

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 13914 OF 2025**



Beejsheetal Research Pvt. Ltd.
Formerly Known as Bejo Sheetal Seeds Pvt. Ltd.
Bejo Sheetal Corner, Mantha Road, Jalna
Through its Authorised person. ..Petitioner

VERSUS

1. Ajit Digambar Mali
Age. Major Yrs, Occ. Agri.,
R/o. Gaur, Tq. Kalam, Dist. Osmanabad.
2. Divya Enterprises,
167, Mohata Towers,
Panjar Pol Chowk,
Solapur, Tq. and Dist. Solapur
through its manger ..Respondents

**WITH
WRIT PETITION NO. 13924 OF 2025**

Beejsheetal Research Pvt. Ltd.
Formerly Known as Bejo Sheetal Seeds Pvt. Ltd.
Bejo Sheetal Corner, Mantha Road, Jalna
Through its Authorised person. ..Petitioner

VERSUS

1. Hanumant Dattoba Mali
Age. Major Yrs, Occ. Agri.,
R/o. Gaur, Tq. Kalam, Dist. Osmanabad.
2. Manager,
Shaha Agro Company
14A, Mehta Towers, Opp. To Geeta Lodge,
Panjar Pol Chowk, Solapur
Tq. and Dist. Solapur. ..Respondents

**WITH
WRIT PETITION NO. 13920 OF 2025**

Beejsheetal Research Pvt. Ltd.
Formerly Known as Bejo Sheetal Seeds Pvt. Ltd.
Bejo Sheetal Corner, Mantha Road, Jalna
Through its Authorised person. ..Petitioner

VERSUS

1. Tatyasaheb Parasram Deshmukh
Age. 60 Yrs, Occ. Agri.,
R/o. Gaur, Tq. Kalam, Dist. Osmanabad.
2. Manager,
Shaha Agro Company
14A, Mehta Towers, Opp. To Geeta Lodge,
Panjar Pol Chowk, Solapur
Tq. and Dist. Solapur. ..Respondents

**WITH
WRIT PETITION NO. 13917 OF 2025**

Beejsheetal Research Pvt. Ltd.
Formerly Known as Bejo Sheetal Seeds Pvt. Ltd.
Bejo Sheetal Corner, Mantha Road, Jalna
Through its Authorised person. ..Petitioner

VERSUS

1. Chandrakant Lalasaheb Deshmukh
Age. 57 Yrs, Occ. Agri.,
R/o. Gaur, Tq. Kalam, Dist. Osmanabad.
2. Manager,
Shaha Agro Company
14A, Mehta Towers, Opp. To Geeta Lodge,
Panjar Pol Chowk, Solapur
Tq. and Dist. Solapur. ..Respondents

**WITH
WRIT PETITION NO. 15031 OF 2025**

Divya Enterprises,
167, Mohata Towers,
Panjar Pol Chowk,
Solapur, Tq. and Dist. Solapur
through its manger. ..Petitioner

VERSUS

1. Ajit Digambar Mali
Age. Major Yrs, Occ. Agri.,
R/o. Gaur, Tq. Kalam, Dist. Osmanabad.
2. Bejo Sheetal Seeds Pvt. Ltd.
Now Known as Bejo Sheetal Research Pvt. Ltd.
Bejo Sheetal Corner, Mantha Road, Jalna ..Respondents

**WITH
WRIT PETITION NO. 15028 OF 2025**

Shah Agro Company
Through its Proprietor
Rajas Chandragupta Shah,
Age: 59 years, Occ: Business,
R/o: 14A, Mehta Towers, Opp. To Geeta Lodge,
Panjar Pol Chowk, Solapur
Tq. & Dist. Solapur.

