

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
121

CWP No. 3910 of 2015

Date of Decision: March 10, 2015

M/s Shriram Fertilizer & Chemicals

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rakesh Verma, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Counsel for the petitioner contends that the two samples, out of three which were sealed at the time when the samples were taken, have already been tested and the petitioner wants that the third part of the sample of Fertilizer, namely, SSP 14.5% of the sampling dated 03.12.2013 by QCI, Bhiwani taken from the premises of HLRDC Ltd., Bhiwani as supplied by M/s Shriram Fertilizers & Chemicals (petitioner) and manufactured by Ostwal Phoschem (India) Ltd., Bhilwara (Rajasthan), be sent to the Central Insecticides Laboratory, Faridabad.

Petitioner has submitted a representation dated 27.01.2015 (Annexure P-6) to The Director General of Agriculture, Haryana but no decision thereon has been taken or conveyed to the

petitioner. Counsel states that the petitioner, at this stage, would be satisfied if a direction is issued to The Director General of Agriculture, Haryana-respondent No. 2 to consider and decide the representation of the petitioner dated 27.01.2015 (Annexure P-6) within some specified time and convey the decision taken thereon. He further states that in case the request is accepted, further steps be taken by the respondents at an early date. Counsel for the petitioner submits that the petitioner has a right in getting the third part of the samples tested from the Central Fertilizers Laboratory and for this, he placed reliance upon the judgments of the Allahabad High Court, Annexures P-7 and P-8.

Without going into the merits of the case or commenting upon the judgments, on which reliance has been placed by the counsel for the petitioner, the present petition is disposed of with a direction to the Director General of Agriculture, Haryana-respondent No. 2 to consider and take a decision on the representation dated 27.01.2015 (Annexure P-6) within a period of three weeks from the date of receipt of certified copy of the order. Decision so taken be conveyed to the petitioner forthwith. In case the request of the petitioner is accepted, further steps, in accordance with law, be taken at an early date.

March 10, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE