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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1102/2017 & CM 5035/2017**

UNIKIL PESTICIDES PVT LTD Petitioner
Through Mr Aftab Rasheed, Advocate.

versus

UNION OF INDIA AND ANR Respondents
Through Mr Anurag Ahluwalia, CGSC with
Mr Apoorv Chandra Saxena with Mr Subash
Kumar and Mr Neeraj, Advocates for Ministry of
Agriculture and R1 and R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **14.09.2017**

1. The present writ petition raises a question as to the interpretation of Section 9(3) and 9(4) of the Insecticides Act, 1968 (hereafter 'the Act'). The petitioner seeks to import an insecticide (which he claims has already been registered under Section 9(3) of the Act), *albeit*, from a different source. He claims that in terms of Section 9(4) of the Act, he is entitled to do so provided he complies with all conditions. The stand of the respondents is that such conditions would necessarily include importing from the source of the product, which was registered. In other words, the petitioner is not entitled to import the same insecticide from another source as that (according to the respondents) would offend the conditions of Section 9(4) of the Act.

2. This Court is also informed that the petitioner has filed an appeal agitating the above question before the Appellate Authority and the said

appeal is pending consideration. The learned counsel appearing for the petitioner states that the oral arguments in appeal have already been heard.

3. In the aforesaid view, the present petition and the pending application are disposed of by directing the Appellate Authority to decide the said appeal as expeditiously as possible and preferably within a period of eight weeks from today.

4. Needless to state that if the petitioner is aggrieved by the aforesaid decision, the petitioner is at liberty to apply.

VIBHU BAKHRU, J

SEPTEMBER 14, 2017

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