

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

6 WRIT PETITION NO.5048 OF 2022

**YAKUB AYUB SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner: Party In Person
AGP for Respondent Nos.1 to 5: Mr. P. K. Lakhotiya
Advocate for Respondent Nos.6, 9 & 10:
Mr. Ganesh P. Shinde

...

CORAM: RAVINDRA V. GHUGE

AND

ARUN RAMNATH PEDNEKER, JJ.

DATE: 25th JULY, 2022

PER COURT:

1. The Petitioner has put-forth prayer
Clause 'B' as under-

"(B) Rule may kindly be made absolute and by issuing appropriate writ or direction in the like nature, the respondent no.4 be directed to consider and dispose of by a proper order the applications 27/03/22 and 16/02/22 and 26/02/22 made by the petitioner seeking initiation of action against the respondent nos.6 to 10 i.e. Seeds Companies under the provisions of the Maharashtra Cotton Seeds (Regulation of

Supply, Distribution, Sale and Fixation of Sale Price) Act, 2009; and the Maharashtra Cotton Seeds (Regulation of Supply, Distribution, Sale and Fixation of Sale Price) Rules, 2010"

2. We have considered the submissions of the Petitioner, who has chosen to appear in-person in view of the Report submitted by the learned Registrars of this Court dated 28.07.2022. He has, therefore, discharged the Advocate he had engaged in this matter.

3. During the course of hearing in this matter, we noted the applicability of the Maharashtra Cotton Seeds (Regulation of Supply, Distribution, Sale and Fixation of Sale Price) Act, 2009 (*hereinafter referred to as 'Act-2009'*) and the Maharashtra Cotton Seeds (Regulation of Supply, Distribution, Sale and Fixation of Sale Price) Rules, 2010 (*hereinafter referred to as 'Rules-2010'*) framed thereunder.

4. We have perused the pleadings and we find that the Petitioner has put-forth Paragraph No.6,

which pertains to the compensation that he claims should be paid to him, as under-

"6. The respondent no.3 relying upon the report submitted by the District Level Investigation Committee and the claims printed on the specimen packet of the seeds, concluded that seeds were defective, false claims made upon the labels and the Seeds Companies have violated provisions of Section 12(2)(d) of the Act, 2009 and Rule 9(1)(c) & Rule 12(7)(2) of the Rules, 2010. Consequently, the complaints filed the petitioner were allowed vide orders dated 09/12/2019 and the respondent no.3 directed the Seeds Companies i.e. respondent nos.6 to 10 to compensate the petitioner is as follows:-

Sr. No.	Names of Company	Area	Compensation
1	Aditya Agrotech Seeds Pvt. Ltd.	0.50 H	Rs.1813/-
2	Namdhari Seeds Pvt Ltd.	0.25H	Rs. 983/-
3	Nuziveedu Seeds Ltd.	0.25 H	Rs.1260/-
4	Rasi Seeds Pvt. Ltd.	1.00H	Rs.2889/-
5	Tierra Seed Science Pvt. Ltd.	0.25H	Rs.676/-

Copies of order dated 09/12/2019 passed by the respondent no.3 are annexed

herewith and marked as Exhibit A collectively."

5. There is no dispute that the Director of Agriculture who is the Controller and Appellate Authority, State of Maharashtra, Pune has passed a reasoned order on 14.03.2022, in so far as the Respondent Aditya Agrotech Seeds Pvt. Ltd., vide which compensation of Rs.5600/- is directed to be paid to the Petitioner.

6. The Petitioner initially opened his arguments by saying that he has not received a single rupee from any of the Respondent companies and if it is noticed that he has been paid any amount, his case may be dismissed and action be taken against him. Thereafter, the Petitioner has admitted that he was initially paid Rs.3200/- by Respondent No.6 which he returned to the said company. When confronted with the evidence of having been paid Rs.5600/- which is a part of the affidavit-in-reply filed by Respondent No.6, he admitted that the said amount has been deposited

in his account and he has retained the said amount.

7. He now contends that he never wanted the amount and these Respondents are forcing him to accept the compensation amount. He submits that as he does not want any compensation from any of the Respondents, he is harping only on action to be taken against these Respondents by the competent authority, which is apparently a Court with competent jurisdiction to whom the controller could lodge a complaint under Section 15 of the Act-2009.

8. It is undisputed that the Director of Agriculture has passed identical orders against Respondent Nos.6 to 10. For the present, Respondent Nos.7 and 8 are yet to be served.

9. We find that the Director of Agriculture, who is the Controlling Authority, can initiate a complaint to an appropriate Court. A person aggrieved by the decision of the

Controller can appeal to the Commissioner of Agriculture under Section 18(1) of the Act-2009. For the sake of clarity, we reproduce Sections 13, 15, 16, 17 and 18 of the Act-2009, as under-

"Section 13. (1) Any person who contravenes any order issued to him by the Controller under Section 4, shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to rupees five thousand or with both.

(2) If any person commits any act amounting to sale of misbranding, or of spurious or of substandard seed, then he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to rupees five thousand or with both.

(3) Any person who sells the cotton seed at the price in excess of the maximum price fixed under section 10 shall be punishable with a fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees.

Section 15. No Court shall take cognizance of an offence punishable under this Act except upon a complaint, in

writing, made by the Controller or any other officer authorised by him for this purpose.

Section 16. No suit, prosecution or other legal proceedings shall lie against any authority or person for anything done or purported to have been done in good faith in pursuance of the provisions of this Act or the rules made thereunder.

Section 17. The Controller, every Seed Inspector, every Seed Analyst and every other person assisting the Controller, Seed Inspector or seed Analyst, in pursuance of the provisions of this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

Section 18. (1) Any person aggrieved by a decision of the Controller under section 4 or section 5 may, within thirty days from the date on which the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to the Commissioner, Agriculture, Maharashtra State:

Provided that, the appellate authority may entertain an appeal after

the expiry of the said period of thirty days, it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(3) Every order of the appellate authority under this section shall be final."

10. In view of the above, it is obvious that the Petitioner is suppressing facts from the Court. He has appeared in-person. He harps on his stand that he does not want compensation and insists on action of cancellation of the Seed Licence of the companies. Such issue is best left to the authorities who have the jurisdiction to deal with the same under the Act-2009 and the Rules-2010.

11. In view of the above and on account of suppression of facts, this Petition is dismissed. Nevertheless, the Director of Agriculture who is

also the controlling authority who has delivered the order dated 14.03.2022, may consider as to whether any of the companies have committed any offence, only after affording a reasonable opportunity of hearing to the companies as well as the Petitioner.

[ARUN RAMNATH PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

marathe