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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 20 February 2026
Pronounced on: 29 May 2026

\+ LPA 215/2023 & CM APPLs. 15489/2023 & 74892/2025

DHANUKA AGRITECH LTD. ....Appellant

Through: Ms. Shoba Ramamoorthy, Mr. Ankit Virmani and Ms. Devanshi Sharma, Advs.

versus

UNION OF INDIA THROUGH
THE SECRETARY & ORS. .....Respondents

Through: Mr. Vardhman Kaushik, Adv., Mr. Nishant Gautam CGSC, Ms. Kavya Shukla, Mr. Vineet Negi., Mr. Naman Sharma, Ms. Theresa, Mr. Vibhav V. Nath Advs. for UOI
Mr. Arvind Nigam, Sr. Adv. with Mr. Gaurav Barathi, and Mr. Harsh Gupta, Advs. for R-4

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

% **JUDGMENT**
29.05.2026

C. HARI SHANKAR, J.

A. The *lis*

1. Consequent to a decision taken in the 349th meeting of the Registration Committee[1] on 9 July 2014, the Directorate of Plant

[1] "RC" hereinafter

Protection, Quarantine and Storage[2] granted registration to the appellant, under Section 9(3)[3] of the Insecticides Act[4], 1968, for import of Halosulfuron Methyl[5] 75% WG[6], manufactured by M/s Nissan Chemical Industries Ltd, Tokyo, Japan and supplied by M/s Nissei Corporation, Tokyo Japan. The HSM 75% imported by the appellant is sold by it, in the market, under the trade name "Sempra".

2. Prior thereto, in 2011, Crystal Crop Protection Ltd[7] applied, in terms of the "Guidelines for Import of Sample Quantity of Pesticides for Research, Test and Trial (RTT)[8] Purposes", approved by the RC in its 148th meeting held on 11 November 1994, 245th meeting held on 2 July 2004 and 329th meeting held on 8 June 2012, which read thus:

> "GUIDELINES FOR IMPORT OF SAMPLE QUANTITY OF PESTICIDES FOR RESEARCH, TEST AND TRIAL (RTT) PURPOSES
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> (As approved by Registration committee in its 148th meeting held on 11.11.1994, 245th meeting held on 2.7.2004 and 329th meeting held on 8.6.2012)

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[2] "the DPPQS" hereinafter

[3] **9. Registration of insecticides –**
(3) On receipt of any such application for the registration of an insecticide, the Committee may, after such enquiry as it deems fit and after satisfying itself that the insecticide to which the application relates conforms to the claims made by the importer or by the manufacturer, as the case may be, as regards the efficacy of the insecticide and its safety to human beings and animals, register, on such conditions as may be specified by it and on payment of such fee as may be prescribed, the insecticide, allot a registration number thereto and issue a certificate of registration in token thereof within a period of twelve months from the date of receipt of the application:
Provided that the Committee may, if it is unable within the said period to arrive at a decision on the basis of the materials placed before it, extend the period by a further period not exceeding six months:
Provided further that if the Committee is of opinion that the precautions claimed by the applicant as being sufficient to ensure safety to human beings or animals are not such as can be easily observed or that notwithstanding the observance of such precautions the use of the insecticide involves serious risk to human beings or animals, it may refuse to register the insecticide.

[4] "the Act" hereinafter

[5] "HSM" hereinafter

[6] "Water Dispersible Granules"

[7] "CCPL" hereinafter

[8] "RTT" hereinafter

I. Permission for import of sample quantity of pesticides may be given by Secretary, CIB&RC for all cases except the following:

i. Pesticides falling under Red Colour toxicity triangle i.e. extremely toxic category (LD50 value is more than 50 mg/kg body weight).

ii. Coded compounds which are not registered in any country and do not figure in pesticides manual.

II. Permission issued by Secretary CIB&RC should be brought to RC for ex-post- facto approval.

III. Documents Requirements for seeking RTT Import permit:

1. Complete Form C (Copy attached).

2. Technical bulletin from inventor/manufacturer.

3. Information on Chemistry, toxicity and bio-efficacy.

4. Justification for quantity.

5. Authenticated copy of the Registration Certificate for manufacture of particular molecule/pesticide in that country, issued from the Registration Authority.

6. Authorization for supplier in case of sample quantity is not supplied by the Manufacturer.

7. For coded & non-registered pesticides authentic document from the Inventor."

3. Consequent thereupon, CCPL was granted an RTT Permit for importing a sample of Halosulfuron Methyl Technical[9] 98% w/w minimum, from Fertiagro, Singapore. The Permit was granted for the purpose of generating data to be submitted in future for obtaining registration for importation of HSMT.

[9] "HSMT" hereinafter

4. On 11 April 2016, CCPL filed an application under Section 9(3) of the Act for registration for HSMT 98% min. for permission to import the product for formulation indigenous manufacture of HSM 75% WG. The application was filed as a "TI – new source" application. The manufacturer was declared as Jiangsu and the supplier as Hebei Bestar Commerce & Trade Co. Ltd[10], Shijiazhuang, China. The application declared that the manufacture of HSMT 98% min by Jiangsu had been authorized by the Institute for the Control of Agrochemicals, Ministry of Agriculture[11], China and that HSMT 98% min was registered in China. It was further declared that Jiangsu held Registration No. PD20132005 issued by the ICAMA for manufacture of HSMT 98% min, valid till 11 October 2023.

5. CCPL's application for permission to import HSMT 98% min was considered by the RC constituted in terms of Section 5(1)[12] of the Act in its 429th Meeting held on 24, 28 and 30 June 2021. The RC noted that there was a difference in the source of the HSMT 98% for which CCPL had been granted RTT Permit, which was Fertiagro, Singapore, and the source of manufacture of the HSMT 98% min as declared in the Section 9(3) application dated 11 April 2016, which was Jiangsu. It was decided that CCPL be asked to explain this discrepancy in the next meeting of the RC.

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[10] "Hebei" hereinafter

[11] "ICAMA" hereinafter

[12] **5. Registration Committee**.—
(1) The Central Government shall constitute a Registration Committee consisting of a Chairman, and not more than five persons who shall be members of the Board (including the Drugs Controller, India and the Plant Protection Adviser to the Government of India)—
(*i*) to register insecticides after scrutinising their formulae and verifying claims made by the importer or the manufacturer, as the case may be, as regards their efficacy and safety to human beings and animals; and
(*ii*) to perform such other functions as are assigned to it by or under this Act.

6. On 16 July 2021, the appellant addressed a detailed representation objecting to the application of CCPL for registration of HSMT 98% min as TI (New Source) and HSM 75% WG as FIM v. FI, under Section 9(3) of the Act. It was pointed out that the applications claimed equivalence with the appellant's registered HSM and that, therefore, any adverse effect of the product which CCPL desired to import or indigenously manufacture would directly affect the appellant as well as the credibility of the HSM molecule itself. Moreover, submitted the appellant, an untested insecticide could have widespread adverse effects on public health, safety and the environment. Expressing alarm at the discrepancy between the source of import of the HSMT in the Section 9(3) application of CCPL and the source of import of the HSMT imported under the RTT Permit, the appellant pointed out that the result was that CCPL had generated data relating to toxicity and bioefficacy, among other things, of the HSMT manufactured at one source and was seeking to use the said data to justify import from another source under Section 9(3) of the Act. Import registration, submitted the appellant, was source-specific, and it was but natural that the same product manufactured at different facilities would have differences, even in respect of purity profile. This, in turn, could significantly impact the toxicity of the product. The data generated by a Section 9(3) applicant, on the basis of which he sought registration, had to be on the product manufactured at the source from which the applicant desired to import the insecticide. It was for this reason, submitted the appellant, that the RC, in its 325th Meeting on 4 January 2012, required an endorsement of additional manufacturing site with five batch analytical data from both

manufacturing sites. Accordingly, the appellant requested that the Section 9(3) applications of CCPL be rejected.

