HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 18027 OF 2025

Between:

M/s. Vikas Kali Agritech, Rep. by its Proprietor, V. Sai Ganesh S/o. V. Jannaiah, aged 26 years, R/o. D.No.1-68, Gandhi Nagar, Near Anganwadi School, Suryapet, Suryapet District - 508 213. Telangana State. Factory at . Shop No. 332, Industrial Park, Near Ramoji Film City, Dandu Malkapur-508 252, Choutuppal Mandal, Nalgonda District, Telangana State. Office at . Flat No. 202, Maheswari Swetch Arcade, Mansoorabad Village, Chitra Sneha Colony, Hayathnagar Mandal, Ranga Reddy District - 500 065, Telangana State.

.....PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Agriculture and Co-operation Dept., Secretariat, Hyderabad.
2. The Commissioner and Director of Agriculture, State of Telangana, Opp. L.B.Stadium, Basheerbagh, Hyderabad, Telangana State.

.....RESPONDENTS

Petition Under Article 226 of the Constitution of India 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 manufacturing, sale and distribution of bio-products/bio- stimulants of petitioner-Firm, viz., V.K. Max, V.K. Max Pro, V.K. Max-2 (Sqare), V.K. Gold, Vista, Samrat, Strong Root, Vajra, V. Blast, V.K. Mycin, V.Myte, Climax, Rocky, Flaming, Quick, Dr. Pepper, Crop Care, V.K. Bullet, V.K.Diamond, Veera, Pexolane, Microcal, V.K-Z, V.K. Vigore, V.K. Vikram-3G, Charlie-4G, V.K. Diamond, V.K. Rx-100, V.K.Rx, Devil, Energy, Fire, Hy-Rich, Ista, Granite, Cracker, Brigade, Anti-Power, Jackie, Kalki, Lottorv, Miracle. New Leaf, Opener, Protocal, Ranam, Rice Star

Plus , Simple Plus and Srnirnoff. which contains Anti Transpirants, Pressmud, Chitine and Egg Shell and are also not covered under the Insecticides Act, 1968 and not included in Schedule-VI of the Fertilizers Control (Orcer) Act, 1985, by issuing Memo No. PP.II(1)2085/ 2005,dated 21/01/2006and Letter No. PP.II(1)2085/2005, dated 21/01/2006,and in the absence of notification prescribing the standards in Schedule-VI, as being illegal, arbitrary, unconstitutional, and direct the 2nd respondent not to interfere within 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.

I.A.NO:1 OF 2025

Petition Under Section 151 CPC 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 manufacturing sale and distribution of bio-products/bio-stimulants of petitioner-Firm, viz., V.K. Max, V.K. Max Pro, V.K. Max-2 (Sqare), V.K Gold, Vista, Samrat, Strong Root, Vajra, V. Blast, V.K. Mycin, V.Myte, Climax Rocky, Flaming, Quick, Dr. Pepper, Crop Care, V.K. Bullet, V.K.Diamond, Veera, Pexolane, Microcal, V.K-Z, V.K. Vigore, V.K. Vikram-3G, Charlie-4G, V.K Diamond, V.K. Rx-100, V.K.Rx, Devil, Energy, Fire, Hy-Rich, Ista, Granite, Cracker, Brigade, Anti-Power, Jackle, Kalki, Lottory, Miracle, New Leaf, Opener, Protocal Ranam, Rice Star+, Simple Plus and Smirnoff, which contains Anti Transpirants, Pressmud, Chitine and Egg Shell and are also not covered under the Insecticides Act, 1968 and not included in Schedule-Viof the Fertilizers Control (Order) Act, 1985, 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 : M/s B.V.APARNA LAKSHMI

Counsel for the Respondents : GP FOR AGRICULTURE

The Court made the following ORDER

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION No. 18027 OF 2025

ORDER:

