

नं. 24-7/98-FM  
संख्या - 65423  
फैक्स - 3388116

N/ No. 24-7/98-FM  
भारत सरकार  
GOVERNMENT OF INDIA  
रासायन एवं उर्वरक मंत्रालय

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MINISTRY OF CHEMICALS & FERTILIZERS  
( उर्वरक विभाग )  
( DEPARTMENT OF FERTILIZERS )

नई दिल्ली-1, तारीख  
New Delhi-1, Dated the 28th March, 2002.


OFFICE MEMORANDUM

Sub: Policy regarding use of subsidised fertilisers namely Urea, DAP, MOP and SSP for production of mixture fertilisers.

Ref: (i) D.O. letter No.5-4/96-Fert Law dated 3.10.2001 from Sri M. Senapaty, Director(INM), DAC to Shri Sudhir Krishna, Joint Secretary in this Department.

(ii) OM No.24-7/98-FM dated 18.3.2002 wherein the Minutes of the meeting held on 15.3.2002 under the Chairmanship of Secretary(Fert) were circulated.

The undersigned is directed to invite your kind reference to Para 6 of the minutes of the meeting held on 15.3.2002 under the Chairmanship of Secretary(Fert) on sale of subsidised fertilisers to mixture manufacturers (vide this Department OM of even number dated 18.3.2002) and to say that Minister(C&F) has approved the policy for permitting the use of subsidised fertilisers for manufacture of mixture fertilisers. The Department of Agriculture & Co-operation is therefore, requested to kindly issue necessary notification under FCO 1985 and also advise the State Governments not to encourage proliferation of any new mixture units. Action taken in the matter may kindly be intimated to this Department at the earliest.

  
(Balvinder Kumar)  
Joint Secretary (A&M)  
3388481

Shri Satish Chander,  
Joint Secretary(INM),  
Deptt. of Agric & Coopn.,  
Krishi Bhawan,  
New Delhi

ANNEXURE - I (CP 1 of 2)

ANNEXURE - II (CP 1 of 2)

F.No.3-19/2007- Fert. Law  
Government of India  
Department of Agriculture & Cooperation  
Ministry of Agriculture

Krishi Bhavan, New Delhi  
Dated 26<sup>th</sup> February, 2008

To

The Director Agriculture,  
Government of Bihar,  
Patna (Bihar)

Subject :-Use of subsidized/ concessional chemical fertilizer in the manufacturing of  
Mixture of fertiliser

Sir,

I am directed to refer to say that M/s Himalaya Agro Chemical (P) Ltd. has informed vide letter No. HAC/(P)LI dated 24.1.2008 that in the State of Bihar, the direction/guidelines issued by the Department of Fertiliser on use of subsidized/ concessional fertilizer in the manufacturing of NPK Fertiliser is not yet implemented. Due to this, the NPK Mixture Manufacturer are facing a lot of hardships. The copy of the said letter is enclosed.

The Department of Fertiliser vide their letter No. 11011/4/2000-MPR dated 5<sup>th</sup> August,2002 has allowed the use of subsidized material for mixture manufacturing. A copy of the letter dated 5<sup>th</sup> August,2002 is enclosed. You are requested to kindly look into the matter and take necessary action.

Yours faithfully,

*Dharam Pal*  
(Dharam Pal)  
Deputy Commissioner(INM)

Copy to: M/S Himalaya Agro Chemicals (P) Ltd., Flat No. B1, Keshav Block,  
Devkidham Aptment, West Boring Canal Road, Patna-2270437. 8 00, 001

~~ANNEXURE-2 (Pg. 1 of 1)~~

**BY SPEED POST**

F.No.15011/126/2008-MPR  
Government of India  
Ministry of Chemicals & Fertilizers  
Department of Fertilizers

Room No. 407, B-Wing,  
Shastri Bhawan, New Delhi  
5<sup>th</sup> December, 2008

To

The Director (Agri.)  
Directorate of Agriculture  
Government of Bihar  
Patna

Sub: CWJC No.11606/2008 in the case of Himalaya Agro Chemicals Pvt. Ltd. Vs. The State of Bihar & Others with 12397/2008 in the case of M/s. Kosi Chemicals & Others Vs. The State of Bihar & Others in the Hon'ble High Court of Judicature at Patna.

Sir,

I am directed to say that Department of Fertilizers has received a representation dated 18.11.2008 submitted by M/s. Himalaya Agro Chemicals Pvt. Ltd., Forbesganj, Bihar enclosing a copy of the above mentioned Writ Petition. It is observed from the Writ Petition (copy enclosed) that the State Government of Bihar made an Memo No. 5433 dated 24.7.2008 restraining the petitioners from purchasing the subsidized fertilizers from the market for manufacturing NPK Mixture Fertilizers. The petitioners challenged the order of the State Government in the Hon'ble High Court of Patna. The Hon'ble High Court, vide its order dated 24.7.2008 stayed the operation of the above said memo till further orders. The case is to be heard after eight weeks of the above order of the Hon'ble High Court.

2. The Himalaya Agro Chemicals Pvt. Ltd. has also submitted a representation-dated 18.11.2008 to Secretary (Fertilizers) to intervene in the matter for making allocation of raw materials for manufacturing NPK Mixture fertilizers.

3. As per the extant guidelines, the subsidized fertilizers are allowed to be sold to the mixture manufacturers. Accordingly, the sale of such fertilizers made to the NPK Mixture manufacturers is eligible for concession. The production and sale of NPK Mixture Fertilizers is duly covered under the FCO. Accordingly, the orders in question made by the State Government of Bihar are not in conformity with the FCO/guidelines on Concession Scheme. You are requested to kindly furnish the details of the orders made by the State Government.

Yours faithfully,

  
(Varinder Gupta)

Under Secretary to the Government of India  
Tel. & FAX No. 23388536