

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.2432/2020

M/s Arun Seeds and Pesticides V State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. J.M. Gandhi, Advocate for petitioner.
Mr. N.R. Patil, AGP for resp.nos. 1 to 3.

CORAM : AVINASH G. GHAROTE, J.
DATE : 03-08-2022

Heard Mr. Gandhi, learned Counsel for the petitioner
and Mr. Patil, learned AGP for respondent nos. 1 to 3.

2. This Petition challenges the order dated 16-07-2020 (pg 36), whereby the license of sale of seeds of the petitioner is cancelled and against such order the Appellate Authority on 26-08-2020 (pg 66) dismisses the Appeal.

3. Mr. Gandhi, learned counsel for the petitioner submits that in pursuance to the visit to the shop of the petitioner on 27-06-2020 certain deficiencies, as listed therein, were pointed out (pg 29) as a result of which, on the same day, the petitioner was directed to stop the sale of the seeds and submit the explanation within seven days. It is contended that, an explanation was submitted on 05-07-2020 and during the course

of hearing certain defects were admitted by the son of the petitioner. The Agricultural Officer and the Quality Control Inspector of Seeds, found that the defects were cured, therefore, by the communication dated 16-07-2020 (pg 38) vacated the restrictions granted for sale. It is, however, surprising to note that on 16-07-2020 itself the respondent no. 3 passed an order holding that the explanation submitted by the petitioner was not satisfactory and therefore the license to sale the seeds was cancelled w.e.f. 16-07-2020 (pg 36). The Appellate Authority has affirmed the order dated 26-08-2020 (pg 66).

4. What is material to note is that the proceedings were initiated on the basis of Inspection Report dated 27-06-2020, which indicates certain deficiencies and the explanation was called in 7 days. This inspection was conducted by the Quality Control Inspector of Seeds, who upon an explanation being submitted to him, by the communication dated 16-07-2020 had found it to be acceptable and had vacated the stay granted for the sale. The order dated 16-07-2020 surprisingly does not appear to have considered, this position. Thus, while passing order dated 16-07-2020, if the Quality Control Inspector of Seeds who had issued the communication dated 16-07-2020, himself has found the explanation satisfactory and has vacated the order restraining the petitioner from selling the seeds, there is no reason whatsoever why such satisfaction has not been considered by the respondent no.3.

5. It is also material to note that the issuance of the communication dated 16-07-2020 at (pg 38) is not disputed by the learned AGP. That being so, in my considered opinion, the respondent no. 3 before passing the impugned order dated 16-07-2020, ought to have taken into consideration the satisfaction as recorded by the Quality Control Inspector of Seeds as spelt out from the communication dated 16-07-2020 (pg 38). The order of the Appellate Authority dated 26-08-2020, also does not consider the above position.

6. In view of the above, in my considered opinion, both the orders cannot be sustained. The same are hereby quashed and set aside and the matter is remanded back to respondent no.3 for passing an appropriate order, after taking into consideration the communication dated 16-07-2020 (pg 38).

7. The Petition is allowed in above terms. No costs.

3.

(Avinash G. Gharote, J.)