7. In this context, it is relevant to mention that, in its 325th Meeting held on 4 January 2012, the RC accepted the recommendation of the Expert Committee regarding the protocol to be followed in the event of inclusion, in the registration for import of insecticides under Section 9(3), of an additional manufacturing site of the imported insecticides, for incorporation of the following guidelines:

> "(i) The site, proposed to be additional manufacturing site, should belong to the same registrant (it is not allowed on anyone else's premises, whatsoever);
>
> (ii) the registrant should have registration for manufacture of the same insecticide/product in the country where the additional site is located;
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> (iii) Letter of consent from already approved source and from new manufacturing site duly certified by the Designated National Authority (DNA), which shall be verifiable by the DNA of India:
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> (iv) Additional declaration from already approved source/principals as well as from new manufacturing site with respect to the formulation being made by using technical same raw material & process from the source which is already approved by the RC in India;
>
> (v) all operations involved in the manufacturing of the insecticide for which the additional site is being considered should be fully operated by the same. registrant and have the proof of manufacturing there by submitting an undertaking to this effect, duly certified by the DNA of that country;
>
> (vi) the registrant shall be responsible for manufacturing the product having identical chemical composition and specifications as that of the original registered source of the product;

(vii) five batch analytical test report shall be submitted along with the application for the five batches manufactured at the source originally registered and the five batches manufactured at the proposed additional source;

(viii) samples of all the five batch manufactured at the source originally registered and all the five batches manufactured at the proposed additional source shall be submitted along with the respective reference standards to the Sectt of CIB & RC for testing at CIL for verification;

(ix) the samples and the reference standards should be valid at least for a period of six month from the date of delivery to the Sectt of CIB & RC;

(x) documents supporting the claim of the registrant about the additional manufacturing site, duly certified by the Designated National Authority (like. ICAMA for China), shall be submitted along with the application, which shall in turn be verified by the DNA of India before considering the endorsement;

(xi) intimation about the import of every consignment, proposed to be imported from the additional manufacturing site, shall be given to the Sectt of CIB along with the name of the port of entry into India and expected date of arrival as soon as the consignment is dispatched from the additional manufacturing site for arranging the testing of sample(s), if so considered necessary;

(xii) Justification for approval of additional manufacturing site; and

(xiii) failure to meeting any of the above mentioned criteria shall unconditionally empower the Registration Committee to reject application for such endorsement; or endorsement, if already granted."

8. The explanation proffered by CCPL for the difference in the source of manufacture of the HSMT between the source reflected in the RTT permit and the source declared in its Section 9(3) application dated 11 April 2016 was considered in Agenda Item 2.1 of the 430th meeting of the RC, held on 23 July 2021, which read thus:

2.1	Presentation by M/s Crystal Crop Protection Pvt. Ltd., for grant of registration for indigenous manufacture of

	Halosulfuron methyl 75% WG u/s 9(3) FIM vs FI and for technical import of Halosulfuron methyl technical 98% w/w min. u/s 9(3).
	The presentation was made by the applicant and submitted the following details:- 1. That they have procured RTT permit for import of Halosulfuron-Methyl Technical from M/s Fertisgro Ptv Ltd., 30 Toh Guan Road, #07-06 ODC Districcentre, Singapore 608 840. Subsequently, the technical Grade Sample was imported from M/s Fertiagro Pvt. Ltd. The data for all the disciplines was generated using the said sample. They also informed that technical grade material supplied to them by M/s Fertiagro was actually manufactured by M/s Jiangsu Agrochem Laboratory Co. ltd., Minjian Road, Hi-tech Zone of Changzhou, Jiangsu, China with whom they had an exclusive business agreement for manufacturing and supply of the product. 2. Submitted all the required data in each discipline according to the guidelines of TI -New Source. 3. Filed an appeal before the Hon'ble Appellate Authority vide appeal no. 15 & 12 of 2020 and after hearing case the Appellate authority noted that all scientific facts and complete data according to the existing guidelines of TI-New Source have been given and passed the order vide F. No. 13031/12/2020/PP-1 dated 02/12/2020. 4. Appellate authority was also satisfied, and hence directed the RC to duly consider the application of Technical of the Product HALOSULFURON TECH 98% Min for import from another new source. 5. Further informed that Registration Committee in its 369th Meeting held on 04.10.2016, vide Agenda Item No. 2.2 taken decision that "The committee further decided that no application with the data generated using unauthorized sample (without obtaining RTT permit) shall be accepted/processed on or after 01/01/2017. It was also decided that if any studies of any product under any category is undergoing with such samples, the same may be intimated to the APPA & Secretary (CIB&RC) by 30/11/2016 through email at cibsecy@nic.in. A Public Notice to this effect was also issued". 6. Applicant appraised that they submitted a letter to

	Secretary CIB&RC on 03/11/2016 (within the deadline indicated) informing the reason and change in the name of source import. 7. It was also noticed that applicant submitted the dossier with revised Form 1 dated 11.4.2016 received in CIBRC Secretariat on 22.4.2016 where the applicant indicated original manufacturer Jiangsu Agrochem Lab Co. Ltd. RC deliberated the agenda and after consideration of point number 5 of 369th RC and also point number 6 and 7, found that this case qualifies for registration u/s 9(3). Accordingly granted for registration for indigenous manufacture of Halosulfuron methyl 75% WG for control of Cyperus rotundus on Sugarcane; Cyperus rotundus Cyperus iria on Maize and Cyperus rotundus, Cyperus iria on Bottle Gourd in the category FIM vs FI and for technical import of Halosulfuron methyl technical 98% w/w min. manufactured by M/s Jiangsu Agrochem Laboratory Co. Ltd., Minjiang Road, Hi-tech Zone of Changzhou, Jingsu, China through supplier M/s Hebei Bestar commerce and Trade Co. Ltd., No. 6-3-203, No. 66, Dianda Street Xinhua District Shijiazhuang, China with validity 11.10.2023.

Thus, the RC decided, after examining the presentation and explanation proffered by CCPL for the difference in the source of the HSMT between the RTT sample and the product for which import registration was sought, to grant registration, to CCPL, both for indigenous manufacture of HSM 75% WG in the FIM v. FI[13] category and for Technical Import of HSMT 98% w/w min, manufactured by Jiangsu and supplied by Hebei.

9. At this juncture, it would be relevant to reproduce the Guidelines issued by the RC governing FIM v. FI category imports, in

[13] Formulation Indigenous Manufacture v Formulation Import

exercise of the powers conferred by Section 5(5)[14] of the Act read with Rule 4(b)[15] of the Insecticides Rules, 1971, thus:

> Guidelines applicable to FIM v. FI imports as approved in 315th meeting of the RC held on 22 February 2011
>
> "The Guidelines for the category of FIM Vs. Fl are as under:-
>
> (a) For registration of pesticide formulation for indigenous manufacture having the identical chemical composition that of formulation already registered for import U/s.9(3).
>
> No data is required provided the technical of the source to be used in formulation is duly registered as per guidelines of the Registration Committee and the label claims are same.
>
> (b) For registration of pesticide formulation for indigenous manufacture having the different chemical composition that of formulation already registered for import U/s.9(3).
>
> Complete data to be submitted as per already existing guidelines for formulation indigenous manufacture (FIM) U/s. 9(3) provided the technical (source) to be used for making formulation is duly registered as per guidelines of the Registration Committee."

10. In the 431st RC meeting held on 27 August 2021, *vide* Agenda Item No. 1.0, the minutes of the 430th RC meeting were confirmed with a modification in Agenda Item 2.1 by inserting a final paragraph which read:

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[14] (5) The Registration Committee shall regulate its own procedure and the conduct of business to be transacted by it.

