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**IN THE HIGH COURT OF ORISSA, CUTTACK**

**W.P.(C) No.15817 of 2023**

Pabitra Mohan Behera ..... Petitioner

-Versus-

State of Odisha & others ..... Opp. Parties

**For Petitioner : Mr. M. Agarwal,  
Advocate**

**For Opp. Party Nos.1 & 2 : Mr. T. Patnaik,  
Addl. Standing Counsel**

**For Opp. Party No.3 : Mr. B.S. Rayaguru,  
Central Govt. Counsel**

**CORAM: JUSTICE SANJAY KUMAR MISHRA**

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Date of Hearing & Judgment: 16.01.2024  
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**S.K. Mishra, J.** The Petitioner, who is a farmer, intends to be a dealer of Bio-fertilizer and Organic fertilizer, has preferred the present Writ Petition challenging the illegal action of the Opposite Party Nos.1 & 2 in demanding the manufacturing license certificate for the purpose of obtaining

dealer/marketing license in respect of Bio-fertilizer and Organic Fertilizer.

**2.** The brief background facts which led to filing of the present Writ Petition is that, in exercise of power conferred under Section 3 of the Essential Commodities Act, 1955, shortly, 'the Act, 1955', the Government of India notified the Fertilizer (Inorganic, Organic or Mixed) (Control) Order, 1985, shortly, hereinafter referred to as the 'Control Order'. Clause-12 of the said Order prescribes that no person shall carry on the business of preparing any mixture of fertilizers or special mixture of fertilizers, Bio-fertilizers or Organic Fertilizers except under and in accordance with the terms and conditions of a certificate of manufacture granted to him under Clauses 15 or 16 of the said Order. The said clause got amended vide Fertilizer (Control) Amendment Order, 2016 and was duly published in the Gazette vide notification dated 23.09.2016. At Clause (b) of the said Control Order, it was provided for amendment of Clause-12 by omitting the words "Bio-fertilizer or Organic Fertilizers". Thus the amended Clause-12 of the Control Order, after 23.09.2016, prescribes that no person shall carry on the business of preparing any

mixture of fertilizers or special mixture of fertilizers except under and in accordance with the terms and conditions of a certificate of manufacture granted to him under Clause 15 & 16 of the said Control Order. Hence, on and from 23.09.2016, no manufacturing license is required to manufacture Bio-fertilizer or Organic Fertilizer.

**3.** So far as Clauses-7 & 8 of the Control Order, the said clauses deal with registration of industrial dealers and authorization of other dealers, for the purpose of sell, offer for sale or carry on the business of selling of fertilizer at any place as wholesale dealer or retailer. As per Clause-8(2) of the Control Order, every person, intending to sell or offer for sale or carrying on the business of selling of fertilizer, shall make a memorandum of intimation to the Notified Authority. On receipt of Memorandum of intimation, the Notified Authority shall issue an acknowledgement receipt, which shall be deemed to be an authorization letter granted and the concerned person as authorized dealer for the purposes of the Control Order.

**4.** It is the further case of the Petitioner that a clarification being sought for under the Right to Information

Act, the C.P.I.O, vide communication dated 02.04.2019, clarified that under the said Control Order, there is no provision under which manufacturing license is required to be obtained for manufacturing of straight nitrogenous, phosphatic, potassic and micronutrient fertilizers i.e. Bio-fertilizers and Organic Fertilizers. Accordingly, the Opposite Party No.1 has made the process of registration under Clauses-7 & 8 of the Control Order through online mode. However, when the Petitioner proceeded to fill up the Online Form through website i.e. [www.agrisnetodisha.ori.nic.in](http://www.agrisnetodisha.ori.nic.in), for getting registered as a dealer to sale Bio-fertilizer and Organic Fertilizer, he was required to upload copy of manufacturing license of the entity manufacturing Bio-fertilizer and Organic Fertilizer. Though, after 23.09.2016, there is no such provision in the amended Clause-12 of the Control Order for providing a manufacturing license by the manufacturers of Bio-fertilizer and Organic Fertilizer, but the Petitioner was asked to upload the manufacturing license and the same is illegal, being contrary to the Control Order. In view of such requirement, the Petitioner is unable to proceed further in the online mode for getting registered as a dealer to sell Bio-

fertilizer and Organic Fertilizer. Accordingly, the following prayer has been made in the Writ Petition:

