

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 11206 of 2018 (O&M)

Date of Decision: 10.09.2019.

M/s Aniket Traders

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

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

Ms. Anju Arora, Addl. AG Punjab.

JITENDRA CHAUHAN.J.(ORAL)

The petitioner has sought quashing of order dated 11.05.2017 (Annexure P-1) passed by respondent No.3 cancelling the seeds licence of the petitioner and; order dated 17.04.2018 (Annexure P-3) partially dismissing the appeal filed by the petitioner.

It is contended that on 09.05.2017, on secret information, the business premises of the petitioner were raided and allegedly fake/duplicate BT. Cotton seeds were found, therefore, respondent No.3 cancelled the retail licence No.23/160 of the petitioner firm vide order dated 11.05.2017 (Annexure P-1). It is contended that before ordering the cancellation of the licence, no opportunity of hearing was afforded to the petitioner. Against the order dated 11.05.2017 (Annexure P-1), the petitioner preferred an appeal which was partly accepted vide order dated 17.04.2018 (Annexure P-3) restoring the licence of the petitioner except for Bt. Cotton Seed, but thereafter the appeal was dismissed after making some amendments vide antedated order dated 02.04.2018 (Annexure P-4). It is contended that the

orders are bad in law as there are procedural defects in conducting the raid.

On the other hand, on behalf of the respondents, it is contended that on checking the premises, three packets with Lot No.473893 in a bag with paddy seed printed on it were found lying in the premises owned by the petitioner. The samples of the seeds did not conform to the specification as required under the Seeds Act, 1966. At the time of checking, representatives of Rasi Seeds, namely, Sh. Lakhwinder Singh, Territory Manager and Sh. Niranjan Singh, Divisional Business Manager were also present and it was confirmed that Bt. Cotton seeds had not been supplied by the company as the hologram strip seal of the said fake seeds are removable but the hologram strip seal of genuine seeds fixed by Rasi-Seeds Company were non-removable.

Heard.

The checking of the firm by a team of officials is not disputed by the petitioner. The samples drawn from the premises of the petitioner were found to be fake vide report dated 10.07.2017 (Annexure R-2). In the laboratory report dated 10.07.2017 (Annexure R-2) it has been specifically reflected as under:-

Sample No.	Code No.	Place	Results
Cotton Hybrid Bt Seed RCH-773 BGII	FZK-48	Fazilka	65% seeds were found positive for the presence of Cry1 Ac protein. 55% seeds were found positive for the presence of Cry2 Ab protein.
Cotton Hybrid Bt Seed RCH-773 BGII	FZK-30	Fazilka	60% seeds were found positive for the presence of Cry1 Ac protein. 85% seeds were found positive for the presence of Cry1 2Ab protein (0% positive).

The presence of Cry1 AC and Cry1 2Ab protein is in complete contravention of the notification dated 27.12.2016 (Annexure R-3). Therefore, the orders are perfectly justified. No ground for interference is made out.

Dismissed.

10.09.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No