

Arun Sankpal

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16988 OF 2025

Varun Seeds and Agro Tech (India) Pvt Ltd
Flat No. 516, 5th Floor, Babukhani Estate,
Bashieer Bagh, Hyderabad – 500 001,
(Telangana State),
Through Its Authorised Representative
Sachin S/o Chandrakant Pawar,
Age: 45 years, Occ: Service,
R/o: Wadala Mahadev Tq. Shrirampur,
Dist. Ahilyanagar

..Petitioner

Versus

1. Commissioner of Agriculture,
State of Maharashtra, Pune
Commissioner of Agriculture Building,
Pune – 1, District Pune.

2. Director
(Regulation and Quality Control)
Commissionerate of Agriculture, (M.S.),
Central Building
Pune – 411 005.

...Respondents

Mr. Ganesh Shinde (through VC), with Ratan L. Adhe, for the
Petitioner.
Smt. Pooja Patil, AGP, for the Respondents-State.

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RAMCHANDRA
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CORAM: N. J. JAMADAR, J.
DATE : 15th DECEMBER 2025

JUDGMENT:

1. Rule. Rule made returnable forthwith, and, in view of the nature of controversy, with the consent of the learned Counsel for the parties, heard finally.

2. The Petitioner is aggrieved by an order dated 21st November 2025 passed by the Commissioner (Agricultural) in Appeal No. 460 of 2024, whereby the Appeal preferred by the Petitioner against the order dated 25th July 2025 passed by the Controller and Director, Agricultural, Pune, thereby suspending the licence to sell the seeds till 31st December 2025, came to be dismissed by affirming the said order dated 25th July 2025.

3. The Petitioner is a dealer in seeds. The Petitioner was granted a licence to carry on the business in seeds under Seeds (Control) Order, 1983. The Petitioner entered into an Agreement for marketing seeds produced by M/s Sonam Seeds Technologies Pvt Limited ("M/s Sonam Seeds"), a licenced producer.

4. In the wake of the allegations of sub-standard germination, show-cause notices were issued to the Petitioner as well as M/s Sonam Seeds. After providing an opportunity of hearing, by an order dated 25th July 2025, the Controller and Director (Agricultural) was persuaded to suspend the licence granted to the Petitioner to carry on business of dealer in seeds, invoking the provisions under Clause 15(a) and (b) of the Seeds (Control) Order, 1983.

5. Being aggrieved, the Petitioner preferred an Appeal before the Commissioner (Agricultural). By the impugned order, the Appellate Authority was persuaded to dismiss the Appeal by affirming the order of Controller and Director (Agricultural). It was, *inter alia*, noted that apart from sub-standard germination, the Petitioner had committed breach of Clause 18(2) of the Seeds (Control) Order, 1983, by committing default in submitting monthly returns relating to business.

6. Being further aggrieved, the Petitioner has invoked the writ jurisdiction.

7. I have heard Mr. Ganesh Shinde, the learned Counsel for the Petitioner, and Smt. Pooja Patil, the learned AGP, for the Respondents-State.

8. Mr. Ganesh Shinde, the learned Counsel for the Petitioner, would urge that the impugned order of suspension of licence to operate as dealer in seeds in its entirety, was wholly arbitrary and illegal. The Petitioner has been granted licence to deal in more than 90 seeds varieties. The grievance of the sub-standard germination was in respect of soyabin crop of Tejasvi (Shri Ganesha) variety, produced by M/s Sonam Seed. Thus, the licence could not have been suspended in respect of all the seeds varieties. Mr. Shinde laid emphasis on the fact that by an order dated 9th September 2025, the Controller has prohibited the producer from selling the soyabin seeds of Tejasvi (Shri

Ganesha) variety only. As the Petitioner was co-marketing the said variety of seeds, the licence of the Petitioner to sell the seeds of other crops varieties could not have been suspended.

9. Smt. Pooja Patil, the learned AGP for the Respondents-State, countered the submissions on behalf of the Petitioner. It was submitted that in the show-cause notice dated 8th July 2025, apart from the sub-standard germination of the soyabin seeds of Tejasvi (Shri Ganesha) variety, the Petitioner was called upon to show-cause as to why action should not be taken against the Petitioner for non-compliance of Clause 18(2) of the Seeds (Control) Order, 1983. Therefore, the submissions on behalf of the Petitioner that the impugned order travels far beyond the infraction and deviation in respect of which the Petitioner was called upon to show-cause, does not merit acceptance.

10. I have given anxious consideration to the aforesaid submissions canvassed across the bar and perused the material on record.

11. Evidently, the trigger for the issue of show-cause was sub-standard germination of Soyabin seeds of Tejasvi (Shri Ganesha) variety. Indisputably, the said seeds were produced by M/s Sonam Seeds. The Petitioner was co-marketing the said seeds along with M/s Sonam Seeds. The order dated 19th September 2025 passed by the Controller indicates that M/s Sonam Seeds, the producer, was restrained from selling the soyabin seeds of Tejasvi (Shri Ganesha) variety only. In this

view of the matter, the submission on behalf of the Petitioner that the Petitioner could not have been saddled with more onerous consequences than the producer of the seeds in question, cannot be said to be unfounded.