*“1. Declare that the action of the Opposite Party No.1 and 2 in demanding manufacturing license certificate of biofertilizers and organic fertilizers for the purpose of obtaining dealer/marketing license in respect of biofertilizers and organic fertilizers is illegal and contrary to the Fertilizer Control Order, 1985.*

*2. Direct the Opposite Party No.1 and 2 to forthwith remove the condition for uploading of manufacturing license certificate of biofertilizers and organic fertilizers for the purpose of obtaining dealer/marketing license.*

*3. Pass such other order/ direction/ declaration/ Writ(s) as this Hon’ble Court may deem proper in the interest of Justice.”*

**5.** In response to the averments made in the Writ Petition, a Counter Affidavit has been filed by the State admitting therein that the Petitioner is a farmer and he intends to be a dealer in Bio-fertilizers and Organic Fertilizers. However, referring to the Clauses-7 & 8 of the Control Order, 1985, it has been stated that the Petitioner only intends to be a wholesaler by purchasing Bio-fertilizers and Organic Fertilizers from a manufacturer. It has further been stated in the Counter that although Clause-12 of the Control Order does not require any manufacturing license for manufacturing of Bio-fertilizers and Organic Fertilizers, a certificate is required from the concerned District Industries Centre under Clauses-7 & 8 of the Control Order, 1985 for the

manufacturers to sell the Bio-fertilizer to the Petitioner. Therefore, the Petitioner is required to upload the certificate issued under Clauses-7 & 8 of the Control Order in favour of the manufacturer, from whom he intends to purchase the Bio-fertilizers and Organic Fertilizers.

**6.** Mr. Agarwal, learned Counsel for the Petitioner, drawing attention of this Court to Clause-12 of the pre-amended Control Order, 1985 so also post-amended Control Order, 1985 submits, there was a provision for grant of license even if carrying on business of preparing any mixture of fertilizers, including Bio-fertilizers or Organic Fertilizers. But subsequently, the same got amended by excluding the said fertilizers i.e. Bio-fertilizer and Organic Fertilizer, from the purview of Clause-12 of the Control Order, 1985. Drawing attention of this Court to Clauses-7 & 8 of the Control Order, 1985, Mr. Agarwal further submits, a person, who intends to carry on business of selling fertilizers at any place, has to obtain a certificate of registration under the said Order for selling fertilizers. As in the Online Portal it requires uploading of manufacturing license, which is not required for manufacturing Bio-fertilizers and Organic Fertilizers, having

no such license, the Petitioner is unable to complete the process of registration enabling him to obtain a certificate of registration under Clause 8 of the Control Order, 1985 to sell Bio-fertilizer and Organic Fertilizer to the intending purchasers.

**7.** Mr. Patnaik, learned Additional Standing Counsel for the State-Opposite Party Nos.1 & 2, referring to the averments made in Para-5 of the Counter Affidavit, fairly admits that in view of the amendment in the Control Order, 1985, no manufacturing license is required to manufacture Bio-fertilizers or Organic Fertilizers. However, in terms of Clauses-7 & 8 of the Control Order, 1985, a certificate is required from the concerned District Industries Centre for the manufacturer to sell the Bio-fertilizer and Organic Fertilizer to the petitioner, which is required to be furnished along with application for obtaining the Certificate of Registration to deal with Bio-fertilizer and Organic Fertilizer. Mr. Patnaik further submits, it would be difficult to remove the said condition from the portal for uploading of manufacturing license certificate for the purpose of obtaining dealer/marketing license to deal with bio-fertilizers and organic fertilizers, as the same is meant for