..Petitioner

VERSUS

1. Tatyasaheb Parasram Deshmukh
Age. 60 Yrs, Occ. Agri.,
R/o. Gaur, Tq. Kalam, Dist. Osmanabad.
2. Bejo Sheetal Seeds Pvt. Ltd.
Now Known as Bejo Sheetal Research Pvt. Ltd.
Bejo Sheetal Corner, Mantha Road, Jalna

..Respondents

**WITH
WRIT PETITION NO. 15029 OF 2025**

Shah Agro Company
Through its Proprietor
Rajas Chandragupta Shah,
Age: 59 years, Occ: Business,
R/o: 14A, Mehta Towers, Opp. To Geeta Lodge,
Panjar Pol Chowk, Solapur
Tq. & Dist. Solapur.

..Petitioner

VERSUS

1. Hanumant Dattoba Mali
Age. Major Yrs, Occ. Agri.,
R/o. Gaur, Tq. Kalam, Dist. Osmanabad.
2. Bejo Sheetal Seeds Pvt. Ltd.
Now Known as Bejo Sheetal Research Pvt. Ltd.
Bejo Sheetal Corner, Mantha Road, Jalna

..Respondents

**WITH
WRIT PETITION NO. 15030 OF 2025**

Shah Agro Company
Through its Proprietor
Rajas Chandragupta Shah,
Age: 59 years, Occ: Business,

R/o: 14A, Mehta Towers, Opp. To Geeta Lodge,
Panjar Pol Chowk, Solapur
Tq. & Dist. Solapur.

..Petitioner

VERSUS

1. Chandrakant Lalasaheb Deshmukh
Age. 57 Yrs, Occ. Agri.,
R/o. Gaur, Tq. Kalam, Dist. Osmanabad.

2. Bejo Sheetal Seeds Pvt. Ltd.
Now Known as Bejo Sheetal Research Pvt. Ltd.
Bejo Sheetal Corner, Mantha Road, Jalna

..Respondents

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Advocate for Petitioners : Mr. R.B. Bhagwat h/f Mr. G.P. Shinde
Advocate for Petitioners : Mr. S.B. Choudhary h/f Mr. U.A. Thaore
Advocate for Respondent No.1 : Mr. Shambhuraje V. Deshmukh

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : JANUARY 07, 2026

PRONOUNCED ON : FEBRUARY 24, 2026

JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally
with consent of parties.

2. Present group of petitions take exception to order dated
16.04.2024 passed by National Consumer Disputes Redressal
Commission, New Delhi (hereinafter referred to as 'NCDRC'), thereby
setting aside orders passed by Maharashtra State Consumer Redressal
Commission, Mumbai, Circuit Bench at Aurangabad and upholding
order passed by District Consumer Complaint Redressal Forum,
Osmanabad in complaint instituted by respondents/farmers.

3. The facts giving rise to present writ petitions can be summarized as under :

Respondent no.1 in respective writ petitions are agriculturists having their lands in District Osmanabad. They grow onion in their fields. They purchased onion seeds and sown them in the month of July 2009. Thereafter, transplanted seedling in the field. They took necessary care for getting season crop. However, at the time of harvesting, they found that onion developed bolting. Immediately, they reported the defect to manufacturer and dealer. They made complaints to District Seeds Grievance Committee. The Committee visited field and carried out panchnama of onion crops. They noted that 90% of onion crops developed bolting. The District Agricultural Development Officer opined that bolting in onion crop is attributable to defective seeds. The respondents issued notices to dealer and manufacturer to compensate them for losses. However, no cognizance was taken by them. In result, respondents approached District Forum under provisions of Consumer Protection Act raising claim for compensation towards deficiency in service against manufacturer and dealer.

4. The respondent/manufacturer filed reply contending that each packet of seeds contains a brochure in vernacular language informing the method of cultivation. The germination of seeds and final product depends upon weather conditions and many other

factors. As per information stipulated in brochure, it was necessary to replant seedlings within 40 to 45 days as period for sowing seed is fixed. In present case, the complainants have replanted seedlings after 45 days. The possibility of excessive supply of nitrogen cannot be ruled out. The delay in re-plantation is fundamental reason for bolting in onion crop. The report of Agricultural Development Officer is not scientific or conclusive in nature. The claim for compensation based on such inconclusive material is unsustainable.

