nothing in the Act which may indicate that the prayer for such reconsideration is prohibited. Further, item No.10 of Form No.1 indicates various particulars which have to be submitted by an applicant. Item No.10 of the Form No.1 is as follows:

“10. (i) Ten copies of specifications for product, quality and methods of analysis for Technical/formulated compound (as applicable) and its residues.

(ii) Analytical test report for the product

quality.- As may be specified by the Registration Committee.”

33. Let us take an example. An applicant submitted an application for registration and the Registration Committee directed analytical report to be submitted. The report could not be submitted within the time under which Registration Committee is to take a decision as envisaged under Section 9(3). Consequently, the application will stand rejected, whether the applicant after obtaining the analytical test report as directed by the Committee cannot request the Committee to reconsider the decision? Our answer would be that the applicant can come up for reconsideration and there is no prohibition in the scheme of the Act or Rules which prohibits reconsideration of the application on the basis of new material or report. In the event it is accepted that application for reconsideration is barred, that shall not serve the object of the Act. Various scientific studies and researches are continuous process, in event an application for reconsideration on the basis

of a new study and scientific data is refused to be reconsidered, the same shall be shutting out the new researches and studies in science, which shall not be beneficial to the public interest.

34. Section 5(5) as quoted above empowers the Registration Committee to regulate its procedure and the conduct of business to be transacted by it. The statutory provision itself gives a freedom to the Committee to envisage its power to regulate its own procedure and conduct the business. The freedom given in Section 5(5) of the Act fully empowers the Registration Committee to reconsider an application of an applicant, who applies for reconsideration of a decision taken by the Registration Committee. In the present case, as noted above, before proceeding to reconsider the application, the representation was considered by the Committee in its meeting dated 30.4.2010. Thereafter, certain documents and studies were called for and a decision was taken to register on 16.7.2012, which decision was subsequently

set aside by the revisional authority on 18.10.2013 giving liberty to the Registration Committee to reconsider.

35. Looking to the nature of decision to be taken by the Registration Committee and the policy under which the said decision is to be taken, i.e., with object to prevent risk to human beings or animals, we are of the view that the decision of the Registration Committee is to be treated as an administrative decision, which is to be taken by the authority in accordance with the scheme as delineated in the statutory provision of the Act and the Rules.

36. Much attack has been made by learned counsel for the appellant on the liberty given by the revisional authority in its order dated 18.10.2013 to the Registration Committee to reconsider the petitioner's application. The revisional power of the Central Government is enumerated in Section 11 of the Act. The key words in Section 11 are “**may pass any such order in relation thereto as it thinks fit**”. Thus, the Central Government,

while discharging the revisional power could have confirmed, modified and set aside the order or could have issued any other direction as it thinks fit. The Central Government, thus, did not lack any jurisdiction in directing the Administrative Committee to reconsider its earlier decision taken in the 305th meeting, where the Registration was refused. The order of the Registration Committee dated 16.7.2012 registering the insecticide on the application of the petitioner was set aside observing that the Registration Committee failed to pay sufficient heed to suggestions made by ICMR on generation of additional data and validation of the existing one raises important questions of propriety. There is no lack of jurisdiction in the revisional authority in granting the above mentioned liberty to the Company.

37. One more submission, which has been raised by Advocate Sri.P.B.Krishnan is that there is a limitation on the Registration Committee to take a decision as laid down in Section 9(3) of the Act, i.e., the Committee has to

take a decision within a period of 12 months from the date of receipt of the application, which can further be extended for a period not exceeding six months. He submits that from the original decision dated 20.10.2009 refusing registration the period of 18 months have come to an end. Thus, the Committee could not have been directed to reconsider, which is statutorily prohibited. The submission is fallacious. The period for taking a decision on the application by the Committee has been given in Section 9(3) of the Act, which has been complied with. Any subsequent order by the revisional authority to reconsider shall not fall in the limitation of period as enumerated in Section 9(3) of the Act.

38. In view of the foregoing discussion, we are of the view that there is no infirmity in the order of the Central Government dated 18.10.2013 granting liberty to the Registration Committee to reconsider the earlier decision of the Committee taken in the 305th meeting. Thus, the prayer of the petitioner to quash the said part of the

decision is refused. W.P(C).No.28454 of 2013 has rightly been dismissed by the learned Single Judge which needs no interference. W.A.No.769 of 2015 is thus dismissed.

39. Now we come to W.A.No.767 of 2015. As noted above, the submission of the appellant is that the learned Single Judge in the judgment dated 23.1.2015 has confined the petitioner to challenge the decision of the Committee dated 27.5.2014 in Appeal No.5/2014 on merits only. Learned counsel for the appellant has submitted that the learned Single Judge could not have restricted any right, which is vested by Statute in the petitioner to challenge a decision of the Registration Committee in appeal. The learned Single Judge has observed that the appellant, who is the third party to the decision making process cannot question the procedure adopted by the Registration Committee reviewing its decision.

40. We having already considered the said submission on merit and having come to the conclusion

that the Registration Committee can very well reconsider its decision, the said issue stands concluded. The appeal having already been filed and learned counsel for the parties have informed that the hearing has already been completed, no further consideration is required to be made in in this appeal in the above regard. W.P(C). No.14962 of 2014 having been disposed of by the learned Single Judge directing the Appellate Authority to dispose of the appeal within a period of four months, the said part of the order of the learned Single Judge needs no interference. Thus, W.A.No.767 of 2015 is also dismissed.

In the result, both the Writ Appeals are dismissed.

Parties shall bear their own costs.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

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