

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

Writ Petition Nos.13766, 24049 & 28620 of 2017

COMMON ORDER:

All these writ petitions are filed by the manufacturers of mixture fertilizers, as per the provisions of the Fertilizer (Control) Order, 1985 (for short, 'the Control Order'), stating that they are not required to obtain any license for selling their products in the other States, particularly in terms of Clause 8 of the Control Order, however, they are required to file Form A-1 in terms of Clause 8 of the Control Order, which they in fact had done. Though they had filed applications online on different dates in 2016 and 2017 itself, the respondents have not issued acknowledgment in receipt of the same.

2. In terms of the Control Order, what is required to be done from the point of the respondent authorities is only to acknowledge the intimation and the duty cast on the petitioners is only to intimate that they are not required to obtain Form that is prescribed under the Control Order.

3. The learned Government Pleader for Agriculture (TG), on instructions, submits that the respondent authorities have informed that in some cases, the intimation, as claimed by

the petitioners, was not submitted and there is no receipt for the same.

4. After hearing the said submission and considering the online system, which has been created by the Government, this Court is unable to accept the submission made on behalf of the respondent authorities. It is also possible for this Court to verify the submission made by the State authorities as there is always a trail available when it relates to submission of documents through electronic media. To avoid controversy, the learned Government Pleader for Agriculture (TG) suggests that if the applications are made by the petitioners manually by submitting necessary documents, the respondent authorities would take necessary action within one week.

5. In peculiar facts of this case, considering the specific allegations of the petitioners that their applications were filed on different dates in 2016 and 2017 and considering the nature of function that is required to be discharged by the respondent authorities, the submission made by the learned Government Pleader for Agriculture (TG) is accepted, without expressing any opinion with respect to the specific assertion on behalf of the respondent authorities that they have not received applications online.

6. The petitioners shall therefore, make an application within ten (10) days from today, which applications shall be processed by the respondent authorities in accordance with law. The respondent authorities shall also acknowledge receipt of the applications in terms of the Control Order. In the event the respondent authorities have any reservation, they shall pass necessary orders within ten (10) days from the date of receipt of the applications.

Accordingly, these Writ Petitions are disposed of. No order as to costs. Miscellaneous Petitions, if any, pending shall stand closed.

CHALLA KODANDA RAM, J

30.04.2018

Note: Issue C.C. in two days

(B/O)
MVA