[15] **4. Functions of Registration Committee**.—The Registration Committee shall, in addition to the functions assigned to it by the Act, perform the following functions, namely:—

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(b) carry out such other incidental or consequential matters necessary for carrying out the functions assigned to it under the Act or these rules.

"An affidavit on NJSP should be submitted to support the requirement of an agreement between M/s Fertiagro Pvt Ltd, 30 Toh Guan Road, #07-06 ODC Districcentre, Singapore 608 840 and M/s Jiangsu Agrochem Laboratory Co. Ltd, Minjian Road, Hi-tech Zone of Changzhou, Jingisan China to establish the linkage for using the same technology and same manufacturing process as was used for supply of RTT sample."

11. CCPL, in terms of the above directions, filed an affidavit dated 8 September 2021 with the RC enclosing, therewith, the following letter dated 10 August 2021 issued by Jiangsu:

"We, JIANGSU AGROCHEM LABORATORY CO. LTD. ADD :Minjiang Road. Hi-tech Zone of Changzhou, Jiangsu, China, hereby confirm the following:

1. Jiangsu Agrochem Laboratory Co., Ltd, established in Apr 1999, located in National High-tech Industrial Development Zone of Changzhou, Jiangsu Province, is the Provincial Engineering Center as well as Provincial Hi-tech Enterprise approved by the Provincial Council of Science and Technology.

2. It's been listed as development base of herbicides with high efficiency by Ministry of Science and Technology of P.R.C.

3. We further confirm that we hold valid registration of Halosulfuron Methyl Technical min issued by INSTITUTE OF THE CONTROL OF AGROCHEMICALS,' Ministry of Agriculture (ICAMA) having registration reference number PD20132005. We had received this registration first time in the year 2013. We had received a temporary registration from ICAMA in 2011 vide registration number LS20110312. A copy of the same is also enclosed and can be found on ICAMA website.

4. We further confirm that we are the only manufacturer who has a valid ICAMA for Halosulfuron Methyl Technical in China.

5. We also confirm that we are the only legal manufacturer of Halosulfuron Methyl Technical 98% min in China. Our latest manufacturing license number is 0086 issued by Department of Agriculture and Rural Development of Jiangsu Province dated 03 April 2018. We are producing this product in China since the year 2011.

> 6. We also confirm that we had provided technical grade sample to M/s, Fertiagro Pte, Singapore between 2010-2014. The purpose of the sample was to support registration in India for our customer M/s. Crystal Crop Protection Ltd. (Earlier known as Crystal Crop Protection Pvt. Ltd.). We later sent tech grade samples to Crystal directly also for registration related purposes."

12. On 6 August 2021, the appellant submitted a petition, purportedly under Sections 10[16] and 11[17] of the Act, challenging the grant of registration to CCPL for import and indigenous manufacture of HSMT/HSM WG. The appellant submitted that registration had been granted to CCPL without any verification of its claim that the RTT sample had been manufactured by Jiangsu. Import of pesticide for indigenous use, or for use in indigenous manufacture of pesticide, from a source other than that from which the sample in respect of which the test data had been provided by the Section 9(3) applicant, it was submitted, was not permissible.

13. By order dated 10 September 2021, the Joint Secretary (Plant Protection), in his capacity of Revisionary Authority, rejected the petition submitted by the appellant. The Revisionary Authority held the petition not to be maintainable as an appeal under Section 10 and

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[16] **10. Appeal against non-registration or cancellation**.—Any person aggrieved by a decision of the Registration Committee under Section 9 may, within a period of thirty days from the date on which the decision is communicated to him, appeal in the prescribed manner and on payment of the prescribed fee to the Central Government whose decision thereon shall be final:

Provided that the Central Government may entertain an appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

[17] **11. Power of revision of Central Government**.— The Central Government may, at any time, call for the record relating to any case in which the Registration Committee has given a decision under Section 9 for the purpose of satisfying itself as to the legality or propriety of any such decision and may pass any such order in relation thereto as it thinks fit:

Provided that no such order shall be passed after the expiry of one year from the date of the decision:

Provided further that the Central Government shall not pass any order prejudicial to any person unless that person has had a reasonable opportunity of showing cause against the proposed order.

rejected it on merits under Section 11. The reasoning and conclusion in the said order dated 10 September 2021 read thus:

> "Now after going through the contents of the appeal/revision petition and after hearing the oral and written submissions advanced by the respective parties, I am of the view that as far as maintainability of the appeal is concerned, Section 10 of the Act deals with 'Appeal against non-registration or cancellation' and that legal remedy in this case is circumscribed by condition of non-registration or cancellation. The contention raised by the appellant/revisionist pertains to the grant of registration of Halosulfuron methyl Technical 98% min to the respondent No 2 (third party) and that, it the grant of registration that has been challenged and not the non-registration or cancellation and therefore does not fall in the ambit of the Section 10 of the Act. Therefore, the appeal is not maintainable.
>
> Further, as far as power of revision of Central Government as envisaged in Section 11 of the Insecticides Act, in the instant case, appellant/ revisionist has not provided any documentary evidence to prove that decision of RC is perverse or mala fide and that respondents have not followed the guidelines issued by CIBRC or has not completed the process of registration with respect to submission of data for evaluation of safety and efficacy of the product in question. Therefore, I am of the view that, revision petition is not maintainable.
>
> In view of the above, I further observe that according to the minutes of 430th RC meeting, Registration Committee after reviewing all the facts and information as per guidelines, had fully satisfied itself with regard to the data submitted by the applicant before granting the approval for registration for import of Halosulfuron Technical 98% min from the said source. Thus, I am of the view that the decision given by the RC is justified and require no interference from this appellate authority."

14. Aggrieved thereby, the appellant approached this Court by means of WP (C) 10776/2021, which stands dismissed by a learned Single Judge of this Court.

15. This appeal challenges the said decision.

B. The Impugned Judgment

I. Rival Contentions

IA Contentions of the appellant

16. The appellant submitted, before the learned Single Judge, that Jiangsu had been granted registration, by the registering authorities in China, for manufacture of 98% HSM only on 11 October 2018 and that, therefore, CCPL could not have declared Jiangsu to be its source of manufacture of the HSMT in 2016. Besides, the Guidelines issued by the RC required that, if the manufacturer of the imported pesticide, and the supplier from whom it was being sourced, were different, both names had to figure on the RTT Permit, which had not been complied with. Inviting attention to the Statement of Objects and Reasons of the Act, the appellant submitted that there had been complete abdication, by the RC, of its duty under Section 9(3).

17. In such circumstances, the appellant submitted that the appeal/revision petition preferred by it before the Revisionary Authority was maintainable and that the words "person aggrieved", as employed in Section 10 of the Act were required to be widely construed, keeping in mind the Statement of Objects and Reasons of the Act and considerations of larger public interest. Public interest, it was submitted, would irremediably jeopardised if CCPL were to be permitted to import pesticide from an untested source. Use of such pesticides could jeopardise the life and safety of humans and animals

and also adversely impact the environment. It was imperative, therefore, that the import, under Section 9(3), took place from the same source from which the sample, which was earlier tested and with respect to which data was generated, was manufactured. The appellant submitted that the affidavit of CCPL, as was directed to be filed in the 431st RC Meeting, would not be any panacea, as it would obviously be self-serving in nature.

18. In so far as appellant's locus was concerned, it was further submitted that, as, while applying for registration of HSM under the "TI (new source)" category, equivalence had been claimed, by CCPL, with the HSM earlier imported by the appellant. As such, if the HSMT imported by CCPL did not function properly, or caused any adverse effects, it would damage the appellant's reputation and also jeopardise the reputation of the HSM molecule itself. In support of its contention that it possessed locus, the appellant placed reliance on the judgments of the Supreme Court in ***Coal India Ltd v. Ananta Saha***[18], ***Samir Agrawal v. Competition Commission of India***[19] and ***Honnaiah T.H. v. State of Karnataka***[20].

