

Civil Writ Petition No. 4093 of 2020

Date of Decision: February 14, 2020

M/s Medley Crop Science

....petitioner

Versus

The State of Punjab and others

....respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Ashutosh, Advocate and
Mr. Vipul Aggarwal, Advocate for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Lisa Gill, J.

The petitioner in this case has challenged order dated 17.12.2019 (Annexure P11) as well as order dated 18.01.2019 (Annexure P7).

Learned counsel for the petitioner submits that the petitioner's Insecticide Licence for 74 products was revoked vide order dated 18.01.2019 (Annexure P7) on the ground of one of the products being found misbranded. It is argued that though the factum of misbranding is not admitted but even so, revocation of the licence could not have been in respect to the other products. An appeal was preferred by the petitioner. It is submitted that the petitioner's appeal against order dated 18.01.2019 (Annexure P7) has been dismissed by the learned Appellate Authority merely on the ground of delay whereas there is a clear, cogent and sufficient reason set forth, duly explaining the delay of five months, in filing of the

appeal. The petitioner's appeal, it is further contended, should have been heard on merits and not discarded merely on the ground of delay and that too which has been clearly explained. The petitioner is stated to have furnished medical certificates in respect to the treatment being taken by his wife from January, 2019 till July, 2019. The petitioner refers to the certificates as well as prescription slips of his wife – Smt. Sunita Chauhan, issued by the concerned Doctor at Swami Kalyandev Government District Hospital, Muzzaffarnagar. It is, thus, prayed that this writ petition be allowed.

Learned counsel for the State to whom an advance copy of the writ petition has been supplied has opposed this writ petition while submitting that there is no proper or cogent explanation for the delay and the petitioner's appeal has been rightly dismissed.

Heard, learned counsel for the parties.

The factual position as above is not in dispute. The Hon'ble Supreme Court in **Hemlata Verma versus ICICI Prudential Life Insurance Co. Ltd. & Anr. 2019 (5) RCR (Civil) 504** has held that an attempt should be made to decide the lis on merits and not non-suit the litigant only on the ground of delay, in case a reasonable and sufficient explanation for delay is available on record. In the given facts and circumstances of the case, in my considered opinion, delay in filing of the appeal has been sufficiently explained by the petitioner. Moreover, the petitioner has nothing to gain by delay in filing of this appeal. Therefore, order dated 17.12.2019 passed by the learned Joint Director Agriculture

(P.P)-cum-Appellate Authority, Punjab is set aside and the matter remanded to the learned Appellate Authority to decide the matter afresh on merits, after giving due opportunity of hearing to both the parties. Parties to appear before the learned Appellate Authority on 04.03.2020.

The present petition is disposed of, accordingly.

February 14, 2020
rts

(Lisa Gill)
Judge

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