all kind of fertilizers, though subsequently Bio-fertilizers and Organic Fertilizers were excluded from the purview of obtaining manufacturing license in terms of pre-amended Clause-12 of the Control Order, 1985. He further submits, the software needs to be changed/updated, which may take some time. If the Petitioner is unable to submit online application enabling him to obtain a certificate of registration under the Order for selling Bio-fertilizers and Organic Fertilizers, he may apply so manually/ through offline mode. But he has to furnish the certificate issued by the District Industries Centre in favour of the manufacturer to sell Bio-fertilizer and Organic Fertilizer.

**8.** In view of the submissions made by the learned Counsel for the parties, it would be apt to extract below the definition of “bio-fertilizer”, “certificate of source”, “Controller”, “dealer”, “Fertilizer”, “notified authority” and “organic fertilizer” as defined under Clause 2(aa), 2(b), 2(e), 2(f), 2(h), 2(nn) and 2(oo) respectively so also Clauses-7, 8, 12 and 26-A of the Control Order, 1985 and Clause-12 of the amended Control Order.

**“2. Definitions.-** In this Order, unless the context otherwise requires,-



(aa). "Biofertiliser" means the product containing carrier based (solid or liquid) living microorganisms which are agriculturally useful in terms of nitrogen fixation, phosphorus solubilisation or nutrient mobilization, to increase the productivity of the soil and/or crop/ ;

(b) "**certificate of source**" means a certificate given by a State Government, Commodity Board, manufacturer, importer, pool handling agency or as the case may be, **wholesale dealer indicating therein the source from which fertiliser for purpose of sale is obtained.**

(e) "**Controller**" means the person appointed as Controller of Fertilisers by the Central Government and includes any other person empowered by the Central Government to exercise or perform all or any of the powers, or as the case may be, functions of the Controller under this Order.

(f) "**Dealer**" means a person carrying on the business of selling fertilisers whether wholesale or retail or industrial use and includes a manufacturer, Importer, and a pool handling agency carrying on such business and the agents of such person, manufacturer, importer or pool handling agency.

(h) "**Fertiliser**" means **any essential substance either in straight or mixed form and derived from either inorganic, organic or mixed sources, that is used or intended to be used to provide essential plant nutrients or beneficial elements or both for the soil or for the crop or makes essential plants nutrients available to the plants either directly or by biological process or by both in the soil or plant** as notified from time to time by Central Government and specified in the schedules appended to this order or as may be notified by the State Government[and includes a biostimulant] [and nano fertilizer].

(nn) "**Notified Authority**" means an authority appointed under clause 26 A;

(oo) "**Organic fertilizer**" means substances made up of one or more unprocessed material (s) of a biological nature (plant/animal) and may include unprocessed

mineral materials that have been altered through microbiological decomposition process;

**“7. Registration of Industrial dealers and authorization of other dealers:-**

**No person shall sell, offer for sale or carry on the business of selling of fertilizer at any place as wholesale dealer or retail dealer except under and in accordance with clause-8:**

Provided that a State Government may, if it considers it necessary or expedient, by notification in the Official Gazette, exempt from the provisions of this clause any person selling fertilizer to farmers in such areas and subject to such conditions as may be specified in that notification.

