IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 2108 OF 2025

Between:

M/s. AGH Fertilizer Innovations Private Limited, Rep. by its Director, M. Adi Sankara Rao S/o. M. Sambasiva Rao, Aged 45 years, R/o. D.No. 2-41, Kolagutla Village and Mandal, Guntur-522 612, Andhra Pradesh State Factory and Office at .D.No. 4-126/2B, Athvelly, Medchal-501 401, Medchal-Malkajgiri District, Telangana State. Sale point in AP at. D.No. 1-20, Hymavathi Nilayam, Near Vasavi Heights Apartments, Balachandra Nagar, New Bus Stand Road, Karempudi Mandal, Palnad District- 522 614, Andhra Pradesh State.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary,Agriculture and Co-operation Dept., Secretariat, Velagapudi Amaravati, Guntur District.
2. The Commissioner and Director of Agriculture, State of Andhra Pradesh, Near Rythu Bazar, Chuttugunta, Guntur.

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in interfering with sale and distribution of Bio-products/Bio-Stimulants of petitioner-Company, viz., Perfect, Finish, Temper, Pataas, Kick, Clear, Target, Vajra, Mr. Chilly, Strength, Ctrl. Virus, Mr. Cotton, Grow-up, Boom, AGH-F-6, AGH-F-4, AGH-Boro, AGH- MB, Nutri Combo, Bhu

Shakti, AGH-Suvarna, Nutri Plus, AGH Mycin, Neem Powder, Mantra, Cobra, Rapi Grow, All Clear, AGH Alexa, AGH Siri, AGH F-2, AGH X-3, AGH X-5, AGH Robo, AGH Don,AGN Dosth, AGH Bramhastra, Tiger, Guru, Cure, Theen Maar and Booster, by issuing Memo No. PP.II(1)2085/2005, dated 21-01-2006 and Letter No. PP.II(1)2085/2005, dated 21-01-2006 and in the absence of Notification prescribing standards and not included in Schedule-VI as being illegal, arbitrary, unconstitutional, and direct the 2nd respondent not to interfere with in any manner in selling and distribution of Bio-products/Bio-Stimulants including from the licensed premises of the dealers/stockists under the Insecticides Act, 1968 and the Fertilizers Control (Order) Act, 1985.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent not to interfere with sale and distribution of Bio-products / Bio-Stimulants of petitioner- Company, viz., Perfect, Finish, Temper, Pataas, Kick, Clear, Target, Vajra, Mr. Chilly, Strength, Ctrl. Virus, Mr. Cotton, Grow-up, Boom, AGH-F-6, AGH-F-4, AGH-Boro, AGH-MB, Nutri Combo, Bhu Shakti, AGH-Suvarna, Nutri Plus, AGH Mycin, Neem Powder, Mantra, Cobra, Rapi Grow, All Clear, AGH Alexa, AGH Siri, AGH F-2, AGH X-3, AGH X-5, AGH Robo, AGH Don, AGN Dosth, AGH Bramhastra, Tiger, Guru, Cure, Theen Maar & Booster, including from the licensed premises of the dealers, stockists, under the Insecticides Act, 1968 and the Fertilizers Control (order) Act, 1985, pending disposal of the above Writ petition.

Counsel for the Petitioner: SMT. B V APARNA LAKSHMI

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following: ORDER

APHC010037522025

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI **[3330]**

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JANUARY

TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 2108/2025

Between:

M/s. Agh Fertilizer Innovations Private Limited, ...**PETITIONER**

AND

The State Of Andhra Pradesh and Others ...**RESPONDENT(S)**

Counsel for the Petitioner:

1. B V APARNA LAKSHMI

Counsel for the Respondent(S):

1. GP FOR COOPERATION

The Court made the following order:-

This Writ Petition is filed under Article 226 of Constitution of India for the following relief/s:-

