

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 1252/2026
CM No. 2743/2026

M/s Bishnah Agriculture Cooperative Marketing
Ltd & Anr

.....Petitioner(s)

Through: Mr. Amit Gupta, Sr. Advocate with
Mr. Sumit Moza, Advocate

Vs

UT of J&K & Ors

..... Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER
05.05.2026

1. Issue notice to the respondents in the main as well in the interim application, returnable by the next date of hearing, subject to taking of steps for service within a week's period for filing reply/objections.
2. Heard learned counsel for the applicants/petitioners in respect of his prayer for grant of interim relief.
3. The learned counsel submitted that the applicant/petitioner is the proprietor of the Agriculture Cooperative Marketing Society limited duly registered with Agriculture Department under Registration No. JDAE/Ferti./Fresh/2021-22/09, Date of issue-15.05.2021 and the Date of validity-14.05.2026. That as per the Certificate of Registration, the applicant/petitioner has to carry on business of selling fertilizers as a wholesale dealer in Jammu Division of J&K (UT). That the location of his sale depot and godowns attached with the said sale depot are located in the areas, as mentioned in the Certificate of Registration dated 15.05.2021. That now the non-

applicants/respondents 2 to 4 by misusing and misinterpreting the Government Order No. 402-JK(APD) of 2025 dated 02.09.2025, have been unnecessarily restraining the applicant/petitioner as proprietor of the registered society from selling the fertilizers outside the District of Jammu, which is not the scope of the aforesaid Government order. The learned counsel submitted that as per the Rules 3(f) and 3(g) of the aforesaid Circular dated 02.09.2025, the wholesale licenses for selling of fertilizers need to be issued/renewed only after describing the areas of jurisdiction of a particular district only and no such licenses shall have the area of operation for more than one district. That the said provision also reads that the retailer in a particular district shall also be defined the area of operation and dealing with the wholesale leader of the concerned district only.

4. It is further submitted by the learned counsel for the applicant/petitioner that without prejudice to his contention of illegality of the aforesaid Government Circular dated 02.09.2025 to the extent of restricting the operation of the sale within the specified district area as being violative of the constitutional rights guaranteed under Articles 14, 19 and 21, the certificate of registration stands issued in favour of the applicant/petitioner much prior to the issuance of said Government Circular as on 15.05.2021 with validity till 14.05.2026.
5. The learned counsel submitted that this Court has already in similar circumstances stayed the operation of the aforesaid Government Order to the extent of restriction of the operation within specified district. The learned counsel further submitted that the location of the sale depot of the

petitioner/society and also the location of the godowns are as per the Certificate of Registration.

6. Perused the interim application supported with an affidavit. Also perused the main petition and the copies of the documents enclosed with the same as Annexures thereto.
7. List on **05.06.2026** and in the meantime, subject to any vacation/modification upon the consideration of the objections/arguments of the other side and till next date of hearing before the Bench, the non-applicants/respondents are restrained to restrain the applicant/petitioner from operating business of the sale of fertilizers within the area of Jammu Division as per the Certificate of Registration.

Jammu
05.05.2026
Vijay

