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

+ W.P.(C) 4588/2018

KHAITAN CHEMICALS AND FERTILIZERS
LTD.

..... Petitioner

Through: Mr Vineet Malhotra, Mr Vishal
Gohri, Mr Shubhendu Kaushik and
Mr Ram Krishan Kumar, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Kirtiman Singh, CGSC with Mr
Waize Ali Noor and Mr Prateek
Dhanda, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.10.2018

C.M. No. 40086/2018

1. This is an application for advancing the date of hearing i.e. 12.02.2019.
2. The said application is not opposed. With the consent of the learned counsel appearing for the parties, the petition is taken up for final disposal.
3. The application is disposed of.

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4. The petitioner has filed the present petition, *inter alia*, praying that respondent nos.1 and 2 be directed to conduct re-analysis of the third test sample of fertilizer NPK 10-26-26, 503.64 MT in a neutral Central Government Laboratory.

5. The learned counsel appearing for the petitioner has referred to an earlier decision of this Court in *Khaitan Chemicals and Fertilizers Ltd. v. Union of India & Others: W.P.(C) 10671/2017* decided on 30.01.2018. It is contended that the issue involved in the present petition is identical to the issue involved in that case and the tests of two samples conducted in the present case have also presented conflicting results.

6. Mr Kirtiman Singh, learned counsel appearing for the respondents does not dispute that the facts involved in this case are similar to those considered by this Court in *Khaitan Chemicals and Fertilizers Ltd. (supra)*. He further states that although, the applicable policy was amended on 05.07.2018; however, the same is not applicable in this case because the amended policy cannot be applied retrospectively.

7. In view of the above, for the reasons stated in *Khaitan Chemicals and Fertilizers Ltd. (supra)*, the present petition is allowed and respondent nos. 1 and 2 are directed to cause re-analysis of the third test sample to be conducted in any government approved laboratory (of their choice).

8. The petition is disposed of.

9. The hearing scheduled on 12.0.2.2019 stands cancelled.

VIBHU BAKHRU, J

OCTOBER 11, 2018
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