IB. Contentions of CCPL

19. CCPL submitted, by way of response, that the challenge, by the appellant, to the grant of registration to CCPL under Section 9(3) of the Act was lacking in *bona fides*, and that the appellant wanted to perpetrate its monopoly with respect to import of HSM. In any event,

[18] **(2011) 5 SCC 142**
[19] **(2021) 3 SCC 136**
[20] **2022 SCC OnLine SC 1001**

submitted CCPL, the appellant had no *locus standi* to maintain its challenge, and was merely a meddlesome interloper. The appellant's revision petition/appeal was not maintainable under Section 10 of the Act, as a challenge, under the said provision, lay only against a decision refusing registration or cancelling a registration and not against grant of a registration. The appellant, it was submitted, could not be said to be a "person aggrieved", as the appellant was not affected by grant of registration to CCPL.

20. Besides, submitted CCPL, registration had been granted to CCPL after complete scrutiny of its application, which was containing all requesite details for the period 2016 to 2021. Such a decision, it was submitted, would ordinarily not be subject to judicial review.

21. To support its contentions, CCPL relied on the judgments of the Supreme Court in ***Uflex Ltd v. Government of Tamil Nadu***[21] and ***Jasbhai Motibhai Desai v. Roshan Kumar***[22] and the judgments of this Court in ***Syngenta India Ltd v. Union of India***[23] and ***Gharda Chemicals Ltd v. Joint Secretary***[24].

II. Analysis by the learned Single Judge

22. The learned Single Judge, at the outset, identified the bone of contention, before him, as being the legality of the registration granted

[21] 2021 SCC OnLine SC 861
[22] (1976) 1 SCC 671
[23] 2009 SCC OnLine Del 1724
[24] Judgment dated 26 October 2018 in WP (C) 11542/2018

to CCPL by the RC in its 430th meeting, for import and manufacture of HSMT.

23. The learned Single Judge reasoned as under:

> "22. Perusal of the record reveals that Jiangsu, China was the authorized manufacturer of Halosulfuron Methyl Technical 98 % min since 2011. In the year, 2011, Jiangsu, China had received a temporary registration of Halosulfuron Methyl Technical 98 % from ICAMA vide registration number LS2011031. The said registration of Jiangsu for Halosulfuron Methyl Technical 98 % min was subsequently granted permanent registration number by ICAMA in the year 2013 vide registration number PD20132005. Perusal of the record further reveals that an Agreement dated 08.12.2010 was executed between M/s Jiangsu Agrochem Laboratory Co. Ltd. and M/s. Fertiagro Pte Ltd. for supply of material. It was agreed between the parties that since M/s Fertiagro Pte Ltd. had a good distribution network, and M/s Jiangsu Agrochem Laboratory Co. Ltd. being a manufacturer of agro-chemicals, the latter would supply the goods to M/s Fertiagro Pte Ltd. for further sale as its distributor/agent. It was agreed that M/s. Fertiagro Pte Ltd. may send the product to its customers for registration in respective territory and in case the product is registered in respective country, M/s Jiangsu Agrochem Laboratory Co. Ltd. shall continue to supply product through M/s Fertiagro Pte Ltd.
>
> 23. Learned senior counsel for the Petitioner further contended that Respondent no. 4 failed to comply with the guidelines provided by the RC which mandates that in case the manufacturer was different from supplier, the details of both were required to be mentioned on the RTT Permit. Perusal of the file reveals that the new guidelines came into effect vide 329th RC Meeting held on 08.06.2012; whereas the RTT permit to Respondent No. 4 was issued in the year 2011. Hence Respondent No. 4 applied for the RTT permit as per the old guidelines in which there was no such requirement. Further, perusal of the record reveals that the Registration Committee in its 369th Meeting held on 04.10.2016, vide Agenda Item No. 2.2 took a decision that *'no application with the data generated using unauthorized sample (without obtaining RTT permit) shall be accepted/processed on or after 01/01/2017. It was also decided that if any studies of any product under any category is undergoing with such samples, the same may be intimated to the APPA & Secretary (CIB&RC) by 30/11/2016*

through email at cibsecy@nic.in. A Public Notice to this effect was also issued'. Taking benefit of the said decision, Respondent No. 4 vide letter dated 03.11.2016 appraised the Secretary CIB & RC of the reason and change in the name of source import. Respondent No. 4 further submitted a dossier with revised Form 1 dated 11.04.2016 in which Respondent No. 4 indicated the original manufacturer as M/s Jiangsu Agrochem Laboratory Co. Ltd.

24. This Court has examined the minutes of 430th meeting of the RC wherein the RC has recorded the history of the dossiers and other relevant data submitted by Respondent no. 4. The relevant portions of the said RC Meeting, reads, *inter alia*, as follows[25]:

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25. Apart from that, Respondent no. 4 has submitted before the RC time and again such documentary evidences to establish link between the M/s Fertiagro, Singapore and M/s Jiangsu Agrochem Laboratory, China.

26. This Court also finds that the RC vide item No. 1.0 of its 431st meeting dated 27.08.2021 directed Respondent no. 4 to submit an affidavit to support the requirement of an agreement between Fertiagro and Jiangsu to establish the linkage for using the same technology and same manufacturing process as was used for supply of RTT sample. In view of the same, Respondent no. 4 submitted the requisite affidavit before the RC along with relevant documents which includes a letter dated 10.08.2021 from M/s Jiangsu Agrochem Laboratory Company Ltd. The said Letter, reads, *inter alia*, as follows[26]:

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27. Upon perusal of these documents, it is amply conveyed that RC had sufficient material before it to satisfy itself with respect to the claims made by Respondent no. 4.

28. At this point, it is relevant to refer to the provision under Section 9(3) of the Act. It is reproduced as follows:

> "(3) On receipt of any such application for the registration of an insecticide, the Committee may, after such enquiry as it deems fit and after satisfying itself that the insecticide to which the application relates conforms to the claims made by the importer or by the manufacturer, as the case may be, as regards the efficacy of the insecticide

[25] Already extracted in para 8 *supra*
[26] Already reproduced in para 11 *supra*

and its safety to human beings and animals, register [on such conditions as may be specified by it] and on payment of such fee as may be prescribed, the insecticide, allot a registration number thereto and issue a certificate of registration in token thereof within a period of twelve months from the date of receipt of the application:

Provided that the Committee may, if it is unable within the said period to arrive at a decision on the basis of the materials placed before it, extend the period by a further period not exceeding six months:

Provided further that if the Committee is of opinion that the precautions claimed by the applicant as being sufficient to ensure safety to human beings or animals are not such as can be easily observed or that notwithstanding the observance of such precautions the use of the insecticide involves serious risk to human beings or animals, it may refuse to register the insecticide."

29. On the bare perusal of the aforesaid provision, it is cogent that liberty/discretion has been granted to the RC to conduct its affair or enquiry as it deems fit for ascertaining the claims of the applicant.

30. While examining the decision of an expert quasi-judicial body under Article 226 of the Constitution of India, the High Court is concerned only to the limited extent whether the said authority has applied its mind and satisfied itself with help of relevant data, so that no room is left for arbitrariness. This Court is convinced that RC indeed took all the possible steps to check the veracity of the registration application and mindfully granted registration under the statute.

31. The Petitioner has not brought on record any documentary evidence to prove that the decision of RC suffers from irregularity or that it has proceeded arbitrarily while satisfying itself with respect to efficacy and safety of the product in question. RC is a body of experts comprising of experts from various fields. RC comprises of authority such as Drugs Controller of India and the Plant Protection Advisor to the Government of India etc. The Court cannot interfere with the decisions taken by the RC by exercising power of judicial review unless and until it suffers from patent irregularity. Same observations were made by co-ordinate Bench of this Court **in *Crop Care Federation of India v. UOI*** in W.P. (C) 8117/2019 decided on 29.07.2019.

