



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

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CJ Court

LPA No.162/2025
in WP(C) No.3085/2024
CM(5154/2025, CM(5155/2025)

**M/s Ghulam Qadir Dar & sons
Through its Proprietor Bashir Ahmad Dar,
Age 70 years S/O Mr. Gulam Qadir Dar,
R/O National Highway, Narwal Bye Pass,
Channi Rama Near Sunjwan Military Gate,
Jammu.**

..... Appellant(s)

Through: Mr. M.K.Raina, Adv.

Versus

- 1. UT of Jammu & Kashmir
Through Principal Secretary to the Govt.,
Agriculture Production Department,
Civil Secretariat, Jammu, J&K.**
- 2. Directorate of Horticulture, Jammu**
- 3. Directorate of Horticulture, Kashmir.**
- 4. Accounts Officer,
Directorate of Horticulture, Jammu.**
- 5. Hilal Nursery through
Proprietor Hilal Ahmad Reshi
S/O Mohiudsdin Reshi
R/O Mutalhama, Tehsil Quimoh,
District Kulgam.**
- 6. New Shri Laxmi Nursery through
Prop. Laxman Singh
S/O N.L.Thakur, R/O Lower Muthi,
Akalpur Road, Jammu**
- 7. Emm Bhat Nursery through
Prop Muzaffar Ahmed Bhat,
S/O Mohd Akbar Bhat
R/O Quimoh, District Kulgam.**



8. **Wular Orchards India Pvt. Ltd. Through
Shahnawaz Rasool Dar
S/O Ghulam Rasool Dar R/O C-11,
3rd Floor, AI Razaq Complex,
Mominabad, Batmaloo,
Srinagar.**
9. **Rose Kissan Nursery through
Prop Mohd. Aslam Shan
S/O Abdul Majeed Shah
R/O Napora, Tehsil Devsar,
District Kulgam.**
10. **Dar Nursery through
Prop. Zahoor Ahmed Dar
S/O Hamidullah Dar, R/O Mutalhama,
Tehsil Quimoh, District Kulgam
Kashmir.**

.....Respondent(s)

Through: Mr. Suneel Malhotra, GA

CORAM:

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR JUSTICE RAJNESH OSWAL, JUDGE**

**ORDER
24.09.2025**

1. This intra court appeal is directed against the judgment dated 04.06.2025 passed in WP(C No.3085/2024 titled '*M/s Gulam Qadir Dar and Sons Vs. Union Territory of Jammu & Kashmir and others*' whereby writ petition filed by the appellant-writ petitioner has been dismissed.
2. It is contended that pursuant to Expressions of Interest (EOI) Notice dated 30.11.2023 for empanelment of private enterprises/entrepreneur/nursing entrepreneur/Start Ups/F.P.O./Co-operative Groups/Registered Companies for establishment of High-



Density Orchards in the UT of Jammu & Kashmir under Revised Modified High Density Plantation Scheme, the appellant-writ petitioner was empanelled with the Horticulture Department for establishment of Orchards only in respect of sub-tropical fruit crops for a period of five years. Thereafter, the respondent Nos. 1 to 4 came up with another Expression of Interest Notice dated 11.12.2024 for empanelment of private enterprises/entrepreneur/nursing entrepreneur/Start Ups/F.P.O./Co-operative Groups/Registered Companies for High Density Orchards in Jammu Division of the UT of Jammu & Kashmir.

3. The appellant-writ petitioner being aggrieved of the issuance of fresh Notice dated 11.12.2024 assailed the same through the medium of WP(C) No. 3085/2024 on the grounds that the respondents have already empanelled the appellant-writ petitioner for a period of 5 years, who is working as per the terms and conditions of the Expressions of Interest and, in case the respondents will empanel new agencies/enterprises/entrepreneurs, it will directly affect the appellant-writ petitioner and other agencies, who have already been empanelled. Besides this, it was stated that in terms of Clause-15 of the terms and conditions of the Notice impugned dated 11.12.2024, the bidder in the preceding three years should have cumulative turnover of Rs.50.00 lakhs whereas in terms of Notice dated 30.11.2023, pursuant to which the appellant-writ petitioner was empanelled, the bidder was required to have the annual turnover of Rs.5 crores. It was also contended that



in terms of clause-3 of the note appended to instruction, the bid security amount has been prescribed as Rs.1 lac(refundable),whereas in terms of previous Notice, the bid security amount was fixed for Rs.60,50,000/- pledged in the name of Accounts Officer of Directorate of Horticulture, Kashmir. As such, changing of criteria would open floodgate for new entrepreneurs/agencies.

