

Sr. No.247

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

**CWP No. 17336 of 2015
Date of decision:18.10.2016**

Qualitat Products(India)

.....Petitioner

versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Deepak Gupta, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Punjab.

Rakesh Kumar Jain, J.(Oral)

The prayer made in this petition is for the issuance of a direction to respondents No. 1 to 3 to issue No Objection Certificate to the petitioner to import, sell and use Elite semen in the State of Punjab.

It is alleged that before approaching this Court, the petitioner had made a representation dated 8.08.2013(Annexure P-9) to the Director, Animal Husbandry but the said representation has not been decided one way or the other. In the reply filed by the respondents, they have made the following averments:-

2. That in reply to this para it is submitted that the Punjab Government vide their notification dated 13.5.2016 has enacted Act called as The Punjab Bovine Breeding Act, 2016. As per section 13 of this Act. The regulation of sale of Semen is prescribed. Relevant portion of the Act is

reproduced below:-

13(1). "None shall sell or distribute or gift or transfer the Semen/embryo to any person other than a person, as may be Authorized by the Authority"

(2) "No Semen/embryo outside the State of Punjab shall be allowed into the State of Punjab to sold, distributed or gifted for Artificial Insemination/transfer, except with the prior approval of the Authority to be granted in such manner and subject to such conditions, as may be prescribed."

(3) "No Semen/embryo shall be imported for Artificial Insemination/transfer in to the State of Punjab from any country, except with the prior approval of the Authority to be granted in such manner and subject to such conditions, as may be prescribed."

3. That the petitioner may apply in view of the above said Act. The Department will consider the application of the petitioner and decide the application of the petitioner as per above said Act and Livestock Breeding Policy issued vide notification dated 4.7.2012, Annexure P-13."

Learned counsel for the respondents has submitted that the application(Annexure P-9) has been considered in terms of averments made in para 3 of the reply.

After hearing learned counsel for the parties and considering the facts and circumstances of the case, the present petition is hereby disposed of with a direction to respondent No. 3 to take a decision on the application of the petitioner dated 8.08.2013(Annexure P-9) in terms of

averments made in para 3 of the reply within a period of three weeks' from the date of passing of this order.

18th October, 2016

Shivani Kaushik

[Rakesh Kumar Jain]
Judge

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No