

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

Present: J.RAVI KUMAR-Bsc.Ag

Proc No.Agcs-12027(31)35/2018-Seed Sec

Date: -12-2018

Sub: Seed Regulation Cell – Seeds Act, 1966- Seed (Control) Order, 1983-Drawal of Cotton seed sample from the premises of M/s Surya Chandra Seeds & Pesticides, Guntur–produced by M/s Narmada Sagar Agri Seeds Pvt. Ltd Himath nagar, Gujarat- Lab Analytical report shows Positive to Herbicide tolerant (HT) – Show cause notice issued to M/s Narmada Sagar Agri Seeds Pvt. Ltd, Kurnool –Reply furnished by the firm-Personal Hearing conducted- Cancellation of the License- Reg

- Ref: 1.Show cause notice vide No.AGC02-12027(31)/35/2018 dt: 07-09-2018 of this office.
2. Reply to show cause notice from M/s Narmada Sagar Agri Seeds Pvt. Ltd dated; 12-09-2018.
3. Lr.No. Agcs-12027(31)35/2018 dt: -10-2018 of this office to M/s Narmada Sagar Agri Seeds Pvt.Ltd.

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Order:

It is to inform that vide reference 1<sup>st</sup> cited, show cause notice issued to M/s Narmada Sagar Agri Seeds Pvt. Ltd by Licensing Authority on HT Positive Bt Cotton samples results based on DNA Lab report of Guntur.

Vide reference 2<sup>nd</sup> cited the firm M/s Narmada Sagar Agri Seeds Pvt. Ltd submitted explanation to the Show Cause Notice. In their reply they have submitted that

1. The presence of HT trait is an act of contamination carried out by others which is affecting a small portion of the seeds developed/propagated by us on account of various proven scientific factors. We have been victims of such contamination carried out by researchers who are permitted to carry out the HT resistant varieties.
2. The Bt Cotton Hybrids not only meet the specified quality parameters but also meet the requirements of law, like labelling of the seed containers, GEAC approval reference on the seed packet etc.

For Narmada Sagar Agri Seeds (P) Ltd.  
Kurnool, A.P.

Incharge Officer

30/12/2018

3. We would like to submit that there is no sampling procedure developed and notified by the competent authorities for sampling of leaf or seed. Similarly there is no approved protocol to determine the presence or absence of HT gene in a leaf or seed sample. For doing the same in a proper manner, a statutory laboratory shall be established and should be made obligated to follow the approved procedure as notified by the Government.
4. It is to pertinent to note that there is no such approved protocol for testing Herbicide Tolerance trait in Bt Cotton hybrids under the Seeds Act, 1966 or Ministry of Environment ,under the Environment (Protection ) Act, 1986 . The result reflected in the said report is based on an unapproved analytical procedure and cannot be deemed to be valid.

Further vide reference 3<sup>rd</sup> cited the Licensing authority had conducted the personal hearing with the firm M/s Narmada Sagar Agri Seeds Pvt. Ltd on 30/10/2018 to submit any further explanation on the issue of HT Cotton.

In reply to the show cause notice and during the personal hearing the firm has submitted that the presence of HT trait is due to contamination etc. The claim of the firm that the presence of the Herbicide tolerant trait may be due to contamination and unintentional is incorrect. The presence of HT trait i.e CP4EPSPS gene is due to organized breeding activity, hence the introduction of illegal HT cotton in the environment is deliberate.

This clearly shows that company has indulged in illegal production of unapproved HT Cotton. Deliberate or unintentional release of genetically engineered organisms /hazardous micro organisms or cells including deliberate release for the purpose of experimental shall not be allowed.

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 DNA Fingerprinting and Transgenic Crops Monitoring Laboratory (DFTCML), Guntur tested these sample, which is authorized lab to detect the

For Narmada Sagar Agri Seeds (P) Ltd.

Incharge Officer

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presence or absence of living modified organisms and genetically modified organisms. The sample of M/s Narmada Sagar Agri Seeds Pvt. Ltd with lot no. 18-KCHH-9014 & 18-KCHH 9009 BG II Hybrid cotton tested positive for HT trait i.e CP4EPSPS which is unapproved and illegal for cultivation in India.

As per the label claim of the firm M/s Narmada Sagar Seeds Pvt. Ltd for the Virat-606 bearing lot no.18-KCHH-9014 & 18-KCHH 9009 BG II Hybrid cotton seed must be positive for Cry1Ac and Cry2Ab with MON 15985 event only as per GEAC approval. Whereas sample 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.

Hence the reply furnished by the firm that the presence of HT trait is due to contamination is not convincing and is clearly 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.

In view of the above the Centralized Seed License of the firm M/s Narmada Sagar Agri Seeds Pvt. Ltd, Kurnool CSL No. MNR/25/ADDL.DA/CSL/2014/1212 valid up to 28-04-2019 is here by cancelled with immediate effect as per the provisions of Clause 15 of the Seeds (Control) Order, 1983.

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

To

The Narmada Sagar Agri Seeds Pvt. Ltd, D.No.76/1045-5-4-C-12-A, Geetha Nagar,  
Near Bellary Chowrasta, Kurnool.

Copy to the Joint Director of Agriculture, Kurnool with a request to serve the original cancellation order to the said firm duly obtaining dated acknowledgement and furnish compliance immediately to the Licensing Authority.

Signature Not Verified

Digitally signed by  
JAGANNADHAM RAVI  
KUMAR  
Date: 2018.12.28 18:06:55 IST  
Reason: Approved

For Narmada Sagar Agri Seeds (P) Ltd.

  
Licensing Officer  
30/12/2018