

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

Sr. No.101

CWP No.22430 of 2020

DATE OF DECISION: January 19, 2021

M/S BRAR SEEDS STORE

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

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

SUDHIR MITTAL, J. (ORAL)

The petitioner is the holder of a licence for sale of seeds. His premises was inspected on 11.05.2020 and the inspection revealed presence of un-approved varieties of seeds. Thus, a show cause notice was issued to him and after receipt of his reply and grant of an opportunity of hearing, order dated 15.05.2020 was passed by the Chief Agriculture Officer, Ludhiana (respondent No.3) cancelling his licence. Appeal has been dismissed vide order dated 04.09.2020 passed by the Joint Director, Agriculture (respondent No.2). The writ petition impugns both the aforementioned orders.

It may be noted that the alleged unauthorized varieties found in the premises of the petitioner are PR-128 and PR-129 as well as BR-105 & BR-141.

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Learned counsel for the petitioner has argued that the petitioner had purchased the PR-128 & PR-129 variety from M/s Parveen Kumar and Company and the licence of the said entity was also cancelled. M/s Parveen Kumar and Company challenged the same vide CWP No.17801 of 2020 wherein notice of motion has been issued and the operation of the impugned orders has been stayed. Thus, the petitioner also deserves identical relief. So far as the BR-105 & BR-141 varieties are concerned, it has been argued that the same have been endorsed on the producers licence of M/s Brar Seeds. Since there was no licence to sell the same, they were stored in the storage facility of the petitioner. The said seeds have never been sold. Mere storage is not a violation of The Seeds (Control) Order, 1983 and thus, the order of cancellation of licence is illegal.

The contention of learned counsel for the petitioner that in respect of PR-128 & PR-129 variety since the entity from which the petitioner purchased the same i.e. M/s Parveen Kumar and Company has been granted relief by this Court, the petitioner is also entitled to the same relief, possesses merit. However, the case of the petitioner is not confined to the said variety. He has also been found guilty of storage and sale of unauthorized BR-105 & BR-141 seeds. The explanation that the said variety was endorsed on the producers licence of another entity and that the same was being only stored in the facility of the petitioner, cannot be accepted as it is illogical. If the said variety was endorsed on the producers licence of another entity i.e. M/s Brar Seeds, it should not have been stored in the storage facility of the petitioner. Moreover, respondent No.3 has found in its order dated 15.05.2020 that in the inspection conducted on

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20.02.2020, the said variety was not found in the shop of the petitioner. This clearly shows that possession of the said variety by the petitioner is unauthorized and illegal. It is not the case of the petitioner that it is licensed to store and sell the said variety. Thus, possession in itself is violative of Clause 3(1) of The Seeds (Control) Order, 1983. Clause 3 of the said order is reproduced below for ready reference:-

“3. Dealer to obtain licence

(1) No person shall carry on the business of selling, exporting or importing seeds at any place except under and in accordance with the terms and conditions of licence granted to him under this order

(2) Notwithstanding anything contained in sub-clause (1), the State Government may, by notification in the Official Gazette, exempt from the provisions of that sub-clause such class of dealers in such areas and subject to such conditions as may be specified in the notification.”

It is also not the case of the petitioner that some exemption notification has been issued by the State Government in respect of dealers like the petitioner.

For the aforementioned reasons, I find no ground to interfere in the impugned orders. The writ petition is dismissed.

January 19, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No