

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1716 of 2014

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Moni Jaiswal, Wife of Pankaj Kumar Jaiswal @ Pankaj Jaiswal, Resident of Village - Sakraili, P.S. - Barari (Semapur), Distt - Katihar, Proprietor of M/s Maa Fertilizer, Sakraili (Semapur), Barari, Katihar

.... Petitioner

Versus

1. The State of Bihar through the Director Agriculture, Bihar, Patna
2. The District Agriculture Officer, Araria

.... Respondents

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Appearance :

For the Petitioner : Mr. N. K. Agrawal, Sr. Advocate,
Mr. D.N. Tiwari, Advocate

For the State : Mr. Amresh, A.C. to S.C. 11

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 21-06-2016

Heard Parties.

The petitioner is aggrieved by the order of suspension of his licence of fertilizer bearing no.19/2011-12 vide Annexure 1 though by the same order the seed licence no.05/2011-12 has also been suspended but the petitioner confines her relief only for the purpose of licence granted for retailer-ship of fertilizer as stated above.

It is contended that as per proviso to the Clause 31(2) of the Fertilizer (Control) Order, 1985, the tenure of suspension in a proceeding initiated in contemplation of cancellation or debarment of licence is merely of 15 days if no final order is passed and, on expiry

of such period, there would be deemed revocation of suspension without prejudice to take any further action which the competent authority may take under sub-Clause (1) of Clause 31. A reference is made in this regard to a decision of the Division Bench of this Court rendered in **M/s S. R. Fertilisers & Chem. (P) Ltd. Vs. State of Bihar [1990(2) PLJR 516]**.

Though the writ petition has been filed in the year 2014 no counter affidavit has been filed till date.

Accordingly, it is held that, if no final order of debarment or cancellation in the matter has been passed, tenure of Annexure 1, which was merely for 15 days, has already expired and, as such, suspension already stood revoked under Clause 31(1), however, the same would be without prejudice to the authority to take such action in future.

Accordingly, this with application stands allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
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