

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

**CWP-27122-2018 (O&M)
Date of Decision: 19th April, 2023**

M/s Chandan Hybrid Seed Company ... Petitioner

Versus

State of Punjab and others ... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rakesh Verma, Advocate with
Mr. Manish Verma, Advocate for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This writ petition in the nature of *Certiorari* is filed seeking setting aside of orders dated 9.5.2018 and 12.7.2018 cancelling the seed licence (retail) of the petitioner and dismissing the appeal respectively.

2. Brief facts are that the petitioner-firm was granted Seeds Retail Licence No. 11/187 under Insecticide Act, 1968. During inspection of firm on 2.5.2018, it was found that non-certified B.T. Cotton King 511 seeds were being stocked and sold. A show cause notice dated 4.5.2018 was sent through registered post. The petitioner failed to respond to the notice and the licence was cancelled. The appeal filed by the petitioner was dismissed.

3. Learned counsel for the petitioner submits that before cancelling the licence, no reasonable opportunity was provided to the petitioner. The contention is that notice dated 4.5.2018 sent through registered post was received on 9.5.2018.

4. Learned State Counsel defends the impugned orders.
5. The receipt of show cause notice by the petitioner and cancellation of the licence was on the same day, the petitioner was deprived of the reasonable opportunity to defend his case. Consequently, the impugned orders are set aside. The matter is remitted back to respondent No.2 to decide the issue afresh in accordance with law after providing opportunity of hearing to the petitioner. Let the petitioner through its representative appear in the office of respondent No.2 on 10th May, 2023 at 11:00 AM.
6. The petition is disposed of.
7. Since the main case has been disposed of, pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

19th April, 2023
anuradha

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No