5. The District Forum on consideration of rival contentions concluded that respondents/farmers suffered loss on account of defective seeds and granted compensation relying upon report of Agricultural Officer.

6. The aggrieved dealer as well as manufacturer approached State Commission by filing appeal under Section 15. The State Commission allowed the appeal holding that as per government regulation, the District Seeds Grievance Committee must comprise of Agricultural Development Officer, Zilla Parishad and other 7 members. In present case, the report is issued by Agricultural Officer. It is silent about cause of forming bolting in onion. It simply suggest that bolting occurred due to defective seeds. Such report cannot be accepted. According to the State Commission, transplantation of seeds was made after stipulated period, which may be the cause of bolting. Therefore, in absence of expert evidence attributing formation of

bolting owing to defective seeds, the compensation cannot be granted.

7. The aggrieved farmers/complainants filed revision applications before NCDRC who pleased to allow revision applications and restored order of District Forum. Hence, these writ petitions.

8. Mr. R.M. Bhagwat, learned advocate appearing for petitioners submits that respondents/farmers though attributing defect in seeds, however, there is no scientific material or evidence in support of such contention. He would submit that as per circular issued by State of Maharashtra dated 27.03.1992 and 26.10.1998, a seven member committee including Agricultural Development Officer required to cause panchnama and submit a report of inspection regarding complaint of defect in seeds. In present case, formation of committee was not in consonance with composition prescribed under government circular. Therefore, the report given by District Agricultural Officer would not have been relied. He would point out that no scientific reasons are supplied for conclusion that bolting stalks grown due to defect in seeds.

9. Per contra, Mr. Shambhuraje Deshmukh, learned advocate appearing for respondents/farmers supports order of National Commission. He would submit that present writ petitions are belatedly filed. On that count only, writ petitions need to be dismissed.

10. Having considered submissions advanced by learned advocates appearing for respective parties, it can be observed that there is no dispute that respondents/farmers purchased seeds manufactured and distributed by petitioners. It is also not disputed that bolting occurred in onion crops cultivated using seeds sold and distributed by petitioners. It is also not in dispute that after finding bolting in onion crops, farmers had complaint to petitioners as well as government authorities particularly the District Agricultural Officer and District Seeds Grievance Committee. Panchnama was caused by District Agricultural Officer and report was submitted by Agricultural Officer confirming formation of bolting in onion owing to defect in seeds. Pertinently, to counter aforesaid evidence, no steps are taken by petitioner/manufacturer before District Forum. They raised mere defence that report submitted by Agricultural Officer is technically unsound and cannot form basis to support claim of complainants. At this stage, reference can be given to observations of Hon'ble Supreme Court in case of *National Seeds Corporation Limited Vs. M. Madhusudhan Reddy and Another* reported in (2012) 2 SCC 506, wherein it has been observed relying upon observations made in another judgment of Hon'ble Supreme Court in case of *Maharashtra Hybrid Seeds Co. Ltd Vs. Alavalapati Chandra Reddy* reported in (1998) 6 SCC 738 that "if the opposite parties have disputed that the seeds were not defective they would have applied to the District

Forum to send the samples of seeds from the said batch for analysis by appropriate laboratory. But the opposite parties have not chosen to file any application for sending the seeds to any laboratory. Since it is probable that the complainants have sown all the seeds purchased by them, they were not in a position to send seeds for analysis. In these circumstances, the order of the District Forum is not vitiated by the circumstance that it has not on its own accord sent the seeds for analysis by an appropriate laboratory.”

