

CWP-5572-2018 and
CWP-8571-2018

2023:PHHC:155773

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 202)

(1)

CWP-5572-2018
Date of Decision : 06.12.2023

M/s Mandair Seed Store

...Petitioner

Versus

State of Punjab and others

...Respondents

(2)

CWP-8571-2018

M/s R.K. Beej Bhandar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Verma, Advocate and
Mr. Manish Verma, Advocate for the petitioner(s).

Mr. Rohit Ahuja, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being decided as both these petitions involve the same question of law on similar facts.

2. In the present petitions, the grievance of the petitioner(s) is that they are selling the insecticides being the dealers of various

manufacturers and after taking a sample of a particular product of a particular manufacturer, the licenses of the petitioner(s) selling the insecticides were cancelled in August/December, 2017.

3. Learned counsel for the petitioner(s) submits that in an appeal filed though the licenses have been restored but the petitioner(s) have been debarred from selling the product of a particular manufacturer, which is totally arbitrary and illegal.

4. Learned counsel for the respondents submits that once a particular product of a manufacturer has been found to be mis-branded, it is within the domain of the licensing authority/appellate authority to restrain the selling of the mis-branded insecticides so as to take care of the farmers and the other general public.

5. In reply to the said contention, learned counsel for the petitioner(s) submits that though the petitioners have been debarred from selling the product of a particular manufacturer, namely, M/s J.K. Chemicals, Ambala but in rest of the Punjab, the products being manufactured by the same manufacturers, are being allowed to be sold by the other dealers, which is causing prejudice as the restraint being put upon the petitioner(s) is discriminatory in nature.

6. Learned counsel for the respondents very fairly submits that in case the petitioner(s) file any representation with the authorities concerned giving the detail that the products being manufactured by M/s J.K. Chemicals, Ambala are being allowed to be sold by the other dealers

in the State of Punjab, appropriate order will be passed so that there is no discrimination between the dealers of the same manufacturers.

7. Learned counsel for the petitioner(s) submits that keeping in view the said statement, the present petitions may kindly be disposed of having been not pressed any further with liberty to the petitioners to file appropriate representation raising the claim that the other dealers of M/s J.K. Chemicals, Ambala are being allowed to sell the products in the State of Punjab and the respondents be directed to decide the said representation in a time bound manner so that petitioner(s) do not suffer any prejudice.

8. Learned counsel for the respondents submits that in case, any representation along with the relevant data is received from the petitioner(s), the same will be decided by passing an appropriate speaking order within a period of eight weeks of the receipt of the same and the appellate authority will consider as to whether, keeping in view the facts and data, the petitioner(s) are to be allowed to sell the products of M/s J.K. Chemicals, Ambala as being done by the other dealers.

9. Petitions are disposed of in above terms.

10. A photocopy of this order be placed on the file of connected case.

December 06th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No