**8. Application for intimation or registration:-**

1. **Every person intending to sell or offer for sale or carrying on the business of selling of fertilizer as Industrial Dealer shall obtain a certificate of registration from the controller by making an application in Form A together with the fee prescribed under clause 36 and a Certificate of source in Form O.**

2. **Every person including a manufacturer, an importer, a pool handling agency, wholesaler and a retail dealer intending to sell or offer for sale or carrying on the business of selling of fertilizer shall make a Memorandum of Intimation to the Notified Authority, in Form A1 duly filled in, in duplicate, together with the fee prescribed under clause 36 and certificate of source in Form O.**

3. **On receipt of a Memorandum of Intimation, complete in all respects, the Notified Authority shall issue an acknowledgement of receipt in Form**

**A2 and it shall be deemed to be an authorization letter granted and the concerned person as authorized dealer for the purposes of this Order.**

Provided that a certificate of registration granted before the commencement of the Fertiliser (Control) Amendment Order, 2003, shall be deemed to be an authorization letter granted under the provisions of this Order:

Provided further that where the applicant is a State Government, a manufacturer or an importer or a pool handling agency, it shall not be necessary for it or him to submit Form O.

**Provided also that a separate Memorandum of Intimation shall be submitted by an applicant for whole sale business or retail dealership, as the case may be:**

**Provided also that where fertilizers are obtained for sale from different sources, a certificate of source from each such source shall be furnished in Form O.”**

Provided also that where the manufacturer of organic fertilizer is a State Government or municipality, it shall not be necessary for it to obtain the authorisation letter:

Provided also that where the manufacturer of vermicompost, other than a State Government or municipality, has annual production capacity less than 50 metric tonnes, it shall not be necessary for him to obtain the authorisation letter.”

#### **12. Restriction on preparation of mixtures of fertilizer**

No person shall carry on the business of preparing any mixture of fertilizers, or special mixture of fertilizers, **Biofertilizers or Organic fertilisers** except under and in accordance with the terms and conditions of a certificate of manufacture granted to him under clauses 15 or 16.”

**26-A. Notified Authority-** The State Government may, by notification in the Official Gazette, appoint such number of persons, as it

*thinks necessary, to be notified authorities for the purpose of this Order and define the local limits within which each such notified authority shall exercise his jurisdiction.*

**“Post-Amended Control Order, 1985**

**12. Restriction on preparation of mixtures of fertilizer**

*No person shall carry on the business of preparing any mixture of fertilizers, or special mixture of fertilizers except under and in accordance with the terms and conditions of a certificate of manufacture granted to him under clauses 15 or 16.”*

**(Emphasis supplied)**

9. Since as per Clause-8 of the Control Order, 1985 there is reference to Form-A with regard to application for certificate of registration, Form A-1 i.e. Memorandum of Intimidation and Form A-2 i.e. acknowledgement receipt and Form O i.e. certificate of source, Form-A, Form A-1 & Form-O, being relevant, are extracted below:

**“FORM A  
(see clause 8)  
FORM OF APPLICATION TO OBTAIN  
DEALER’S[OR INDUSTRIAL]  
CERTIFICATE OF REGISTRATION**

To

*The [\*\*\*] /Controller (if the application for industrial dealer’s Certificate of Registration)*

*Place.....*

*State of .....*

1. *Full name and address of the applicant*
  - (a) Name of the concern, and postal address*
  - (b) Place of business (Please give exact address)*

(i) for sale

(ii) for storage

2. It is a proprietary/partnership/limited company/Hindu Undivided Family concern? Give the name(s) and address(es) of proprietor/partners/manager/karta

3. In what capacity is this application filed.

(i) Proprietor,

(ii) Partner,

(iii) Manager

(iv) Karta,

4. Whether the application is for wholesale or retail [or industrial] dealership?

5. Have you ever had a fertilizer dealership registration certificate in the past? If so give the following details:-

(i) Registration number

(ii) Place of which granted

(iii) Whether wholesale or retail [or industrial] dealer?

(iv) Date of grant of registration certificate

(v) Whether the registration certificate is still valid?

(vi) If not, when expired?

(vii) Reasons for non-renewal

(viii) If suspended/cancelled and if so, when

(ix) Quantity of fertilizers, handled during last year

(x) Names of products handled

(xi) Name of sources of supply of fertilizers.