This Writ Petition is filed for the following relief:-

"...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 manufacturing, sale and distribution of bio-products/bio-stimulants of petitioner-Firm, viz., V.K. Max, V.K. Max Pro, V.K. Max-2 (Sqare), V.K. Gold, Vista, Samrat, Strong Root, Vajra, V. Blast, V.K. Mycin, V.Myte, Climax, Rocky, Flaming, Quick, Dr. Pepper, Crop Care, V.K. Bullet, V.K. Diamond, Veera, Pexolane, Microcal, V.K-Z, V.K. Vigore, V.K. Vikram-3G, Charlie-4G, V.K. Diamond, V.K. Rx-100, V.K. Rx, Devil, Energy, Fire, Hy-Rich, Ista, Granite, Cracker, Brigade, Anti-Power, Jackle, Kalki, Lottorv, Miracle, New Leaf, Opener, Protocal, Ranam, Rice Star+, Simple Plus and Smirnoff, which contains Anti Transpirants, Pressmud, Chitine and Egg Shell and are also not covered under the Insecticides Act, 1968 and not included in Schedule-VI of the Fertilizers Control (Order) Act, 1985 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 the standards in Schedule-VI, as being illegal, arbitrary, unconstitutional and direct the 2nd respondent not to interfere within 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."

2. Heard learned counsel for the petitioner and learned Government Pleader for Agriculture appearing on behalf of the respondents. Perused the material available on record.

3. It is submitted by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by the common order of this Court dated 10.07.2015 in W.P.No.25293 of 2014 and batch, as modified by the Division Bench of this Court in W.A.Nos.1122 and 1136 of 2016, dated 03.11.2016. Further, this Court, while disposing of W.P.No.48 of 2021 and batch vide common order dated 07.09.2021, held as under:

> "11. In view thereof, the Writ Petitions are disposed of, granting liberty to the petitioners to make applications in compliance with the requirement of Clause 5 of the order of the Government of India, bearing No.S.O.882 (E), dated 23.03.2021, within two (02) weeks from the date of receipt of copy of this order. If such applications are made within the time stipulated above, the competent authority shall process the same and if satisfied, to issue provisional Certificate of Registration in Form G-3, within four (4) weeks thereafter.
>
> 12. It is made clear that the competent authority is entitled to collect samples in compliance of Part-C of the order dated 23.02.2021 and test the compatibility of the

products meeting the parameters to be marketed 2 as bio-nutrients, before granting the provisional Certificate of Registration. It is in the public interest to ensure that a product to be produced and marketed as a bio-nutrient with the object of helping the farmer to develop high cellulose and resistance power in the plants meets the parameters to qualify as a bio-nutrient. The petitioners shall co-operate in drawing the samples. Until the exercise as directed above, is completed, subject of course to petitioners submitting applications within the time stipulated above and in compliance of requirements of Clause 5 of the order dated 23.02.2021 of the Government of India, petitioners are entitled to manufacture and distribute as contemplated by Clause 4 of the order dated 23.02.2021. However, it is always open to the competent authority to verify whether the products manufactured and distributed by the petitioners are in compliance with the statutory requirements and take action as warranted by law".

4. In terms of the aforestated orders and for the reasons mentioned therein, this Writ Petition is also disposed of. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SD/-A.V.S. PRASAD
DEPUTY REGISTRAR

//TRUE COPY//

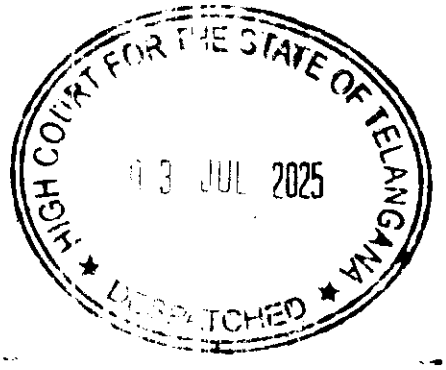
SECTION OFFICER

To
1. The Principal Secretary, Agriculture and Co-operation Dept., Secretariat, State of Telangana at Hyderabad.
2. The Commissioner and Director of Agriculture, State of Telangana, Opp. L.B.Stadium, Basheerbagh, Hyderabad, Telangana State.
3. Two CCs to GP FOR AGRICULTURE, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to M/s B.V.APARNA LAKSHMI, Advocate [OPUC]
5. Two CD Copies

SA
BS

HIGH COURT

DATED:26/06/2025



ORDER

WP.No.18027 of 2025

DISPOSING OF THE W.P

WITHOUT COSTS.

@Cpio

Sm
1/7/25