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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26493-2023

Date of decision: 22.09.2025

R.G. PESTICIDES AND FERTILIZERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Sidhi Bansal, Advocate for
Mr. Kartik Patial, Advocate
for the petitioner.

Ms. Shruti, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 11.01.2023 (Annexure P-6), whereby the licence of the petitioner was cancelled and the order dated 08.09.2023 (Annexure P-8), whereby the appeal of the petitioner was rejected, with a further prayer to direct the respondents to restore the licence (Annexure P-1) of the petitioner.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner was holding a licence for the sale and distribution of insecticides and vide impugned order dated 11.01.2023 (Annexure P-6) passed by the Chief Agriculture Officer-cum-Licensing



Authority, Shri Muktsar Sahib, the licence of the petitioner has been cancelled on the ground that on a raid being conducted, an insecticide, namely, bullet was found in the shop and its date had also expired. She submitted that it was further observed in the aforesaid impugned order that there was non-certification and testing of the drug under the Insecticides Act, 1968. She further submitted that thereafter, the petitioner filed an appeal before the Joint Director Agriculture (PP)-cum-Appellate Authority, Punjab, SAS Nagar by taking numerous grounds of appeal vide Annexure P-7 and one of the grounds taken by the petitioner was with regard to the operation of Section 30 of the Insecticides Act, 1968, wherein an exception is carved out with regard to the fact that when the manufacturer or importer is from outside the State, no liability can be fastened upon the dealer or distributor.

3. Learned counsel appearing on behalf of the petitioner further submitted that various grounds of appeal were taken including the aforesaid protection under Section 30 of the Insecticides Act, 1968, but the learned appellate authority did not even consider one of the objections and passed a cryptic and non-speaking order by just affirming the order passed by the Chief Agriculture Officer-cum-Licensing Authority, Shri Muktsar Sahib. She further submitted that once an appeal has been filed under the provisions of law by taking elaborate grounds including the protection under Section 30 of the Insecticides Act, 1968, then it was the duty of the Joint Director Agriculture (PP)-cum-Appellate Authority, Punjab, SAS Nagar to have at least considered the grounds taken in the appeal and after doing so to have passed the order in accordance with law. She also submitted that rather the case of the petitioner is



covered by a judgment passed by Hon'ble Supreme Court in **M/s Kisan Beej Bhandar, Abohar versus Chief Agricultural Officer, C.A. No.4612 of 1989 in SLP-6661-1984** and therefore, the aforesaid order passed by the appellate authority vide Annexure P-8 is liable to be set aside.

4. On the other hand, Ms. Shruti, AAG, Punjab could not controvert the aforesaid submissions made by the learned counsel appearing on behalf of the petitioner that the appellate authority has not even considered the grounds taken by the petitioner in the grounds of appeal including the applicability, if any, of Section 30 of the Insecticides Act, 1968.

5. I have heard the learned counsels for the parties and have also perused the impugned orders passed by the licensing authority as well as the appellate authority.

6. During the course of arguments, learned counsel appearing on behalf of the petitioner also submitted that she will be satisfied in case the present petition is disposed of to the limited extent of directing the appellate authority to pass a fresh order in accordance with law after considering the grounds taken by the petitioner in the appeal. This Court has perused the order passed by the appellate authority from where it is clear that the grounds taken in the appeal were not considered especially the ground which the learned counsel appearing on behalf of the petitioner has heavily relied upon, which was the applicability of Section 30 of the Insecticides Act, 1968 as well as the judgment of Hon'ble Supreme Court in **M/s Kisan Beej Bhandar, Abohar's case (Supra)**. When the appellate authority passed the order, it was required to at least consider the grounds taken by the petitioner but the same were not considered.



7. Consequently, the present petition is partly allowed. The impugned order dated 08.09.2023 (Annexure P-8) passed by the Joint Director Agriculture (PP)-cum-Appellate Authority, Punjab, SAS Nagar, is hereby set aside. The matter is remanded back to the Joint Director Agriculture (PP)-cum-Appellate Authority, Punjab, SAS Nagar, to pass a fresh order strictly in accordance with law and after considering the grounds which have been taken by the petitioner in the appeal filed vide Annexure P-7 including the ground regarding the applicability of Section 30 of the Insecticides Act, 1968. The appellate authority shall pass a fresh order by fresh application of mind and uninfluenced by the earlier order passed vide Annexure P-8 as well as the present order passed by this Court. Needless to say, adequate opportunity of hearing shall be granted to the petitioner or his counsel and thereafter, a speaking order shall be passed. The entire exercise shall be completed within a period of four months from today.

22.09.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No