

**PROCEEDINGS OF THE LICENSING AUTHORITY AND ADDITIONAL
DIRECTOR OF AGRICULTURE (SEEDS), O/o C & DA,
ANDHRA PRADESH, GUNTUR.**

Present: J.Ravi Kumar B.Sc(Ag)

Proc No.AGC02-12027(31)23/2018-Seed Sec

Date: -01-2019

Sub: Seed Regulation Cell – Seeds Act, 1966- Seed (Control) Order, 1983- Drawal of Cotton seed sample from the premises of M/s Sri Lakshmi Venkateswara Swamy Fertilizers, Adoni – Produced by M/s Sri Sathya Agri Biotech Pvt. Ltd Guntur – Marketed by M/s Pro Seeds Genetic Pvt.Ltd -Lab Analytical report shows Positive to Herbicide tolerant (HT) – Show cause notice issued to M/s Sri Sathya Agri Biotech Pvt. Ltd Guntur- Reply furnished by the firm - Personal Hearing Conducted –Explanation submitted by the firm- Suspension of License-Regarding.

- Ref:**
1. Analytical Report SD.ROC.No.18/17-18 dt 23.04.2018 of ADA, DNA Finger Printing & Transgenic Crops Monitoring Laboratory, Guntur.
 2. Showcause notice issued vide AGC02-12027(31)/23/2018 dt: 12-07-2018 of Additional Director of Agriculture (seeds), O/o C & DA, A.P., Guntur.
 3. Explanation by the firm M/s Sri Sathya Agri Biotech Pvt.Ltd,Guntur dt:17-07-18.
 4. Personal Hearing vide Lr.NoAGC02-12027(31)/23/2018 dt: 8-10-2018 of Additional Director of Agriculture (seeds), O/o C & DA, A.P., Guntur.
 5. Explanation by M/s Sri Sathya Agri Biotech Pvt. Ltd, Guntur Dt:25-10-2018.

It is to inform that vide 2nd reference, a show cause was notice issued to M/s Sri Sathya Agri Biotech Pvt. Ltd, Guntur by Licensing Authority on HT Positive Bt Cotton samples while enclosing the sample results vide 1st reference.

Vide 3rd reference, M/s Sri Sathya Agri Biotech Pvt. Ltd, Guntur submitted an explanation to the Show Cause Notice issued by the Licensing Authority.

vide reference 4th cited the Licensing Authority had also provided personal hearing with the producer firm M/s Sri Sathya Agri Biotech Pvt. Ltd, Guntur on 24/10/2018 asked to submit any further explanation in addition to the reply already given to the Show Cause Notice.

In the reference 3rd & 5th cited the firm M/s Sri Sathya Agri Biotech Pvt. Ltd, Guntur submitted explanation to the show cause notice and to the personal hearing provided by the Licensing Authority.

In their explanation and personal hearing the producer firm submitted the following aspects...

1. They have supplied 2173 packets of seed bearing lot no.303-30731 to M/s Pro Seeds - Genetic Pvt. Ltd in the kharif 2017 only through invoice no.Medchal/200/17-18 dt:11-06-2017.
2. They stated that after testing in their laboratory only the entire quantity of 2173 packets has been supplied to M/s Pro seeds genetic Pvt Ltd with lot no.303-30731 valid up to 28/02/2018. As per their Co-marketing agreement Clause 9(C) unsold quantity should be returned by Co-Marketer on or before 31.10.2017.
3. They sincerely believe that this is the clear malpractice and false claim of label committed by Co Marketer M/s Pro Seeds Genetic Pvt. Ltd.
4. They have not supplied the stocks which found positive in Procot 9 BG II (54 S5 33).
5. They requested to verify the seized stock pouch printing, which they suspect there would not be QR Bar Coding.

Before passing an order it is informed that the analysis report obtained from the DNA fingerprinting and Transgenic Crops Monitoring Laboratory (DFTCML), Guntur is authorized and in exercise of the powers conferred by Sub-Section (1) of Section 4 of the Seeds Act, 1966 read with clause (c) of Rule 5 of the Seeds Rules, 1968, the Central Government declared the DNA Finger Printing and Transgenic Crops Monitoring Lab (DFTCML), Guntur (Andhra Pradesh) as the National Referral Laboratory, to detect the presence or absence of Living Modified Organisms and Genetically Modified Organisms, under the said act with effect from 15.11.2017 vide S.O.3604 (E) i.e., the date of publication of the notification in the official gazette.