> "...pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in interfering with sale and distribution of Bio-products/Bio-Stimulants of petitioner-Company, viz., Perfect, Finish, Temper, Pataas, Kick, Clear, Target, Vajra, Mr.Chilly, Strength, Ctrl.Virus, Mr.Cotton, Grow-up, Boom, AGH-F-6, AGH-F-4, AGH-Boro, AGH-MB, Nutri Combo, Bhu Shakti, AGH-Suvarna, Nutri Plus, AGH Mycin, Neem Powder, Mantra, Cobra, Rapi Grow, All Clear, AGH Alexa, AGH Siri, AGH F-2, AGH X-3, AGH X-5, AGH Robo, AGH Don, AGN Dosth, AGH Bramhastra, Tiger, Guru, Cure, Theen Maar and Booster, by issuing Memo No.PP.II(1)2085/2005, dated 21-01-2006 and Letter No.PP.II(1)2085/2005, dated 21-01-2006 and in the absence of Notification prescribing standards and not included in Schedule-VI, as being illegal, arbitrary, unconstitutional, and direct the 2nd respondent not to interfere with in any manner in selling and distribution of Bio-products/Bio-stimulants including from the licensed premises of the dealers/stockists under the Insecticides Act, 1968 and the Fertilizers Control (Order) Act, 1985 and pass such other order or orders...."

2. Heard learned counsel for the petitioner and learned counsel for the respondents.

3. The learned counsel for petitioner submits that the subject matter of this Writ Petition is squarely covered by the common order dated 05.08.2024 passed by this Court in W.P.Nos.16853 and 16916 of 2024.

4. The learned counsel for the respondents did not refute the said submission.

5. In view of the same, for the reasons alike in the aforesaid common order, this Court is inclined to dispose of the writ petition in terms of W.P.Nos.16853 and 16916 of 2024, dated 05.08.2024.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

7. Registry is directed to attach a copy of the common order dated 05.08.2024 passed in W.P.Nos.16853 and 16916 of 2024 to this order.

As a sequel thereto, miscellaneous Petitions pending, if any, shall stand closed.

//TRUE COPY//

Sd/- V SAVITHRI GOWRI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary,Agriculture and Co-operation Dept., Secretariat, Velagapudi Amaravati, Guntur District.
2. The Commissioner and Director of Agriculture, State of Andhra Pradesh, Near Rythu Bazar, Chuttugunta, Guntur.
3. One CC to Smt. B V Aparna Lakshmi Advocate [OPUC]
4. Two CCs to GP for Cooperation, High Court of Andhra Pradesh. [OUT]
5. Three CD Copies

(Along with a copy of order dt. 05.08.2024 in WP Nos.16853 & 16916 of 2024)
TF

HIGH COURT

DATED:30/01/2025

ORDER

WP.No.2108 of 2025



DISPOSING OF THE W.P., WITHOUT COSTS

APHC010332502024

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI **[3330]**

(Special Original Jurisdiction)

MONDAY ,THE FIFTH DAY OF AUGUST

TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No: 16853/2024

Between:

M/s.RAK Agri Science ...**PETITIONER**

AND

The State Of Andhra Pradesh and Others ...**RESPONDENT(S)**

Counsel for the Petitioner:

1.B V APARNA LAKSHMI

Counsel for the Respondent(S):

1.GP FOR AGRICULTURE

WRIT PETITION No: 16916/2024

Between:

M/s.Osiries Agros ...**PETITIONER**

AND

The State Of Andhra Pradesh and Others ...**RESPONDENT(S)**

Counsel for the Petitioner:

1.B V APARNA LAKSHMI

Counsel for the Respondent(S):

1.GP FOR AGRICULTURE

The Court made the following common order:-

Since the subject matter involved in these Writ Petitions is one and the same, this Court deems it appropriate to dispose of these cases by way of this common order.

2. The grievance of the petitioners in these writ petitions is that the Government of India, while exercising the powers under Section 3 of the Essential Commodities Act, 1955, amended the Fertilizer (inorganic, organic, mixed, Control Order) 1985 duly naming the above said substances as Bio Stimulants, and included in Fertilizers (Inorganic, Organic, Mixed) Control Order, 1985 *vide* S.O.No.882 (E), dated 23-02- 2021. As per the said order dated 23-02-2021, Standards have to be specified by the Central Bio-stimulants Committee including in Schedule-VI. So far standards have not been specified for bio-stimulants and included in Schedule-VI. As the standards for Bio Stimulants are not specified by Central Bio Stimulants Committee and not included in Schedule-VI, therefore respondents are not entitled to interfere with sale and distribution of (Bio-products/Bio-Stimulants).