6. Was the application ever convicted under the Essential Commodities Act, 1955, or any Order issued thereunder, including the Fertilizer (Control) Order, 1957, during the last three years preceding the date of application? If so, give details.

**7. Give the details of the fertilizers to be handed:**

<b>Sl.No.</b>	<b>Name of Fertiliser</b>	<b>Source of supply</b>
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**8. Please attach certificate(s) of source from the supplier(s) indicated under Column 3 of Sl. No.7.**

9. I have deposited the registration fee of Rs.....vide Challn No..... dated in

treasury/bank.....[or I enclose the Demand Draft No..... dated..... for Rs..... drawn on..... Bank, in favour of ..... payable at....., towards registration fee. (Please strike out whichever is not applicable)]

10. Declaration:-

(a) I/We declare that the information given above is true to the best of my/our knowledge and belief, and no part thereof is false.

(b) I/We have carefully read the terms and conditions of the Certificate of Registration given in Form B appended to the Fertilizer (Control) Order, 1985, and agree to abide by them.

(c) I/We declare that I/We do not possess a certificate of registration for industrial dealer and that I/We shall not sell fertilizers for industrial use. (Applicable in case a person intends to obtain a wholesale dealer or retail dealer certificate of registration, excepting a State Government, a manufacturer, [importer] or a pool handling agency).

(d) I/We declare that I/We do not possess a certificate of registration for wholesale dealer or retail dealer and that I/We shall not sell fertilizers for agricultural use. (Applicable in case a person intends to obtain a industrial dealer certificate of registration excepting a State Government a manufacturer, [importer] or a pool handling agency]

Dated.....

Place.....

.....  
Signature of the Applicant(s)

Notes.- (1) Where the business of selling fertilizers is intended to be carried on at more than one place, a separate application should be made for registration in respect of each such place.

(2) Where a person intends to carry on the business of selling fertilizers both in retail and wholesale, separate applications for retail and wholesale business should be made.

(3) Where a person represents or intends to represent more than one State Government, Commodity Board, manufacturer [importer] or wholesale dealer, separate certificate of source from each such source should be enclosed.

For use in Office of Controller

Date of receipt .....  
Name and designation of  
Officer receiving the application”

**(Emphasis supplied)**

**FORM A-1**

**MEMORANDUM OF INTIMATION**

[See Clauses 8 (2)]

1. Details of the application:  
(a) Name of the applicant  
(b) Name of the concern  
(c) Postal address with telephone number  
(d) Mobile number
2. Place of business (Please given full address)  
(i) For sale  
(ii) For storage
3. Whether the application is for-  
Manufacturer    Importer Pool    Handing Agency  
Wholesale Dealer    Retail Dealer    Marketer  
(Tick mark whichever is applicable)
4. Details of fertilizer and their source in Form 'O'  
Name of fertilizer whether certificate is source in Form O is attached

(i)	Yes	No.
(ii)	Yes	No.
(ii)	Yes	No.

[Please tick mark whichever is applicable]

5. I have deposited the registration fee of Rs..... vide Challan No..... dated..... in the Bank/Treasury..... or enclose

Demand Draft No..... dated..... for  
Rs..... drawn on..... in favour  
of.....payable at ..... towards  
registration fees.

6. Whether the intimation is for an  
authorization letter or a renewal thereof.

(Note.- In case the intimation is for renewal  
of authorization letter, the acknowledgement  
in FormA-2 should be submitted for  
necessary endorsement thereon.)

7. Any other relevant information.  
I have read the terms and conditions of  
eligibility for submission of Memorandum  
of Intimation and undertake that the same  
will be complied by me and in token of the  
same. I have signed the same is enclosed  
herewith.

Date.....

Place.....

.....  
Signature of Applicant

\* Attach a separate sheet if the number  
exceeds three.

Terms and condition of authorization

(1) I shall comply with the provisions of the  
Fertilizer (Control) Order, 1985 and the  
notification issued thereunder for the time  
being in force. सत्यमेव जयते

(2) I shall from time to time report to the  
notified authority and inform about change in  
the premises of sale depot and godowns  
attached to sale depot.

