

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5124 OF 2024**

Greenfield Agrichem Industries Pvt. Ltd. ... Petitioner

Versus

The State of Maharashtra Thr. The Secretary ... Respondents
To The Govt. of Maharashtra in Agriculture
Department and Ors.

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Mr. Nitin Gaware Patil a/w Ratan Adhe a/w Divyesh Jain a/w
Hrushikesh Korhale i/b Ganesh Shinde for the Petitioner.

Smt. Vrishali Raje, AGP for the State.

CORAM : MANGESH S. PATIL,J.

DATED : 21st JANUARY 2025

ORDER :-

1. Heard both the sides finally with consent.
2. The petitioner is challenging the order of the registration authority passed under rule 31 and that of appellate authority, under rule 32(A) of the Fertiliser Control Order, 1985 (for short 'the order').
3. It has been pointed out that the order of the registering authority suspending the licence to manufacture a fertilizer was in a challenge before the appellate authority under rule 32A of the order. However, without restricting the inquiry to the sustainability of the order of the registering authority, the appellate authority has gone

ahead and even cancelled the manufacturing and selling licence of the petitioner.

4. Though several other issues have been raised touching the facts and evidence before both the authorities, only on the ground that the appellate authority could not have transgressed his powers to decide the appeal and in the process cancelling the manufacturing and selling licence is *ex facie* without jurisdiction.

5. Without indulging into any further analysis, it would therefore be imperative that the appellate authority is directed to restrict itself to the challenge and to decide it on its own merits. Even if, he otherwise is inclined to or keen to held any inquiry into the licence regarding manufacture and sale, it could happen only in a different and independent proceeding. As can be perceived from the observations of the appellate authority, it seems to have passed the impugned order in an enthusiasm, wherein instead of confirming the suspension of the licence, he has even proceeded to direct their cancellation.

6. Only on this ground, it would be appropriate that the matter is remitted back to the appellate authority for decision of the appeal in accordance with the law afresh, by extending an opportunity of being heard to the petitioner.

7. The Writ Petition is allowed partly. The impugned order is quashed and set aside. The matter is remitted back to respondent No.2 for decision in accordance with the law and restrict himself to the order under challenge before him.

8. The petitioner shall appear before respondent No.2- appellate authority and thereafter decide it on its own merits, as expeditiously as possible, and in any case within eight weeks from today.

9. Ad interim relief pursuant to the order dated 8th April 2024 in terms of prayer clause (C) stands extended for a period of eight weeks from today, which reads as under:

“(C) Pending hearing and final disposal of this Writ Petition, the effect, operation and implementation of judgment & order dated 27.02.2024, passed by the Appellate Authority and the Commissioner of Agriculture, State of Maharashtra, Pune in Appeal No.460/2024 and the Order on 10.01.2024 passed by the respondent no.3, may please be stayed.”

(MANGESH S. PATIL, J.)