4. Heard learned counsel for the parties and perused the record.
5. The main contention raised in this appeal is that once the appellant-writ petitioner has been empanelled pursuant to EOI dated 30.11.2023, the respondents cannot empanel new agencies/enterprises/entrepreneurs as it would adversely impact the business of the appellant-writ petitioner. The perusal of the record reveals that Govt. Order No.425-JK(APD) 2022 dated 27.12.2022 pursuant to which both the Notifications (supra) were issued, the area of 5,500 hectares is required to be covered under High-Density Plantation in the whole of UT of J&K over a period of 5 years. In response to EOI Notice dated 30.11.2023 issued by the Directorate of Horticulture, Kashmir, eight number of private enterprises/entrepreneurs were empanelled and while reviewing the progress of scheme in Jammu Division, the Director Horticulture, Jammu received reports from the Chief Horticulture Officers of separate districts, indicating therein that despite issuance of work orders to empanelled entrepreneurs, many of the private entrepreneurs failed to execute the required work, which impacted the achievement



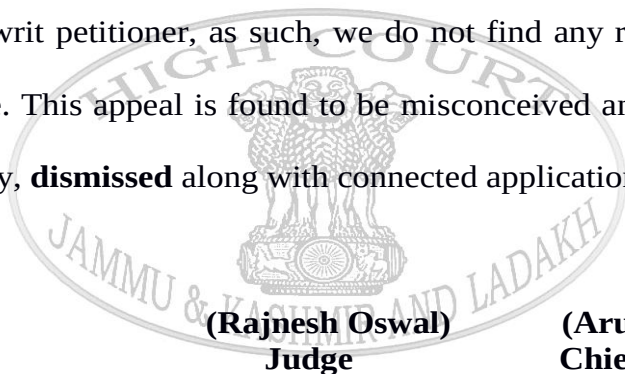
of targets under the scheme, and accordingly, the Chief Horticulture Officers requested the issuance of a separate Expression of Interest (EOI) for Jammu Division to meet the targets within the stipulated time, as it would also allow local Agriculture/Horticulture Entrepreneurs and Nursery owners to participate, promoting wider competition, transparency and timely achievement of the targets. Taking into consideration the above-mentioned objective only, EOI Notice dated 11.12.2024 was issued.

6. The appellant-writ petitioner intends to protect his business interest whereas respondents intend to achieve the target of the Revised Modified High Density Plantation Scheme. The respondents had issued the EOI Notice only for Jammu Division after receiving reports that the empanelment of eight numbers of private entrepreneurs was not yielding the desired results and in order to meet the targets of the scheme, it was decided by the respondents to issue fresh EOI for Jammu Division only. The respondents have acted in public interest, i.e., the achievement of targets of scheme, and once the public interest is pitted against the private interest; the public interest shall have precedence over the private interest and private interest must give way to public interest. Otherwise also, nothing has been brought to the notice of this Court that during the period of empanelment, the respondents were estopped from empanelling new agencies/entrepreneurs for achieving the targets of the scheme.



Therefore, there is no force in the contention raised by the appellant-writ petitioner, as such, the same is rejected.

7. The other contention of the appellant-writ petitioner that the respondents have kept Rs.50 lacs as annual turnover and Rs. one lac as refundable security, which is lesser than the one prescribed in the EOI Notice dated 30.11.2023 pursuant to which the appellant-writ petitioner was empanelled and as such, the appellant-writ petitioner has been discriminated, is misconceived as the Notice impugned has been issued only in respect of Jammu Division whereas the EOI Notice dated 30.11.2023 pertains to the whole of the UT of Jammu & Kashmir.
8. We have examined the judgment passed by the learned writ Court and the learned writ Court has rightly considered the contention of the appellant-writ petitioner, as such, we do not find any reason to show indulgence. This appeal is found to be misconceived and the same is, accordingly, **dismissed** along with connected application(s)



(Rajesh Oswal)
Judge

(Arun Palli)
Chief Justice

Jammu
24.09.2025
Madan Verma-Secy

Whether order is speaking?	Yes.
Whether order is reportable?	No.