

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 490 of 2014

Haryana Seeds and Development Corporation Ltd. having its office at Sector-2, Panchkula P.O. & P.S. Panchkula District Haryana through its authorized signatory Kehar Singh Dabra son of Sri Attar Singh, Assistant Seed Production Officer, HSDC Ltd., Panchkula, P.O. & P.S. Panchkula, District Haryana

... ... Petitioner

Versus

1. The State of Jharkhand through its Secretary, Agriculture Department having its office at Project Bhawan P.O. & P.S. Dhurwa District Ranchi
2. Director, Agriculture Department having its office at Project Bhawan P.O. & P.S. Dhurwa District Ranchi... ... Respondents

CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioner : Mr. Shresth Gautam, Advocate
For the State : Mrs. Chaitali C. Sinha, J.C. to A.A.G.

Order No. 03

Dated: 30.11.2015

At the outset, the learned counsel for the petitioner submits that order of blacklisting, withholding of payment and the order of recovery dated 02.03.2012 has been set-aside by this Court vide order dated 20.02.2015 in W.P.(C) No. 6966 of 2013 and a direction was issued to the respondent-Director, Agriculture to take fresh decision in the matter after affording sufficient opportunity of hearing to the petitioner-Corporation. Referring to order dated 20.02.2015, the learned counsel for the petitioner submits that the representation of the petitioner for payment of balance amount should be considered by the respondents.

2. Opposing the prayer made in the writ petition, Mrs. Chaitali C. Sinha, the learned counsel for the respondent-State of Jharkhand submits that before a final decision is taken by the Director, Agriculture, no direction can be issued for payment to the petitioner-Corporation.

3. It appears that the petitioner-Corporation pursuant to Expression of Interest dated 06.05.2010 supplied various quantities of seeds of Maize, Moong, Potato, Kulthi, Paddy etc. were supplied by the petitioner. Vide letter dated 14.11.2011 the Deputy Commissioner, Palamau informed the Director, Agricultural Jharkhand, Ranchi that the growth of Kulthi seeds were not satisfactory, a 3-Man Committee was constituted which reported negligible growth of Kulthi plant and accordingly, sample of Kulthi seeds was sent for DNA test. The DNA report was carried at NBPGR, Pusa, New Delhi and the test report indicated considerable admixture of varieties of seeds supplied by the petitioner-Corporation. Accordingly, order dated 02.03.2012 was passed blacklisting the petitioner-Corporation and withholding the payment of balance amount. A further direction for recovery of payment already made to it was also issued. However, considering the fact that neither copy of the test report was furnished to the petitioner nor an opportunity of hearing was afforded to the petitioner-Corporation to explain the observation in the test report, order dated 02.03.2012 was quashed by this court with a direction to the Director, Agriculture to take a fresh decision in the matter. It is stated at bar that no decision has been taken by the Director, Agriculture, so far, in the matter. Since order dated 02.03.2012 was interfered on the ground of breach of rules of natural justice, no direction can be issued in the present case for payment to the petitioner-Corporation. However, if finally the petitioner-Corporation succeeds in the proceeding before the Director, Agriculture, necessary payment shall be made to the petitioner-Corporation, in accordance with law.

5. The writ petition stands dismissed.

(Shree Chandrashekhar, J.)

Manish