3. Further, contended that a notification was issued by the Government of India *vide* S.O.No.882 (E), dated 23-02-2021 allowing the manufactures/ distributors of Bio products/Bio-Stimulants to make an application for issuance of provisional registration of Bio-products/Bio-Stimulants as required under the above said order, inspite of that, the respondents are not receiving the applications filed

in Form-G. As such, prayed to direct the respondents not to interfere with the petitioners business.

4. The learned counsel for the respondents have voiced/contended that the petitioners have not submitted any bio-efficacy trial reports and results pertaining to non-toxicity and that the Ministry of Agriculture and Farmers Welfare, Government of India has issued a Gazette notification *vide* SO No.882(E), dated 23.02.2021, under Fertilizer (Inorganic, Organic or Mixed) (Control) Amendment Order, 2021 duly including the Biostimulants in Schedule VI of Fertilizer (Inorganic, Organic or Mixed) (Control) Order, 1985. The Division Bench of the combined High Court observed that the guidelines prescribed in the order under appeal would remain in force only till appropriate legislation – either plenary or subordinate – is made in that regard and pursuant to the said Division Bench order and to regulate the manufacturing and marketing of bio-products particularly with fake and bogus addresses and to prevent spurious products to the farmers the Government issued G.O.Ms.No.18, Agriculture & Cooperation (AGRI.III) Department, dated 10.03.2017 and sub-clause (4) of Clause 3 of the said SO No.882(E) reads as follows:

> "(4) Notwithstanding anything contained in this order, any person manufacturing a biostimulant as on the date of publication of this order for which no standards have been specified, may, subject to making an application for grant of provisional registration under sub-clause (5), continue to manufacture for sale, sell, offer for sale, stock or exhibit

such biostimulant for a period of two years from the date of publication of this order."

5. The said time limits were extended vide SO No.2333, dated 14.06.2021, which reads as follows:

"In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Fertiliser (Inorganic, Organic or Mixed) (Control) Order, 1985, namely:-

1. (i) This order may be called the Fertiliser (Inorganic, Organic or Mixed) (Control) Amendment Order, 2021.

(ii) It shall come into force on the date of its publication in the Official Gazette.

2. In the Fertiliser (Inorganic, Organic or Mixed) (Control) Order, 1985,-

(i) In clause 20(c), in sub-clause (5), for the words "within a period of six months from the date of publication of this order", the words, figure and letters "within 31st March, 2022" shall be substituted.

(ii) In 'Form G-3, for the words, figures and letters "up to....day of August, 2022", the words, figures and letters "up to 22nd day of February, 2023" shall be substituted."

6. In view of the categorical extension of time limits in SO No.2333, dated 14.06.2021, the respondents are directed to follow the provisions and the guidelines stipulated in SO No.882(E), dated 23.02.2021 and SO No.2333, dated 14.06.2021, while dealing with the products of the petitioners.

7. The petitioners are also directed to make an application, within a period of two (02) weeks from the date of receipt of a copy of this order, to the Controller for grant of provisional registration Form G-1 along with (a) details of the product, its specifications, label and such other particulars as may be required; (b) certificate issued by the State Government in Form G-2 to that effect- (i) the product is available in the market prior to the publication of the said order; and (ii) no incident has come to its notice about the harmful effect of the product.

8. On receipt of such application by the respondents, process the application for grant of provisional registration, as per the procedure, law and legislation, the Controller by an order in writing grant a provisional certificate of registration of biostimulant in Form G-3, as expeditiously as possible, not later than four (04) weeks from the date of the application, in pursuant to the control order issued *vide* SO No.882(E), dated 23.02.2021. Meanwhile, respondents are directed to permit the petitioners to deal with the subject products.

9. Accordingly, these Writ Petitions are disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHARA RAO

Date:05.08.2024
KBN