11. At this stage, aforesaid observations clearly applies to facts of present case. In this case also, although respondents disputed theory of defect in seeds, they did not took any steps for sending seeds to laboratory either on their own accord or by order of District Forum. In case of **M. Madhusudan Reddy** (supra), the Hon’ble Supreme Court has further observed that “majority of the farmers in the country remain illiterate throughout their life because they do not have access to the system of education. They have no idea about the Seeds Act and the Rules framed thereunder and other legislations, like, the Protection of Plant Varieties and Farmers' Rights Act, 2001. They mainly rely on the information supplied by the Agricultural Department and government agencies. Ordinarily, nobody would tell a farmer that after purchasing the seeds for sowing, he should retain a sample thereof so that in d the event of loss of crop or less yield on account of defect in the seeds, he may claim compensation from the

seller/supplier. In the normal course, a farmer would use the entire quantity of seeds purchased by him for the purpose of sowing and by the time he discovers that the crop has failed because the seeds purchased by him were defective, nothing remains with him which could be tested in a laboratory. It is further observed that “Rule 13(3) casts a duty on every person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of notified kind or variety to keep over a period of three years a complete record of each lot of seeds sold except that any seed sample may be discarded one year after the entire lot represented by such sample has been disposed off. Therefore, it is expected to keep samples of varieties of seeds sold/supplied to the respondents. If the samples could not be made available to District Forums for being sent to an appropriate laboratory for the purpose of analysis or test, farmers cannot be blamed.”

12. In present case, respondents/farmers approached the competent authority complaining the defect in seeds, who inspected field of respondents, prepared panchnama and submitted report which is made part of complaint. The report clearly suggest that loss is caused to farmers on account of defect in seeds.

13. It appears that District Forum accepted case of petitioners and granted compensation on the basis of evidence available on record. However, the State Commission was of the opinion that

Committee prescribed under government circulars was not formed or does not pass the requirement of composition. The national commission while reversing judgment of State Commission relying upon observations in case of **M. Madhusudhan Reddy** (supra) observed that once agriculturist/farmers approaches authority/government with complaint regarding defective seeds and government agency failed to constitute a Committee of requisite composition, farmers cannot be put to loss for technical defect. The best possible evidence is available on record in the form of report of Agricultural Officer, which has been prepared on the basis of panchnama in presence of representative of petitioner/company and Zilla Parishad. Similarly, in absence of evidence on rebuttal on the part of manufacturer, the order of District Forum confirmed by National Commission cannot be faulted.

14. In second group of petitions filed by dealer, Mr. Choudhary, learned advocate appearing for petitioners would urge that in a complaint regarding genetical or manufacturing defect in seeds, the dealer or distribution cannot be saddled with liability to pay compensation. The complaint does not make specific attributions against dealer. No deficiency in service would be attributed against dealer. In support of his contention, he relies upon observations of *Hindustan Motors Ltd and Another Vs. N. Siva Kumar and Another*

reported in *(2000) 10 SCC 654* and *Birbal Vs. State of Punjab* reported in *1993 (1) CLR 523*.

15. Per contra, Mr. Deshmukh, learned advocate appearing for complainants/farmers would submit that the distributor/dealer is representative of company. There is relationship of principle and agent between them. The dealer/distributor cannot shrug off his responsibility in case of defect in product. The aforesaid ground was never raised before the District Forum or National Commission. The dealer and manufacturer are supporting each other all along with the proceedings from District Forum till National Commission. The dealer cannot be permitted to take a different stand or take benefit of statutory provisions contained in amended Consumer Protection Act, 2019.

16. Perusal of record nowhere shows that dealer took a specific stand. They acted as representative of manufacturer. No specific ground was raised before the Forum to segregate liability of dealer from liability of manufacturer. The first time submission advanced relying upon provisions of Consumer Protection Act and amended provisions of Consumer Protection Act which does not have retrospective effect cannot be accepted. Although, reliance is placed on the judgment in case of **Hindustan Motors** (supra) wherein dealer was exonerated from liability towards manufacturing defect, apparently, in that case since manufacturing of car models which was

defective was stopped and therefore, the Hon'ble Supreme Court had directed the manufacturer to refund money along with interest and exonerated dealer. The order appears to be in the facts of case and does not lay down principle of law that would be beneficial to appellant/dealer in present case. Similarly, in case of Birbal (supra), decided by Punjab and Haryana High Court, the criminal liability under Insecticides Act and Rules was imposed only against manufacturer. Such is not a case in hand.

17. In that view of matter, all writ petitions stand dismissed.
18. Rule is discharged.

(S.G. CHAPALGAONKAR, J.)