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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.4951 OF 2024

Biofac Inputs Pvt. Ltd. ...Petitioner

V/s.

The State of Maharashtra & Ors. ...Respondents

Mr.Raghavacharyulu with Adv.Padmaja Gadiraju and Mr.Ganesh Shinde for the Petitioner.

Ms.Vrushali R. Raje, AGP for the State - Respondent.

CORAM : AVINASH G. GHAROTE, J.

DATE : 12TH JUNE, 2024.

P.C. :-

1. Heard learned counsel for the petitioner and learned AGP for the State. The petition questions the order dated 27.2.2024 passed by the Commissioner of Agriculture / respondent no.2 (page 56) by which the license of the petitioner to trade in agriculture seeds has been cancelled.

2. Learned counsel for the petitioner submits that the proceedings before the Commissioner / respondent no.2 under

section 32-A of Fertiliser, (Inorganic, Organic or Mixed) (Control) Order, 1985 were in the nature of an appeal, challenging the order of suspension of the license by Respondent no.3 dated 12.1.2024 (page 42) in view of which respondent no.2 would not have cancelled the license. It is also submitted that the proceedings before respondent no.3 are still pending considering which the respondent no.2 has transgressed the jurisdiction invoked.

3. Learned AGP though supports the impugned order, however, in all fairness submits that respondent no.2 could not have cancelled the license when the challenge was to the suspending of the license.

4. It is not in dispute that respondent no.3 has passed an order suspending the license which was the subject matter of challenge. It is therefore apparent that the jurisdiction to be exercised by respondent no.2 was restricted to examining the validity of the order impugned before him and not otherwise. In cancelling the license, it is thus apparent that respondent no.2 has transgressed the brief presented before him and therefore

committed the illegality. The impugned order dated 27.2.2024 passed by respondent no.2 cannot be sustained and is hereby quashed and set aside. The matter is therefore, remitted back to respondent no.2 to decide the challenge as raised before him in terms of the applicable law. The petition is therefore, allowed in aforesaid terms. No costs.

(AVINASH G. GHAROTE, J.)