

2025:PHHC:045336



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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**CWP-8450-2025 (O&M)
Date of Decision: 03.04.2025**

**M/S MADHYA BHARAT AGRO PRODUCTS LTD.Petitioner
Versus**

**THE STATE OF PUNJAB THROUGH ITS SECRETARY AND
OTHERSRespondents**

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CWP-8534-2025 (O&M)

M/S KRISHNA PHOSCHEM LTD.Petitioner

Versus

**THE STATE OF PUNJAB THROUGH ITS SECRETARY AND
OTHERSRespondents**

CORAM: HON'BLE MS. JUSTICE LAPITA BANERJI

Present:- Mr. Shiv Kumar, Advocate,
Mr. N.K. Manchanda, Advocate, and
Mr. Sahil Chowdhary, Advocate,
for the petitioner(s).

Mr. Aditya Sharda, D.A.G. Punjab.

LAPITA BANERJI, J.(Oral)

1. This order of mine will dispose of two writ petitions being CWP-8450-2025 and CWP-8534-2025. For the sake of convenience, the facts are taken from CWP-8450-2025.

2. Under challenge in the present writ petition is the cancellation order dated July 09, 2024 (Annexure P-8) passed by the Joint Director Agriculture (Input) Punjab-respondent No.3, whereby the license of the



petitioner had been cancelled. An appeal was preferred by the petitioner. Vide impugned order dated December 20, 2024 (Annexure P-10), the Director Agriculture-cum-Appellate Authority, Department of Agriculture & Farmer Welfare, Punjab-respondent No.2 dismissed the appeal. The said order is also under challenge.

3. Learned counsel appearing for the petitioner submits that in violation of Clause 31 of Fertilizer (Inorganic, Organic or Mixed) (Control) Order, 1985, the petitioner's license has been cancelled by the respondent No.3 without giving an opportunity of hearing which was mandatory. Only reply was sought for from the petitioner vide show cause notice dated June 21, 2024 (Annexure P-6). Such reply was received by the office on July 08, 2024 and the impugned order of cancellation was passed in hot haste on July 09, 2024 by respondent No.3 in breach of principles of natural justice.

4. Issue notice of motion.

5. Mr. Aditya Sharda, D.A.G. Punjab accepts notice on behalf of the respondents-State. He submits that vide show cause notice dated June 21, 2024 (Annexure P-6), an opportunity of personal hearing was given to the petitioner. Reply was also sought for from the petitioner prior to July 04, 2024. Even though said reply was received by the office after the said date, on July 08, 2024, still the same was considered by the authorities before passing the impugned order of cancellation. He further submits that in the appeal, the petitioner did not ask for re-analysis of the sample.

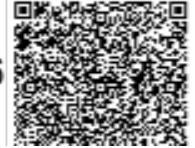
6. This Court has heard the learned counsel for the parties and perused the material on record.



7. It appears from the reply filed by the petitioner that they have prayed for retesting of the samples. The petitioner's case is that under Section 32-A(3) of the Fertilizer Control Order, 1985, the Appellate Authority was under an obligation to send the sample for re-analysis when a licensee applies for the same. However, the Appellate Authority failed to exercise their discretion in favour of the petitioner without any valid reason.

8. This Court finds that there is no reason at all given by the respondent No.3 as to why the sample could not be sent for re-analysis even though a prayer for the same has been made in the reply. Cursorily, it has been stated that a reply dated July 08, 2024 was received by the Office of the respondent No.3 but as all the samples were declared as "*not as per specifications*". Under Clauses 2(H), 8 and 19 of the 1985 Control Order and the Essential Commodities Act, 1955, the violations could not be accepted. Accordingly, the petitioner's license was cancelled the Appellate order dated December 20, 2024 passed by the respondent No.2 the impugned order passed by the respondent No.3 was upheld.

9. It is trite law that the reasons have to be recorded by the quasi judicial authorities in writing, while deciding an issue. A beneficial reference may be made to the decision of the Apex Court in *M/s. Kranti Associates Pvt. Ltd. & Anr. Versus Sh. Masood Ahmed Khan & Others* reported in (2010) 10 S.C.R. 1070.



10. Both the impugned orders are cryptic and does not show that the reply filed by the petitioner, has been taken into consideration. Therefore, they are set aside with the directions that the sample retained with the Department shall be re-analysed and an opportunity of hearing be given to the petitioner before deciding its case afresh within 06 weeks from the date of this order.

11. With the directions aforesaid, CWP-8450-2025 and CWP-8534-2025 **are disposed of.**

12. Connected application(s), if any, shall also stand disposed of.

13. A photocopy of this order be placed on the file of connected case.

03.04.2025

Jyoti Thakur

**(LAPITA BANERJI)
JUDGE**

*Whether speaking/reasoned:
Whether reportable:*

*Yes/No
Yes/No*