(3) I shall also submit in time all the  
returns as may be prescribed by the State  
Government.

(4) I shall not sell fertilizers for industrial  
use.

(5) I shall file a separate Memorandum of  
Intimation for, where the storage point is  
located outside the area jurisdiction of the  
Notified Authority where the sale depot is  
located.

(6) I shall, file a separate Memorandum of  
Intimation for each place when the business of



*selling fertilizers is intended to be carried on at more than one place.*

*(7) I shall file separate Memorandum of Intimation if I carry on the business of fertilizers both as retail and wholesale dealer.*

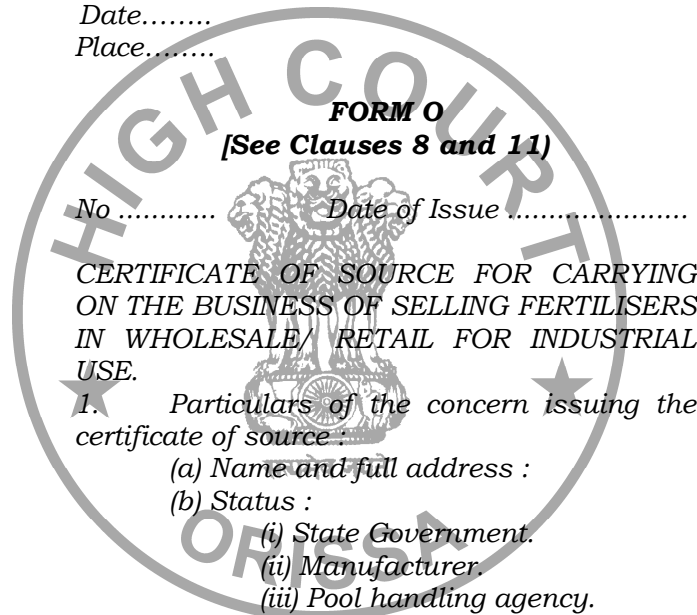
*(8) I confirm that my previous Certificate of Registration or Authorisation is not under Suspension or Cancellation or debarred from selling of fertilizers.*

*Declaration*

*I/We declare that the information given above is true to the best of my/our knowledge and belief and no part thereof is false or no material information has been concealed.*

.....  
*Signature of the Applicant(s)*

*Date.....  
Place.....*



*No ..... Date of Issue .....*

**CERTIFICATE OF SOURCE FOR CARRYING ON THE BUSINESS OF SELLING FERTILISERS IN WHOLESALE/ RETAIL FOR INDUSTRIAL USE.**

**1. Particulars of the concern issuing the certificate of source :**

**(a) Name and full address :**

**(b) Status :**

**(i) State Government.**

**(ii) Manufacturer.**

**(iii) Pool handling agency.**

**(iv) Wholesale dealer.**

**(c) If manufacturer of mixture of fertilisers, the details of certificate of manufacturer of mixture of fertilisers possessed :**

**(i) Number.**

**(ii) Date of issue.**

**(iii) Date of expiry.**

**(iv) Grades of mixtures of fertilisers allowed to be manufactured.**

**(v) Authority by whom issued.**

(d) Details of certificate of registration :

- (i) Number
- (ii) Date of issue
- (iii) Date of expiry
- (iv) Authority by whom issued.

2. Particulars of the person to whom the certificate of source is being issued.

- (a) Name and full address :
- (b) Status :

- (i) Wholesale dealer
- (ii) Retail dealer.
- (iii) Industrial dealer.

(c) If holds a valid certificate of registration, the details thereof :

- (i) Number,
- (ii) Date of issue.
- (iii) Date of expiry
- (iv) Authority by whom issued.

(d) Purpose of obtaining the certificate of source :

- (i) For obtaining a fresh certificate of registration.
- (ii) For renewal of the certificate of registration.

