

In the High Court of Punjab and Haryana at Chandigarh

CWP No.15716 of 2011(O&M)

Date of decision: February 04, 2016

M/s Tripura Bio-Tech Ltd.

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Rakesh Verma, Advocate and Mr. Manish Verma,
Advocate for the petitioners
(in CWP No.15716,15742,16410,18564,18445,17975,19768 of
2011;22552,4165,6836,4776 of 2012; 8453 of 2013 and 7264 of
2014)
Mr. P.K. Ganga, Advocate, for the petitioner
(in CWP No.14811 of 2012)
Mr. Parveen Chauhan, Advocate for the petitioner
(in CWP No.22746 of 2011)
Ms. Ranjana Shahi, Advocate for UOI.
Mr. Naveen Kaushik, Additional Advocate General, Haryana.
Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab.
Mr. Aman Chaudhary, Advocate for respondent No.4
(in CWP No.18564 of 2011)

RAJESH BINDAL, J.

This order shall dispose of a bunch of Writ Petitions bearing
CWP Nos.15716,15742,16410,17975,18445,18564,19768,22746 of 2011;
22552,4165,6836,14811 of 2012; 8453 of 2013 and CWP No.7264 of 2014.

The petitioners herein claimed that they are manufactures of

certain bioproducts which do not fall within the definition of Insecticide as contained in the Insecticides Act, 1968 (for short 'the Act') and Fertilizer as contained in the Fertilizer (Control) Order, 1985(for short 'the Order'). Hence, they do not require any permission or registration under the Act or the Order.

Vide order dated 29.07.2013 passed in CWP No.12536 of 2011, titled as M/s Biostadt India Ltd. Vs. State of Haryana and others, this Court directed for testing of the samples of the products being manufactured by the petitioners in any laboratory controlled by the Government of India. It was subject to payment of analysis fee by the petitioners.

Learned counsel for the Union of India submitted that in the samples of some of the products being manufactured and marketed by each of the petitioners it was found that these fall within the definition of insecticides. Hence, they would be governed by the provisions of the Act. She further submitted that the petitioners have not paid the analysis fee in terms of the order passed by this Court.

Learned counsel for the petitioners submitted that the analysis fee in some of the cases has been paid.

After hearing learned counsel for the parties and considering the fact that the samples of the products manufactured and marketed by the petitioners in the bunch of petitions were found to be containing pesticides on analysis, hence, they cannot be permitted to market the same without complying with procedure prescribed in the Act. Further, as regard payment of fee for analysis of the samples is concerned, in

case the fee has already been paid and if not paid then after payment,

the petitioners are granted 30 days to produce the receipts thereof before Assistant Director(Chem)-cum-Officer Incharge, Regional Pesticides Testing Laboratory, Ministry of Agriculture Government of India Bays No.43-45, Sector 31-A, Chandigarh. In case of failure to submit the receipts of payment of analysis fee within the period prescribed above, Officer Incharge shall be at liberty to proceed for recovery of the amount as arrears of land revenue through concerned Collectors.

Keeping in view the fact that the case set up by the petitioners in the bunch of petitions claiming that there are manufacturing products which are not covered under the Act, hence, not required to comply with the provisions contained therein, has been found to be misconceived on analysis of the samples of the products being manufactured and sold by them, the present petitions are dismissed with costs of ₹10,000/- each, which shall be deposited with Regional Pesticides Testing Laboratory, Ministry of Agriculture Government of India, Bays No.43-45, Sector 31-A, Chandigarh within a period of 30 days from today and on failure this amount is also recoverable as arrears of land revenue.

Dismissed.

(RAJESH BINDAL)
JUDGE

February 04, 2016
jt