The functions of the Central seed laboratory under rule 5 of Rules THE SEEDS RULES, 1968 under Seed Act, 1966 (Act No. 54 of 1966) are reproduced here under

Functions: - In addition to the functions entrusted to the /central Seed Laboratory by the Act, the Laboratory shall carry out the following functions, namely;

- a. Initiate testing programmes in collaboration with the State Seed Laboratories designed to promote uniformity in test results between all seed laboratories in India;
- b. Collect data continually on the quality of seeds found in the market and make this data available to the Committee; and

c. Carry out such other functions as may be assigned to it by the Central Government from time to time.

The methodology being adopted in case of unapproved Herbicide tolerant Cotton is similar to the testing procedures communicated by Govt of India vide OM No.2-6/2012-SD IV dt: 16-09-2015 of GOI, MoA &FW, New Delhi in case of Bt Cotton (approved transgenic). Dip-stick Strip Test, Elisa test and PCR test are the allowed methods for detecting approved Transgenic Bt Cotton and the same methods are used for testing HT Cotton or any unapproved Transgenic Crop.

The DNA Lab report clearly showed the presence of CP4 EPSPS gene with MON 88913 Herbicide Tolerant trait which is not approved by GEAC for commercial cultivation in India.

In India the label claim of the firm M/s Sri Sathya Agri Biotech Pvt. Ltd, Guntur the sample Bt Cotton Hybrid 54SS33 bearing lot no. 303-30731 should be positive for Cry1Ac and Cry2Ab with MON 15985 event only as per GEAC approval. Whereas the sample tested contain CP4EPSPS gene with MON 88913 Herbicide Tolerant Trait (HT) which is not approved by GEAC (Genetic Engineering Approval Committee) for commercial release in India.

As per the terms & conditions of the Co-Marketing Agreement which was entered by M/s Sri Sathya Agri Biotech Pvt. Ltd, Guntur and M/s Pro seeds genetic Pvt Ltd, Kandukururu nowhere mentioned about the QR Bar Coding and also the producer and Marketer shall jointly abide by various relevant statutory provisions under various acts.

The producer M/s Sri Sathya Agri Biotech Pvt. Ltd, Guntur stated that the pouch supplied was with QR Code with a request to verify seized stock. However the marketer M/s Pro Seeds Genetic Pvt. Ltd in their reply and during personal hearing claimed that the seed was supplied by the producer M/s Sri Sathya Agri Biotech Pvt. Ltd. In the Writ Petition of the marketer firm M/s Pro Seeds Genetic Pvt.Ltd of W.P.No.25632/2018 also stated that the seed was supplied by the manufacture/producer i.e M/s Sri Sathya Agri Biotech Pvt.Ltd.

Hence the reply furnished by the firms are contradictory and are not convincing & the firm has contravened and violated the provisions of Section 6, 7 of Seeds Act, 1966 read with section 21, 23 and Clause 3, 8A of the Seeds (Control) Order, 1983.

So the explanation submitted by the firm M/s Sri Sathya Agri Biotech Pvt. Ltd, Guntur is not convincing and is not acceptable. The Licensing Authority cum Additional Director of Agriculture (Seeds), O/o Commissioner & Director of Agriculture, Andhra Pradesh, Guntur passed the following order.

In view of the circumstances stated above there are no reasonable grounds to consider the explanation of the firm & orders are passed accordingly that the license of **M/s Sri Sathya Agri Biotech Pvt. Ltd, Guntur having its License No. RRD/15/ADDL.DA/CSL/2014/223 is hereby suspended for a period of one (1) year from the date of this order.**

**Additional Director of Agriculture (Seeds)
& Licensing Authority
O/o C & DA, AP, Guntur.**

To

M/s. Sri Sathya Agri Biotech Pvt. Ltd, 2-7-1/A, 4th Floor, Part-A, Sri Satyasadan Complex, Stambalagaruvu, Guntur.