12. The endeavour of Smt. Pooja Patil to salvage the position by banking upon the show-cause notice dated 8th July 2025, wherein a reference was made to non-compliance of the provisions contained in Clause 18(2) of the Seeds (Control) Order, 1983, does not merit acceptance. The provisions contained in Clause 18(2) of the Seeds (Control) Order, 1983 read as under:

**“18. Maintenance of records and submission of returns,
etc:**

(1)

(2) Every dealer shall submit monthly return relating to his business for the preceding month in Form ‘C’ to the licensing authority by the 5th day of every month.”

13. The failure to submit the returns of business for the preceding month by the dealer to the Licencing Authority, was required to be appraised through the prism of proportionality. An order of suspension of licence for a term of almost five months for the failure to submit monthly returns *prima facie* appears to err on the side of severity.

14. When the Controller restrained the producer from selling the Soyabin seeds of Tejasvi (Shri Ganesha) variety only, the Petitioner, a co-marketer, could not have been visited with the penalty of suspension of licence to deal in seeds of all crops and varieties. The impugned action thus appears to be arbitrary and disproportionate. The Authorities did not seem to have kept in view the principle of proportionality.

15. A useful reference in this context can be made to a decision of the Supreme Court in the case of **Coimbatore District Central cooperative Bank V/s. Coimbatore District Central Cooperative Bank Employees Assn and Anr**,¹ wherein the principle of proportionality was illuminatingly postulated, as under :

“17. So far as the doctrine of proportionality is concerned, there is no gainsaying that the said doctrine has not only arrived at in our legal system but has come to stay. With the rapid growth of Administrative Law and the need and necessity to control possible abuse of discretionary powers by various administrative authorities, certain principles have been evolved by Courts. If an action taken by any authority is contrary to law, improper, unreasonable, irrational or otherwise unreasonable, a Court of Law can interfere with such action by exercising power of judicial review. One of such modes of exercising power, known to law is the 'doctrine of proportionality'.

18. ‘Proportionality’ is a principle where the Court is concerned with the process, method or manner in which the

1 (2007) 4 SCC 669.

decision-maker has ordered his priorities, reached a conclusion or arrived at a decision. The very essence of decision making consists in the attribution of relative importance to the factors and considerations in the case. The doctrine of proportionality thus steps in focus true nature of exercise - the elaboration of a rule of permissible priorities.

19. de Smith states that 'proportionality' involves 'balancing test' and 'necessity test'. Whereas the former ('balancing test') permits scrutiny of excessive onerous penalties or infringement of rights or interests and a manifest imbalance of relevant considerations, the latter ('necessity test') requires infringement of human rights to the least restrictive alternative. [Judicial Review of Administrative Action'; (1995); pp. 601- 605; para 13.085; see also Wade & Forsyth; 'Administrative Law'; (2005); p.366].

20. In Halsbury's Laws of England, (4th edn.); Reissue, Vol.1(1); pp.144-45; para 78, it is stated;

"The court will quash exercise of discretionary powers in which there is no reasonable relationship between the objective which is sought to be achieved and the means used to that end, or where punishments imposed by administrative bodies or inferior courts are wholly out of proportion to the relevant misconduct. The principle of proportionality is well established in European law, and will be applied by English courts where European law is enforceable in the domestic courts. The principle of proportionality is still at a stage of development in English law; lack of proportionality is not usually treated as a

separate ground for review in English law, but is regarded as one indication of manifest unreasonableness.

21. The doctrine has its genesis in the field of Administrative Law. The Government and its departments, in administering the affairs of the country, are expected to honour their statements of policy or intention and treat the citizens with full personal consideration without abuse of discretion. There can be no 'pick and choose', selective applicability of Government norms or unfairness, arbitrariness or unreasonableness. It is not permissible to use a 'sledgehammer to crack a nut'. As has been said many a time; "Where paring knife suffices, battle axe is precluded".

(emphasis supplied)

16. Applying the aforesaid test to the facts of the case at hand, I am inclined to partly allow the Petition.

17. Hence, the following order:

: O R D E R :

- (i) The Petition stands partly allowed.
- (ii) The impugned order dated 21st November 2025 passed by the Commissioner (Agricultural) and order dated 25th July 2025 passed by the Controller and Director (Agricultural) stand quashed and set aside to the extent of suspension of the licence to sell

the seeds of the crops varieties, other than the Tejasvi (Shri Ganesha) variety.

(iii) The impugned order of suspension shall however remain in operation qua Soyabin seeds of Tejasvi (Shri Ganesha) variety, produced by M/s Sonam Seeds.

(iv) Rule made absolute to the aforesaid extent.

No costs.

[N. J. JAMADAR, J.]