

In the High Court of Punjab and Haryana at Chandigarh.

**CWP No. 1897 of 2016
Decided on 03.2.2016**

M/s. Kissan Kheti Centre

--Petitioner

Vs.

State of Punjab and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. Arun Chandra, Advocate, for the petitioner

Rakesh Kumar Jain,J: (Oral)

This is the second round of litigation in which the petitioner has assailed the order dated 11.1.2016 passed by the Insecticides Inspector, Dasuya.

As a matter of fact, the petitioner has prayed for a direction to the respondents to grant a license for the godown where its pesticides have been stored.

During the course of hearing, learned counsel for the petitioner has submitted that the license can be granted under Section 13 (1) of the Insecticides Act, 1968 (for short,'the Act)', which provides that any person desiring to manufacture or to sell, stock or exhibit for sale or distribute any insecticide [or to undertake commercial pest control operations with

the use of any insecticide] may make an application to the licensing officer for the grant of a licence. Section 13 (2) of the Act provides that every application under sub-section (1) shall be made in such form and shall contain such particulars as may be prescribed.

Procedure has been prescribed for the grant of licence under Rule 10 (1) of the Insecticides Rules, 1971 (for short, 'the Rules') which reads as under:-

10. Licences for sale, etc., of insecticides.- (1) Application for the grant or renewal of a licence to sell, stock or exhibit for sale or distribute insecticides shall be made in Form VI or Form VII, as the case may be, to the licensing officer and shall be accompanied by the fees specified in sub-rule (2).

Sub Rule (2) provides that the fee payable under sub-rule (1) for grant or renewal of a licence shall be rupees five hundred for every insecticide for which the licence is applied. There shall be a separate fee for each place, if any insecticide is sold, stocked or exhibited for sale at more than one place.

Grievance of the petitioner is that though applications (Annexures P-24 and P25) have been filed, but the Insecticides Inspector, Dasuya is not passing any order.

After hearing learned counsel for the petitioner and examining the record, I am of the considered opinion that even the application filed by the petitioner is not in accordance with the provisions of the Rules which provides that the application has to be filed either in Form VI or VII, prescribed under the rules, accompanied by the fee prescribed.

In view of the above, I am not inclined to interfere in this

petition. However, liberty is granted to the petitioner to file an appropriate application in accordance with law to the Licensing Officer and if such an application is filed by the petitioner, the Licensing Officer is directed to decide the same expeditiously but not later than within 30 days from the date of receipt of the application.

With the aforesaid observation, this petition is disposed of.

03.2.2016
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(Rakesh Kumar Jain)
Judge