32. As far as maintainability of the appeal under Section 10 of the Act is concerned, it is explicitly provided in the provision that only a 'person aggrieved' can prefer an appeal against the decision of the RC. The present case is squarely covered by the order passed by the coordinate Bench of this court in ***Gharda Chemicals*** *(supra)* wherein the petitioner who happened to be a competitor of the Respondent, filed a writ petition against the grant of registration to the Respondent under the Act. Relevant portion of the aforesaid order is as follow:

> "10. This Court is unable to accept that the petitioner has any vested right to insist that respondent nos 4 and 5's applications be considered as per any particular guidelines, and the same requires to be protected by this court by issuing a writ under Article 226 of the Constitution of India. Concededly, the applications filed by the petitioner for registration of insecticides has been processed and the petitioner now seeks to challenge the processing of applications of its competitors (respondent nos. 4 and 5). Plainly, the provisions of Article 226 cannot be permitted to be used for settling business rivalries, which appears to be the object of the present petition.
>
> 11. In ***Nagar Rice & Flour Mills v. N Teekappa Gowda & Bros***[27], the Supreme Court held that a rice mill owner had no locus standi to challenge setting up of a new rice mill by another, under Article 226, even if the same was in contravention of section 8(3)(c) of the Rice Milling Industry (Regulation) Act, 1958. The Court reasoned that no right vested in such an applicant was infringed. This decision was also followed by the Supreme Court in a later decision in ***Mithilesh garg v. Union of India***[28], wherein the court repelled the challenge of existing stage carriage operators to the decision of the Regional Transport Authority to issue permits to new operators.
>
> 12. In ***Simbhaoli Sugar Mills v. Union of India***[29] a Division Bench of this court rejected the challenge to a press note containing guidelines for issuance of licences for setting up new and expansion of existing sugar factories. In terms of the said guidelines, licence to set up a new unit could be granted subject to certain conditions, one of them being that there was no sugar mill within a radius of fifteen kilometres and the applicant was not required to furnish

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[27] **(1970) 1 SCC 575**
[28] **(1992) 1 SCC 168**
[29] **(1992) 22 DRJ 594**

> any certificate/clearance regarding cane availability or potential for development of cane. The petitioner before the court was an existing manufacturer and had challenged the issue of licence to another unit (respondent no. 5 therein) processed under the guidelines. The court held that the petitioner had "no locus standi to invoke the special jurisdiction under Article 226 of the Constitution of India" and rejected the petition."

33. It is a well-settled principle that Article 226 of the Constitution cannot become a means to chase down a business rival by pinpointing procedural deficiency in decision making process. This extraordinary power can only be invoked when there appears a glaring error and arbitrariness in decision making process of the body. Competition between enterprises cannot be a cause of action in any case. The Hon'ble Supreme Court touched upon the issue of *locus standi* in ***Jasbhai Motibhai Desai*** case *(supra)*:

> "47. Thus, in substance, the appellant's stand is that the setting up of a rival cinema house in the town will adversely affect his monopolistic commercial interest, causing pecuniary harm and loss of business from competition. Such harm or loss is not wrongful in the eye of law, because it does not result in injury to a legal right or a legally protected interest, the business competition causing it being a lawful activity. Juridically, harm of this description is called damnum sine injuria, the term injuria being here used in its true sense of an act contrary to law. [Salmond on Jurisprudence, 12th Edn. by Fitzgerald, p. 357, para 85] The reason why the law suffers a person knowingly to inflict harm of this description on another, without holding him accountable for it, is that such harm done to an individual is a gain to society at large.
>
> 48. In the light of the above discussion, it is demonstrably clear that the appellant has not been denied or deprived of a legal right. He has not sustained injury to any legally protected interest. In fact, the impugned order does not operate as a decision against him, much less does it wrongfully affect his title to something. He has not been subjected to a legal wrong. He has suffered no legal grievance. He has no legal peg for a justiciable claim to hang on. Therefore he is not a "person aggrieved" and has no locus standi to challenge the grant of the no-objection certificate."

34. In the light of aforesaid discussion, this Court holds that the RC has well-satisfied itself with regard to the bio-efficacy data and other relevant documents provided by Respondent no. 4 to support its case for registration under the Act.

35. This Court finds no infirmity or perversity in the impugned order. No interference with the decision and order impugned in this petition is warranted at the instance of the petitioner."

C. Relevant Proceedings before this Court

24. On 1 October 2025, the UOI filed a Brief Note, annexing, therewith, certain documents. In the said Note, it is stated, with respect to the RTT Permit which had originally been issued to CCPL, and with respect to Form C which had been submitted by CCPL for obtaining the said RTT Permit, as under:

"30.3.2011

RTT issued to Respondent No. 4

The Form C requires the applicant to mention the name of the source/manufacturer and supplier which in the present matter is M/s Fertiagro Pvt Ltd, Singapore. *The Respondent No. 4 mentioned the manufacturer and supplier both as M/s Fertiagro Pvt Ltd, Singapore."*

(Emphasis supplied)

25. During the course of these proceedings, the following order was passed by this Court on 9 October 2025:

"1. Heard learned Counsels for the Parties in detail.

2. The Union of India i.e. the Respondent No.1 herein, is directed to produce the relevant documents to demonstrate that M/s Jiangsu Agrochem Laboratory Co. Ltd. had the temporary Registration to manufacture Halosulfuron Methyl 98% weight-in-weight (w/w) from Institute for the Control of Agrochemicals,

> Ministry of Agriculture ("ICAMA") vide Registration No. LS20110312 in the year 2011.
>
> 3. Though certain documents have also been given to show that M/s Jiangsu Agrochem Laboratory Co. Ltd. had the license to manufacture Halosulfuron Methyl at 95% w/w purity, liberty is also given to the Respondents to satisfy the Court that a person having a registration license for manufacturing Halosulfuron Methyl at 95% w/w can also manufacture the same at 98% w/w."

There has been no compliance, by the UOI, with the above directions.

26. Following this, the appellant filed CM 74892/2025, praying that the present appeal be allowed, in view of (i) the disclosure, in the Brief Note filed by the UOI on 1 October 2025, of the fact that, in the Form C submitted by CCPL for obtaining the RTT Permit in 2011, CCPL had mentioned Fertiagro as the manufacturer as well as the supplier of the HSMT 98% sample, and (ii) the UOI had failed to comply with the directions, in the order dated 9 October 2025, to place documents on record to indicate that, in 2011, Jiangsu had the registration to manufacture HSMT 98%.

D. Rival Contentions before us

I. Submissions of Ms. Shobha Ramamoorthy for the appellant

27. Arguing for the appellant, Ms. Ramamoorthy submits as under:

(i) The impugned registrations, granted to CCPL, permitted import of HSMT from an untested source. CCPL had, in 2011, applied for grant of Registration Certificate for import of

sample for research, test and trial. Pursuant to the application, RTT Permit was issued to CCPL for import of HSMT 98% w/w from Fertiagro. It was the RTT Sample imported by CCPL under the said registration which was subjected to trial and test, and the data generated as a result of which was submitted by CCPL to the RC for obtaining registration under Section 9(3) of the Act. Having thus provided data following trial and test conducted on a sample sourced from Fertiagro, CCPL applied, under Section 9(3), for grant of registration for import and for indigenous manufacture of HSM with a new manufacturer, i.e. Jiangsu and sent by Hebei. After having, in its 429th Meeting conducted on 24th June, 28th June and 30 June 2021, called upon CCPL to explain, in the next Meeting of the RC, the discrepancy between the source of the pesticide, the RC, in the 430th meeting conducted on 23 July 2021, blindly accepted the explanation proffered by CCPL, without any proof or evidence. All that the RC required of CCPL was the furnishing of an affidavit, which was obviously self-serving in nature and would not satisfy the requirement of a proper enquiry into the discrepancy in source between the RTT Sample and the HSM which was being proposed to be important and used in the indigenous manufacture of HSM 75% WG. In fact, the very calling upon CCPL, by the RC, to file an affidavit, in the 431st meeting of the RC on 27 August 2021, indicated that registration had been granted to CCPL in the 430th meeting without the RC satisfying itself regarding the veracity of the explanation proffered by CCPL for the discrepancy in the

source of the HSMT between the RTT Sample and the imports for which application had been made under Section 9(3). The counter-affidavit filed by the official Respondents, too, did not indicate any application of mind, by the RC, to the correctness of the explanation proffered by CCPL in the 430th meeting for the discrepancy in source of the imported HSMT between the RTT Sample and the proposed Section 9(3) import.

