

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.34086 of 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Agriculture, appearing for respondents.

2. It is stated by learned counsel on both sides that the issue in the present Writ Petition is covered by the order dt.17-09-2018 in W.P.No.33269 of 2018 wherein this Court has held that non-renewal of licence under the Seeds Act on the grounds which are not previously put to the applicant for renewal violates principles of natural justice which are not excluded in clause 18 (2) of the Fertilizer Control Order, 1985.

3. Since in the instant case also, application for renewal made by the petition on 26-04-2018 has been rejected on 03-07-2018 by 2nd respondent on the grounds which are not disclosed to the petitioner, for the same reasons as are assigned in the order dt. 17-09-2018 in W.P.No.33269 of 2018, the order dt.03-07-2018 is set aside. The subsequent order dt.31-08-2018 of 2nd respondent is without jurisdiction since there is no provision for review in the Fertilizer Control Order, 1985, by him of any earlier order passed by him. Therefore, it is nonest in law.

4. Accordingly, the Writ Petition is allowed, the proceedings dt.03-07-2018 as well as dt.31-08-2018 of 2nd respondent are set aside, matter is remitted back to the 2nd respondent to issue a

proper show cause notice to the petitioner mentioning the proposed grounds of refusal for renewal, invite explanation from the petitioner and then take a decision whether or not to renew the licence of the petitioner for manufacture of NPK fertilizers. This exercise shall be completed by 2nd respondent within six weeks from the date of receipt of a copy of this order. No costs.

5. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-09-2018

Note:-

Issue C.C. by Monday.

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