

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

(Through Video Conference)

EMG-WP(C) No. 44/2020
EMG-CM No. 98/2020 &
EMG-CM No. 99/2020

M/S D. D. Gas Agency and others

.....Petitioner (s)

Through :- Mr. Abhinav Sharma, Advocate and
Mr. Abhimanyu Sharma, Advocate
(on Video Call from residence in Jammu)

V/s

Union of India and others

.....Respondent(s)

Through :-

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
02.06.2020

EMG-CM No. 98/2020

Present application has been filed by the petitioners for dispensation of filing of affidavit, stamp and court fee etc in support of the writ petition.

For the reasons stated in the application, the same is allowed.

The petitioners shall do the needful within a period of three days from opening of the lockdown.

Application is, accordingly, disposed of.

EMG-WP(C) No. 44/2020, EMG-CM No. 99/2020

The common grievances raised by the petitioners in this writ petition is that the respondents have proceeded against the petitioners by resorting to Clause 2.2.5 of the Marketing Discipline Guidelines(MDG) 2018, that does not

apply in case of the petitioners as the same is applicable where there is unaccounted sale and also that the Clause 2.2.5 of the MDG, 2018 does not make any reference to the number of refills that can be supplied to the consumer on a particular day.

Mr. Abhinav Sharma, learned counsel for the petitioners submits that as per the information available on Distribution of Consumer and Management System (DCMS) Portal, Distributors Parameters against the Column Gap between two refill delivery, zero is depicted and there is no mention of any period meaning thereby that even on a particular day, more than one refill can be made available to the Consumer subject to the limitation of the maximum refills to which the Consumer is entitled to.

At this stage, *prima facie* case for indulgence of this Court is made out.

Notice to the respondents through e-mails in the main petition as well as in the application for interim relief. Learned counsel for the petitioner shall furnish the e-mail IDs of the respondents in the Registry within two days. On receipt of e-mail IDs of the respondents, notices be issued to them through e-mail.

List on 01.07.2020.

Meanwhile, subject to objections and till next date before the Bench, operation of impugned communications having reference Nos. JLRO/MKTG/AAK dated 04.05.2020 shall stay.

(RAJNESH OSWAL)
JUDGE

Jammu
02.06.2020
(Rakesh)