(ii) Jiangsu had been granted registration, in China, for manufacture of HSMT 98% only on 11 October 2018. Reliance was placed on the following tabular data, available on the website of the ICAMA:

Registered info					
Registered number:	PD20132005	**First Prove:**	Oct 11, 2018	**Period:**	Oct 11, 2023
ProductName:	Halosulfuron-methyl 98%	**Toxicity:**	L	**Formulation:**	TC
Manufacturer:	JIANGSU AGROCHEM LABORATORY CO.LTD.			**Country:**	
Remarks:					

ActiveIngredient	
ActiveIngredient	**Content**
Halosulfuron-methyl	98%

Jiangsu could not, therefore have been the manufacturer of the RTT Sample which was imported in 2011. This itself indicated the falsity of CCPL's claims. Though it was averred that Jiangsu had been granted provisional registration for manufacture of HSMT in 2011, no documents to that effect were on record, except a self-serving letter from Jiangsu, extracted in para 11 *supra*. Moreover, the Guidelines issued by

the RC governing import of RTT samples, extracted in para 2 *supra*, required the details of the manufacturer and supplier to be entered on the RTT Permit, which was also not done.

(iii) CCPL had sought to contend, before the RC, that the RTT Sample had been manufactured by Jiangsu and exported to India by Fertiagro under an Exclusive Service Agreement[30] dated 8 December 2010, executed between them. Given the fact that, even as per the respondents' case, Jiangsu was granted a license for provisional manufacture of HSMT only in 2011, it was obvious that no ESA could have been executed in 2010 for sale, overseas, of the product of Jiangsu through Fertiagro.

(iv) Moreover, the Brief Note which was filed by the UOI clarified that, in the application submitted by it for obtaining the RTT Permit, CCPL had declared the supplier, as well as the manufacturer, of the HSM 98%, as Fertiagro, Singapore.

(v) The documents on record revealed that Jiangsu had been granted registration, in December 2013, for manufacture of 95% HSM, not 98% and that, in fact, registration for manufacture of HSM 98% was granted only on 11 October 2018. The Registration Data relating to the registration granted to Jiangsu in December 2013, as contained on the website of the ICAMA, read as under:

Registered info					
Registered number:	LS20110312	**First**	Dec	**Period:**	Dec 5,

[30] "ES" hereinafter

		Prove:	5, 2013		2014
ProductName:	Halosulfuron-methyl 95%	**Toxicity:**	L	**Formulation:**	TC
Manufacturer:	JIANGSU AGROCHEM LABORATORY CO.LTD.			**Country:**	
Remarks:					

ActiveIngredient	
Active Ingredient	**Content**
Halosulfuron-methyl	95%

The learned Single Judge has, in para 22 of the impugned judgement, clearly erred in holding that temporary registration, for manufacture of HSMT 98% w/w, had been granted to CCPL in 2011 *vide* Registration No. LS 20110312 and that permanent registration was granted in 2013 *vide* Registration No. PD 20132005. In fact, Registration No. LS 20110312 was granted on 5 December 2013 for manufacture of HSM 95%, not 98%, and it was only with effect from 11 October 2018 that registration had been granted to Jiangsu, vide Registration No. PD 20132005, for manufacture of HSM 98%.

(vi) The Section 10 petition referred by appellant had been rejected without any reasons.

(vii) Though the learned Single Judge has, in the impugned judgment, observed that the record disclosed that Jiangsu was manufacturing HSMT 98% in 2011, no such record was forthcoming. In fact, this observation is contrary to the actual record. In the process, the learned Single Judge ignored the data relating to the registration is granted to Jiangsu for manufacture

of HSM and HSMT, as contained on the website of the ICAMA, which was the registering authority.

(viii) Reliance on the decision taken in the 369th Meeting of the RC held on 4 October 2016, vide Agenda Item No. 2.2, was misplaced. The decision read thus:

> "The committee further decided that no application with the data generated using unauthorised sample (without obtaining RTT permit) shall be accepted/processed on or after the 1/01/2017. It was also decided that if any studies of any product under any category is undergoing with such samples, the same may be intimated to the APPA & Secretary (CIB&RC) by 30/11/2016 through email at cibsecy@nic.in. A Public Notice to this effect was also issued."

This decision referred to an unauthorised sample as one which was without obtaining RTT permit. CCPL had, however, obtained an RTT permit on 30 March 2011. The amnesty granted in cases of studies of products under any category undergone with such samples would not be available to CCPL, as the manufacturer of the RTT Sample was declared as Fertiagro, whereas the manufacture of the HSMT which was sought to be imported under Section 9 was declared as Jiangsu.

(ix) On the aspect of *locus standi*, the Appellant relies on the judgement of the Supreme Court in ***Jayaraj v. Commissioner of Excise***[31].

II. Submissions of Mr. Arvind Nigam on behalf of CCPL

[31] **(2000) 7 SCC 552**

28. Arguing for CCPL *per contra*, Mr. Nigam submits as under:

(i) The appellant had no *locus standi* to file the appeal/revision application under Sections 10 and 11 of the Act.

(ii) The RC had evaluated the samples submitted by CCPL on all parameters before granting Section 9(3) permission to CCPL to import HSMT 98% w/w.

(iii) CCPL had, in 2011, procured the RTT sample from Fertiagro. It was only after generating data and conducting all tests and trials on the sample, which was confirming to 98% purity, that CCPL submitted its application/dossier, along with Form 1 on 11 April 2016, for grant of Section 9(3) registration. On clarification being sought by the RC with respect to the difference in the source of the HSM, as declared in the RTT Permit and in the Section 9(3) application, CCPL had clarified, *vide* letter dated 2 November 2016, that the sample which had been imported by it under the RTT permit was in fact manufactured by Jiangsu, though it was supplied by Fertiagro. Further explanation and clarifications were provided by CCPL before the RC at its 430th meeting held on 23 July 2021 and it was only after consideration of the said explanation, and all relevant facts and circumstances, that the RC granted registration to CCPL to import HSMT 98% from Fertiagro, manufactured by Jiangsu.

(iv) Jiangsu was, in fact, the authorised manufacturer of HSMT in China since 2011. It had been granted temporary registration to manufacture HSMT from the ICAMA in 2011, and granted permanent registration in 2013. On 8 December 2010, the ESA had been executed between Jiangsu and Fertiagro, under which Fertiagro was contracted to sell the products of Jiangsu.

(v) A reading of the temporary registration No. LS 20110312 revealed that 95% was specified as a minimum. Tests and trials, conducted on the HSMT revealed that it was having purity of 98%. The CCPL also had the products tested in the Central Insecticide Laboratory, which disclosed that the purity of the RTT sample was 98%.

In such circumstances, Mr. Nigam submits that the learned Single Judge was justified in his decision not to interfere with the exercise of subjective satisfaction by the RC.

E. Analysis

29. The balance, in such cases, has to be maintained between restraint against interference with *bona fide* exercise, by the competent executive authority, of discretion lawfully conferred by the law on such authority, and ensuring that the mandate of the statute is complied with.

