

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.13719 of 2016 (O&M)

Date of Decision:17.11.2016

Godrej Agrovat Ltd.Petitioner
Vs.
State of Punjab and othersRespondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

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

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. I.P.S. Goyat, Addl. AG, Punjab.

Ms. Ranjana Shahi, Advocate for respondent No.3.

RAKESH KUMAR JAIN, J.(Oral)

This order shall dispose of a bunch of Writ Petitions bearing CWP No.25809 of 2015, CWP Nos.177, 5706, 5725, 6400, 6401, 7866, 9354, 9428, 10530, 10533, 11464, 11469, 13031, 13041, 13151, 13702, 14523 and 14816 of 2016.

Separate replies on behalf of respondents No.1 and 2 and 3 filed in Court today are taken on record.

The parties are ad idem that the issued involved in this case is covered by the decision of this Court rendered in the case of M/s Biostadt India Ltd. v. State of Haryana and others- CWP No.12536 of 2011 (O&M) decided on 4.2.2016 in which the following directions have been issued:-

“Any manufacturer producing any bioproduct claiming to be substitute of 'insecticides' or 'fertilizer' but not strictly covered under the definition of 'insecticides' or 'fertilizer' shall apply to the Director General Agriculture, Haryana and Director, Agriculture Punjab, in respective States seeking

permission for selling its products in the States concerned giving particulars of the products being manufactured or imported for sale. The brand name and the contents of the products shall be supplied. Before granting permission, the Competent Authority in the State shall be entitled to get the samples tested in lab and in case it is found that the products being manufactured by any person seeking to sell the same does not fall within the terms 'insecticides' or 'fertilizer', the necessary permission shall be granted.

The samples are to be tested from any Government of India Laboratory or any laboratory in agriculture University in the respective States. The product is also required to be tested regarding its efficacy and safety for human and animals. The Chief Agriculture Officers in their respective districts shall be entitled to draw samples of the products being sold as bioproducts as substitute for 'insecticides' or 'fertilizer' in two States for the purpose of testing to find out as to whether there is any violation of the provisions of the the Act or the Order or any other law, order or instructions applicable.

In case any of the manufacturer, importer or sellers violates either provisions of the Act or the Order or any other law, order or instructions in the process of manufacture and sale of the products, the State shall be at liberty to take appropriate action against the defaulter.

As far as State of Haryana is concerned, earlier

permissions were granted to some of the manufacturers for selling their products, in those cases any order passed withdrawing those permissions without alleging violation of either the provisions of the Act or the Order or any other instructions shall be deemed to have been set aside. In case the manufacturers wish to sell any other product, may be with a different brand name which earlier was not mentioned in the application filed, they will have to seek further permission for that product. The cases where permission had not earlier been sought or granted, the parties concerned are at liberty to file applications.

The State Government shall be entitled to fix a fee to be deposited by an applicant seeking permission as a reasonable regulatory fee. Besides this, applicant shall be liable to pay actual laboratory charges for testing of the samples.

It is expected that the concerned authorities shall take appropriate action in the matter pending with it, as stated by the counsel for the State of Punjab, expeditiously.

The petitions are disposed of accordingly.”

Learned Counsel for the State of Haryana has stated that the State of Haryana is implementing the order dated 4.2.2016.

Learned Counsel for the State of Punjab has submitted that he cannot assist because he does not have the case file.

Be that as it may. The directions issued by this Court are innocuous as it provides that the permission shall not be granted to the

manufacturer until and unless the sample submitted by it is declared passed.

Hence, in view of the aforesaid discussion, the present petitions are hereby disposed of in terms of the aforesaid decision taken in CWP No.12536 of 2011 decided on 4.2.2016.

November 17, 2016
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No