

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.28645 of 2015

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Agriculture for respondents.

2. This is the second round of litigation. This Court, in the earlier round of litigation in WP.No.15861 of 2015 when a challenge was made to the non-issuance of acknowledgment, passed a detailed order on 20.07.2015 directing respondents 2 and 3 to communicate the deficiencies in the application submitted by the petitioners within a period of 15 days from the date of receipt of a copy of that order and the petitioners shall comply with the same and resubmit their application as desired by the respondents and directed the respondents to issue a memorandum of acknowledgment within 30 days from the date of submission of deficiencies.

3. The facts leading to the present case are that the first petitioner is a manufacturer of mixture fertilizers (NPK) Mixture for sale to the agriculturists. Licence was granted in favour of the petitioners under the Fertilizer (Control) Order, 1985. The first petitioner, being a manufacturer and a whole sale dealer within the meaning of clause 2(m) of the Fertilizer (Control) Order, 1985 (for short, the Order), submitted a memorandum of intimation, to the then authority of the erstwhile State of Andhra Pradesh, notified under clause 26-A of the Order, as provided under clause 8(2) of the Order, and an acknowledgment was issued in Form A-2 on 17.06.2013 which was valid for a period of three years. Thereafter, the State was bifurcated and after bifurcation, in case of dealers who were having godowns, in the newly formed state of Telangana, they were put under obligation to intimate afresh to the authorities in the State of Telangana by virtue of circular memo No.Fert(1)2/2014 dated 03.11.2014. The petitioners submitted a memorandum of intimation on 13.02.2015 to the notifying authority in Form-A1, and when no acknowledgment was issued, the earlier Writ Petition was filed.

4. Now in the impugned order, the following deficiencies were pointed out.

“1. Permission from the Government of Andhra Pradesh, duly allowing the export of NPK granulated mixtures of fertilizers which are manufactured from the allotments made by the Govt. of India to that State i.e., (Andhra Pradesh) as per clause 3 of the Fertilizer Movement Control Order, 1973.

2. Details of person responsible as mandated under clause 24 of FCO, 1985 along with signature of concerned.”

5. So far as the deficiency in point No.1 is concerned, this Court in W.P.No.15861 of 2015, elaborately considered and ultimately held that in view of the definition contained in clause (2), in respect of N.P.K. Fertilisers, Fertilizer (Movement Control) Order, 1973, could not be invoked. In view of the same, the invocation of Fertilizer (Movement Control) Order is of no avail to the respondents. With respect to the second deficiency pointed out, after filing of the present Writ Petition, the petitioners complied with the same and in spite of the same, no acknowledgment has been issued.

6. If the petitioners have submitted the details of persons on 01.10.2015 as mandated under clause 24 of the Order along with the signatures concerned, the respondents shall issue necessary acknowledgments as contained in Form-A1 within a period of one week from the date of receipt of a copy of this order. In view of the hearing of the case in the earlier round of litigation, the averments in the present counter-affidavit are purposely omitted.

7. The Writ Petition is, accordingly, disposed of. No order as to costs. Miscellaneous petitions, if any pending, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 12.10.2015

TJMR