30. From the times of ***Taylor v. Taylor***[32], through the judgment of the Privy Council in ***Nazir Ahmed v. King Emperor***[33], through a host of judgments of Supreme Court till as late as ***Mandeep Singh v. State of Punjab***[34], the settled legal position is that, where the law requires a particular act to be done in a particular manner, that act must be done in that manner or not done at all, all other methods of doing the act being necessarily forbidden. If, therefore, the manner in which registration was granted to CCPL, to import HSMT 98% w/w, following the decision taken in the 430th meeting of the RC held on 23 July 2021, infracts any mandate of the law, the decision would become illegal, applying the ***Taylor v. Taylor*** principle. If, however, no mandate of the law was breached while granting the registration, then the Court would ordinarily defer to the exercise of discretion by the executive authority, unless the exercise is found to be *mala fide* or manifestly arbitrary.

31. Inasmuch as the registration was granted under Section 9(3) of the Act, it is necessary to carefully read and understand Section 9(3). Section 9(3) requires the RC to carry out "such enquiry as it deems fit" and to satisfy itself "that the insecticide to which the application relates conforms to the claims made by the importer or the manufacturer as regards the efficacy of the insecticide and its safety to human beings and animals". Once the RC satisfies itself on these aspects, registration may be granted, as sought by the applicant.

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[32] **LR 1 Ch 426**
[33] **AIR 1936 PC 253**
[34] **2025 SCC OnLine SC 1420**

32. The second proviso to Section 9(3) empowers the RC to deny registration in a case where the applicant undertakes to put, in place, precautions to ensure safety of the insecticide to human beings and animals. However, the present case does not involve the application of the said proviso.

33. Section 9(3) does not set out any empirical basis on which the RC is to proceed while arriving at the requisite satisfaction regarding safety and efficacy of the insecticide of which import, or indigenous manufacture, is proposed. No guidelines can be gleaned from the said provision. Section 5(5) of the Act, however, empowers the RC to regulate its own procedure and the conduct of business to be transacted by it. Section 36 of the Act empowers the Central Government to make rules for the purposes of giving effect to the provisions of the Act. In exercise of the powers conferred by the said Section, the Central Government notified the Insecticides Rules in 1971. Rule 4 of the Insecticides Rules, in clause (b), empowers the RC to carry out incidental or consequential matters necessary for carrying out the functions assigned to it under the Act or the Insecticides Rules. In exercise of the powers conferred by Section 5 of the Act and Rule 4 of the Rules, the RC, from time to time, issues Guidelines setting standards for regulating registration of insecticide for export of indigenous manufacture, among other things.

34. Ms. Ramamoorthy laid emphasis on the decision of the RC, taken in its 369th meeting held on 4 October 2016, not to accept or process any unauthorised sample and, in the event of any studies of

any product under any category being still undergone in respect of such sample, the requirement of intimation to the APPA and the Secretary (CIB & RC). The words "unauthorised sample" has been clarified in the decision taken on Agenda Item 2.2 by the RC in its 369th Meeting as a sample which was without obtaining RTT permit.

35. Though CCPL had applied under Section 9(3) for permission to import HSMT 98% w/w and indigenously manufacture HSM 75% WG on 11 April 2016, prior to the decision taken by the RC in its 369th Meeting which took place only on 4 October 2016, the addition may still apply to CCPL's application, as it referred not merely to "acceptance" of the application, but also to "processing" of the application. Inasmuch as the protocol represented a system put in place in order to ensure that efficacy and safety of the pesticide, it has to be strictly enforced, especially as the decision itself is not under challenge before us.

36. Even so read, the entitlement of CCPL to registration under Section 9(3), as applied on 11 April 2016, may not be seriously affected by the stipulation. This is because the proscription, envisaged in the said decision, was against acceptance or processing of an application with data generated using an unauthorised sample, with the words "unauthorised sample" being clarified as a sample which was without obtaining RTT permit. There is no dispute that the data which was enclosed by CCPL, while applying under Section 9(3), was generated using the sample imported under the RTT permit dated 30 March 2011, issued by the RC itself. It cannot, therefore, be alleged

that the Section 9(3) application was accompanied by data which was generated using an unauthorised sample.

37. The grant of registration to CCPL under Section 9(3) of the Act cannot, therefore, be said to infract the decision taken by the RC in its 369th meeting, in Agenda Item 2.2.

38. Our attention has not been invited to any specific Guideline issued by the RC, or other binding statutory or executive instrument, which required an applicant under Section 9(3) to, prior to the application, import a sample under an RTT permit, generate data and use the said data as the basis for its subsequent Section 9(3) application.

39. Ms. Ramamoorthy placed reliance, in this context, on the "Guidelines for Import of Sample Quantity of Pesticides for Research, And Trial (RTT) Purposes" issued by the RC consequent to the decisions taken in its 148th, 245th and 329th meeting, reproduced in para 2 *supra*. The reliance, to our mind, is misplaced. The said Guidelines merely regulate import of sample quantities of pesticides for RTT purposes. They cannot be read as enforcing a mandate to the effect that an application under Section 9(3) must necessarily be preceded by RTT's testing of a sample and generation of data therefrom.

40. This aspect may not, however, be of much significance in the present case, as the fact of the matter is that CCPL in fact relied on the data generated using the HSMT sample imported under the RTT

permit dated 30 March 2011. It was for this reason that, in the 429th meeting, the RC noted that there was a discrepancy in the source of procurement of the HSMT as reflected in the RTT Permit and in the Section 9(3) application submitted by CCPL. CCPL was, therefore, directed to explain this discrepancy in the 430th meeting. CCPL claims to have done so. Mr. Nigam's contention is that the minutes of the 438th RC Meeting itself reflect that the various aspects pointed out by CCPL were holistically considered by the RC, and an informed decision taken to grant registration under Section 9(3), as was sought by CCPL. This decision, according to Mr. Nigam, is not one which invites interference by this Court under Article 226 of the Constitution of India.

41. It is necessary, therefore, to examine the reliability of the explanation proffered by CPL for the discrepancy of the HSMT, as reflected on the RTT Permit and in the Section 9(3) application.

42. When we do so, we find ourselves unable to agree with the learned Single Judge that the discrepancy stood satisfactorily explained by CCPL and that, therefore, the Section 9(3) registration had been lawfully granted to it.

43. *It is worthwhile to reiterate, here, that grant of registration under Section 9(3) has statutorily to be preceded by the arrival, by the RC, of subjective satisfaction regarding the efficacy and safety of the insecticide for which the application was made. In the case of CCPL, the data produced by CCPL, as evidence of such safety and efficacy,*

was the data generated by trial and testing on the sample imported under the RTT permit. If the sample imported under the RTT permit could not be equated with the insecticide of which import and indigenous manufacture was being sought, it would become a case of no evidence of safety and efficacy of the insecticide and, consequently, of manifestly illegal grant of registration under Section 9(3).

44. The issue of whether the HSMT, of which the sample was imported by CCPL under the RTT Permit, was the same as the HSMT, for the import of which the Section 9(3) application had been made by CCPL, therefore, acquires primordial significance.

45. Though the RC, in its 430th meeting, expressed satisfaction in that regard, we are unable to agree that, before arriving at such satisfaction, the discretion which vested in the RC was legally and properly exercised.

46. Before elucidating why we so feel, we may dispense with the submission of Ms. Ramamoorthy that the very requisitioning of an affidavit, from CCPL, in the 431st meeting, was an indicator of the fact that, prior thereto, the RC was not possessed of the requisite satisfaction regarding the safety and efficacy of the HSMT, for the import of which the Section 9(3) application had been filed by CCPL. The mere requisitioning of an affidavit cannot, to our mind, operate as conclusive evidence of the absence of any satisfaction having been arrived at, prior thereto, by the RC. Affidavits, on many occasions, are sought merely *ex abundanti cautela*. The calling for an affidavit would bind the deponent down to the assertions in the affidavit, which

would confer additional sanctity thereto. The mere fact that, in its 431st meeting, the RC required CCPL to file an affidavit in the terms stipulated in the said Meeting cannot, therefore, be of any substantial significance.

