



CWP-20261-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-20261-2022 (O&M)
Date of Decision:10.09.2024

M/s Rajpura Pesticides

.... Petitioner

Vs

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Neeraj Goel, Advocate for the petitioner.

Ms. Amrita Garg, AAG, Punjab.

SUVIR SEHGAL, J.

1. Instant petition has been filed under Article 226/227 of the Constitution of India, *inter alia*, for issuance of a writ in the nature of certiorari for quashing impugned order dated 08.08.2022, Annexure P-8, passed by respondent No.2.
2. While issuing notice of motion to the respondents, this Court passed the following order on 08.09.2022:-

“Learned counsel for the petitioner contends that the petitioner is a licensed dealer. Licence No.321 was issued on 23.10.2001 and the same is valid upto 22.10.2022. Petitioner has not contravened any provision of the Seed Control (Control Order). Petitioner is trading in different



items manufactured by different companies. The misconduct on behalf of M/s Synergene Crop Innovation is the only instance in which the petitioner has been implicated despite the fact that the petitioner is not a manufacturer and is trading as per specification of the Control Order. The licence of the petitioner was cancelled by the chief Agriculture Officer, Patiala vide order dated 28.04.2022. The appeal filed by the petitioner before the Joint Director, Department of Agriculture, Punjab is pending. The interim order was granted by the appellate authority on 04.07.2022 thereby staying the operation of the order dated 28.04.2022, except to sell, stock, exhibit for sale of Sunflower Hybrids “Rex The King-036” and Unnat 057 produced by M/s Synergene Crop Innovation, Hyderabad. The interim order has been vacated vide the impugned order dated 08.08.2022 after filing of a quashing petition by the petitioner in FIR No.87 dated 03.05.2022, Police Station City Rajpura.

Notice of motion for 29.11.2022.

Till the next date of hearing, impugned order may not be implemented and the rigor of order dated 04.07.2022 shall continue.”

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3. Respondents have contested the writ petition by filing a reply, wherein it has been submitted that on a complaint received from some farmers', a Committee was constituted by respondent No.4 and the agricultural fields of the complainant were surveyed. It was found that sunflower seeds purchased from the petitioner, yielded flowers of poor quality and a report was submitted. A show cause notice was served upon the petitioner and his licence was cancelled. Petitioner filed an appeal before respondent No.3, who vide order dated 04.07.2022, Annexure P-5, stayed the sale of the Sunflower hybrids "Rex the King-036" and "Unnat 057" seeds produced by M/s Synergene Crop Innovations, Hyderabad. This order was challenged before respondent No.2, who has passed the impugned order. A stand has been taken that the petitioner is not co-operating with the department and it has failed to submit the monthly report and Form C in the absence of which the quality of seeds sold by him cannot be verified. FIR No. 112 dated 09.05.2020 has been lodged against the petitioner at Police Station City Rajpura, for violation of the provisions of the Essential Commodities Act, 1955. It has been admitted that respondent No.3 had filed an appeal.

4. Both the counsel for the petitioner and the respondents are not in a position to apprise the Court as to whether the appeal is still pending or has been decided.

5. Be that as it may, without examining the merits of the case, instant petition is disposed of with a direction to the Joint Director, Department of Agriculture Punjab-respondent No.3, to decide the appeal filed by the petitioner on merits, within a period of four months from



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today, if not done so far. Parties are directed to appear before the appellate authority on 21.10.2024 at 11:00 am.

6. Interim order dated 04.07.2022 passed by the appellate authority shall remain in operation till the decision of the appeal by respondent No.3.

10.09.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No