



W.P.No.23551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23551 of 2024

E.J.Bio Polymers,
Rep.by its Partner,
E.Rajasekaran

... Petitioner

Vs.

1. The Director,
Department of Agriculture,
Government of Tamil Nadu,
Chepauk, Chennai-600 005.

2.The Controller of Fertilizer,
Ministry of the Agriculture and Farmers Welfare
(Department of Agriculture,
Cooperation and Farmer Welfare)
New Delhi.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to quash the return orders dated 05.07.2023 and 30.04.2024 sent by the second respondent and direct the second respondent to issue the provisional registration Certificate in the Form-G3 to the petitioner.



W.P.No.23551 of 2024

For Petitioner : Ms.S.Pooja Shree
For Respondents : Mr.Yokesh Kannadasan
Special Government Pleader for R1
Mr.Prasad Vijaykumar for R2

ORDER

This Writ Petition has been filed challenging the return orders dated 05.07.2023 and 30.04.2024 sent by the second respondent and for a consequential direction to the second respondent to issue the Provisional Registration Certificate in Form-G3 to the petitioner.

2. The learned counsel appearing for the petitioner submits that the petitioner is a Company, namely, E.J Bio Polymers and is procuring a type of seaweed known as Marinne Macro Algae which is referred to as "Kadal Pasi" in tamil and the said product is a bio-stimulant. In order to comply with the Gazette notification published by the Central Government pertaining to the Order 20(c)(5) of the Fertilizer (Inorganic, Organic or Mixed)(Control) Order, 1985, the petitioner had made an application dated 25.02.2022 before the first respondent requesting for grant of Certificate in



W.P.No.23551 of 2024

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Form G2 along with the required documents and a representation, however, the first respondent did not act upon the application and the representation. Meanwhile, the Central Government extended the date for submission of the application to the second respondent, namely, the Controller of Fertilizers by amending Order 20(c)(5) of the Fertilizer (Inorganic, Organic or Mixed)(Control) Order, 1985 by substituting the date "31st March 2022" to "30th September 2022" vide Gazette Notification in SO.1515(E), dated 31.03.2022 and again, the last date for submission of the application was extended upto 31.03.2023 by substituting the date "30th September 2022" to "31st March 2023" vide gazette notification in SO.4638(E), dated 30.09.2022. However, the first respondent has issued the Certificate only on 30.03.2023 and sent the same to the petitioner through registered post which was received by the petitioner on 07.04.2023. On 21.04.2023, the petitioner had sent the application to the second respondent, who is the Controller of Fertilizer, requesting for issuance of the provisional registration Certificate in Form-G3. However, the second respondent returned the same stating that the application was received by them after the last date (i.e.,) 31.03.2023.



W.P.No.23551 of 2024

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Aggrieved by the same, the petitioner had sent another representation to the second respondent explaining the reasons for delay on 21.07.2023, however, on 30.04.2024, the second respondent has again returned the representation stating that their representation cannot be considered as the same was received by them post the last date set under Order 20(c)(5) of the Fertilizer (Inorganic, Organic or Mixed)(Control) Order, 1985. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the respondents submits that the last date for submission of application for issuance of the provisional Registration Certificate in Form-G3 was extended upto 31.03.2023, however, the application of the petitioner was received on 25.04.2023 and therefore, the request of the petitioner was not considered by the second respondent and the application was returned in original.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.



W.P.No.23551 of 2024

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5. The petitioner Company claims that they had filed their application on 25.02.2022 for grant of Certificate in Form G2 along with all required documents before the first respondent and the first respondent has not acted upon the application and the last date for submission of the application form to the second respondent, namely, the Controller of Fertilizer was extended upto 31.03.2023, however, the first respondent has issued the Certificate only on 30.03.2023 and sent the same through registered post which was received by the petitioner only on 07.04.2023 and immediately, they made application to the second respondent, who is the Controller of Fertilizer, for issuance of the Provisional Registration Certificate in Form-G3, but, it was returned by the second respondent stating that their application was received after the last date and due to lethargic act of the first respondent, the petitioner need not be suffered. However, the claim of the petitioner cannot be considered by this Court, though the first respondent has issued the Certificate in Form-G2 only on 30.03.2023 as claimed by the learned counsel appearing for the petitioner



W.P.No.23551 of 2024

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and the time for making the application cannot be extended only for the petitioner, since the last date for submission of the application was fixed as 31.03.2023 for issuance of Provisional Registration Certificate in Form-G3, in all over India and therefore, the request of the petitioner was rejected by the second respondent which cannot be interfered with by this Court. However, liberty is granted to the petitioner to make an application for obtaining the Provisional Registration Certificate in Form-G3 for the next academic year.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

20.08.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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W.P.No.23551 of 2024

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W.P.No.23551 of 2024

M.DHANDAPANI, J.

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W.P.No.23551 of 2024

20.08.2024