47. At the same time, there are numerous infirmities which plague the submission of CCPL that the sample of HSMT, which was imported by CCPL under the RTT Permit granted to it on 30 March 2011, was also manufactured by Jiangsu.

48. In the first place, there is nothing to indicate that, in 2011, Jiangsu had a registration, by the ICAMA, authorising it to manufacture HSMT. No document to that effect, has been placed on record, except the self-serving letter dated 10 August 2021, by Jiangsu. The only two registrations granted to Jiangsu, which are forthcoming on the record, are the registrations dated 5 December 2013 and 11 October 2018. The registration dated 5 December 2013 is for manufacture of 95% HSMT. Though Mr. Nigam sought to contend that 95% was stipulated as a minimum, there is nothing in the registration certificate itself, as available on the website of the ICAMA, to so indicate. A registration which has been granted to manufacture HSMT 95% w/w cannot, quite obviously, be equated with a registration which permits the manufacture of HSMT 98% w/w. The registration of 11 October 2018 was much after the application dated 11 April 2016 submitted by CCPL under Section 9(3) of the Act. The declaration, by CCPL, in its Section 9(3) application that, on the date when the application was filed, Jiangsu was authorised to manufacture HSMT 98% w/w was, therefore, not

supported by any material whatsoever. In fact, the material on record would seem to indicate that Jiangsu did not hold any registration, as on the date of filing of the application by CCPL under Section 9(3), under which it could manufacture HSMT 98% w/w.

49. Even more significantly, in its application for grant of the RTT Permit, CCPL declared the manufacture of the HSMT sample, as well as the supplier of the sample, to be Fertiagro. As has been pointed out by Ms. Ramamoorthy, it was necessary, in the event of the manufacturer and supplier being two different entities, that the application should specifically so state. The declaration, in the application submitted by CCPL for obtaining the RTT Permit, of Fertiagro as the manufacturer as well as the supplier, of the HSMT sample, is irreconcilable with CCPL's later assertion that the manufacturer of the HSMT sample imported under the RTT Permit was in fact Jiangsu, and that the supply had been effected through Fertiagro.

50. In order to substantiate its stand that the HSMT sample which had been imported under the RTT Permit was manufactured by Jiangsu and supplied through Fertiagro, though the fact that the sample had been manufactured by Jiangsu was not reflected either in the application for grant of the RTT Permit or around the face of the RTT Permit itself, Mr. Nigam placed reliance on the purported ESA dated 8 December 2010. Unfortunately, the credibility of the ESA, too, appears doubtful. The opening recital in the said ESA asserted that Jiangsu was manufacturing HSMT 98%, in respect of which the

ESA had been executed. Ms. Ramamoorthy points out that this recital is clearly incorrect as, even as per the respondents' own showing, Jiangsu was granted provisional registration to manufacture HSMT 98% only in 2011 (though no document evidencing such grant of registration is on record). There is no explanation, from CCPL, as to how Jiangsu could claim to have been manufacturing HSMT 98% on 8 December 2010, when the ESA was purportedly executed, when it was granted provisional registration to manufacture HSMT 98%, by the ICAMA only in 2011. This throws serious doubt on the credibility of the ESA dated 8 December 2010.

51. Besides, if the RTT Sample had in fact been manufactured by Jiangsu, there is no reason why this fact was not reflected either in the application submitted by CCPL for grant of RTT permit, or on the face of the RTT permit itself.

52. It is a matter of further concern that, in the Section 9(3) application, not only the manufacturer, but also the supplier, of the HSMT, were different from those named in the RTT permit. Not only was the manufacturer Jiangsu, whereas Jiangsu was not reflected as the manufacturer in the RTT permit, but the supplier was also no longer Fertiagro but Hebei.

53. In this context, the presentation made by CCPL before the RC in its 430th Meeting, and the manner in which the presentation was addressed, makes for interesting reading. In the presentation, it is stated that

(i) CCPL had procured the RTT permit for import of HSMT from Fertiagro and had imported the HSMT as permitted by the RTT Permit and generated data from the said imported sample,

(ii) the said sample was actually manufactured by Jiangsu with whom Fertiagro had an ESA,

(iii) all required data in each discipline had been submitted by CCPL,

(iv) an appeal had been filed by CCPL before the Appellate Authority, which had noted that all scientific facts and complete data had been given, while allowing the appeal on 2 December 2020,

(v) CCPL had submitted a letter to the Secretary CIB&RC on 3 November 2016, informing the reason for the change in the name of the source input and

(vi) CCPL had submitted a dossier, with a revised Form 1, dated 11 April 2016, indicating the original manufacturer to be Jiangsu.

The reference is, therefore, clearly only to facts such as an appeal filed before the appellate order, to, various communications, most of which were self-serving in nature, and other such data, with no reference to any cogent material on the basis of which it could be said that the RTT Sample had been manufactured by Jiangsu.

54. The RC, too, merely states that it "deliberated the agenda" and, after considering points 5, 6 and 7, found that the case qualified for registration under Section 9(3). We may note, here, that, though the minutes refer to consideration of points 5, 6 and 7 of the 369th RC Meeting, the minutes of the 369th RC Meeting do not, in fact, extend till points 5, 6 and 7, as it is concluding at Point 3.1. The reference to "points 5, 6 and 7" appear to be a reference to the immediately preceding points 5, 6 and 7 of the presentation made by CCPL before the RC in the 430th meeting, as itemised in Agenda Item 2.1.

55. Besides the fact that, without any further reasoning or ratiocination, the RC merely proceeds to hold that it "found that this case qualified for registration u/s 9(3)", we are unable to comprehend how such a conclusion could have been arrived at, from points 5, 6 and 7 of the presentation made by CCPL. Point 5 referred to Agenda Item 2.2 of the minutes of the 369th Meeting of the RC dated 4 October 2016. We have already dealt with the said Agenda Item and stated why, according to us, it is of no serious significance. Point 6 merely states the fact of a letter dated 3 November 2016 having been submitted by CCPL to the Secretary CIB & RC and point 7 refers to the submission, by CCPL, of a dossier with a revised Form 1 to the CIB & RC Secretariat. None of these "Points", therefore, provides any explanation for the difference in the source of origin of manufacture of the HSMT, has declared in the RTT Permit, and as declared in the Section 9(3) application.

56. The inevitable conclusion is, therefore, that CCPL had not provided the requisite data as could satisfy the RC that the sample imported under the RTT Permit was from the same source as the HSMT which CCPL desire to import, and for which it had applied for registration under Section 9(3).

57. We are convinced that, in such circumstances, the RC was not justified, in its 430th meeting, in granting Section 9(3) registration to CCPL, as sought by it.

58. Inasmuch as satisfaction regarding the insecticide, for which the application was made under Section 9(3), being safe and efficiacious, is a *sine qua non* for grant of registration under the said provision, and as we are not satisfied that CCPL had provided the requisite data as could enable the RC to dispassionately and subjectively satisfy itself on these aspects, we have no option but to set aside the grant, by the RC, of registration to CCPL under Section 9(3) of the Act, pursuant to the decision taken in the 430th meeting on 23 July 2021.

F. Conclusion

59. Resultantly, the registration granted to CCPL under Section 9(3), for import of HSMT 98% w/w and indigenous manufacture of HSMT 75% WG, consequent to the decision taken in the 430th meeting of the RC conducted on 23 July 2021, as amended in the 431st meeting held on 27 August 2021, is quashed and set aside.

60. The impugned judgment of the learned Single Judge is also, therefore, quashed and set aside.

61. The appeal stands allowed accordingly with no orders as to costs.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

MAY 29 2026