3. Details of fertiliser(s) to be supplied :

Sl.No.	Name of Fertilisers	Trade Mark/Brad Name
(1)	(2)	(3)
1.		
2.		
3.		

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4. Declaration. - Declared that the fertilisers mentioned above will be supplied conforming to the standards laid down under the Fertiliser (Control) Order, 1985, and, as the case may be, grades/formulations (of mixtures of fertilisers) notified by the Central/State Government and packed and marked in container as provided under Clause 21 of the Fertiliser Control) Order, 1985.

.....  
Signature with stamp of  
the Authorised Officer”

**10.** From the said legal provisions so also prescribed forms in terms of Clause-8 , 8(2) and 8(3) of the Control Order, 1985, as extracted above, it is amply clear that any person intending to sell and carrying on business of selling of fertilizers, as has been defined in Sub-Clause (h) of Clause-2 of the Control Order, 1985, as Industrial Dealer, shall obtain a certificate of registration from the “Controller” as defined under Sub-Clause(e) of Clause-2, by making an application in Form-A together with the fee prescribed in Clause-36 and a Certificate of Source in Form-O. Further, in terms of Sub-Clause-2 of Clause-8 of the Control Order, 1985, every person, including wholesaler and retailer, intending to sell or offer for sale or carrying on business of selling of fertilizer, shall make a Memorandum of Intimation to the Notified Authority in Form ‘A-1’ duly filled in duplicate, together with the fee prescribed under Clause-36 and certificate of source in Form ‘O’. Sub-Clause(3) of Clause-8 of the Control Order prescribes that on receipt of Memorandum of Intimation, complete in all respects, the Notified Authority shall issue an acknowledgement of receipt in form A-2 and it shall be deemed to be an authorization letter granted and the

concerned person as the authorized dealer for the purpose of the said Control Order, 1985. Proviso in Sub-Clause (3) of Clause-8 of the Control Order, 1985 prescribes that where fertilizers are obtained for sale from different sources, a Certificate of Source from each such source shall be furnished in Form 'O'. However, where the manufacturer of organic fertilizer is the State Government or Municipality, it shall not be necessary for it to obtain the authorization letter.

**11.** In Chapter-I of the Control Order, 1985, "Bio-fertilizer" is defined in Sub-Clause(aa) so also definition of "Organic Fertilizer" has defined in Sub-Clause (oo) of Clause-2 of the Control Order, 1985, which were inserted by S.O. 391(E) dated 24.03.2006 with effect from the said date. Similarly, the definition of "Fertilizer" in Sub-Clause (h) of Clause-2 of the Control Order, 1985, was substituted by SO349(E) dated 06.02.2017 effective from the said date, which was further amended by way of insertion by SO 882(E) dated 23.02.2021 so also S.O. 884(E) dated 24.02.2021 effective from the said dates respectively, which have been extracted above.

**12.** Admittedly, the Petitioner, in paragraph Nos.3 & 10 of the Writ Petition, has categorically stated that he intends to

be a dealer in respect of Bio-fertilizer and Organic Fertilizer, which are essential commodities and supply the same to the wholesalers and he wants to register himself as a dealer to sell Bio-fertilizer and Organic Fertilizer. Though as per the definition of “Dealer” , as defined under Sub-Clause (f) of Clause-2 of the Control Order, 1985, includes “manufacturer”, no such specific pleadings have been made in the Writ Petition to the effect that the Petitioner intends to manufacture Bio-fertilizer as well as Organic Fertilizer and sale/supply the same to the wholesaler. Rather, in para-5 of the Counter filed by the State, it has been stated that the Petitioner intends to be a wholesaler by purchasing Bio-fertilizer and Organic Fertilizer from the manufacturer. The said averment made in para-5 of the Counter has not been controverted or clarified by the Petitioner by filing a Rejoinder thereto.

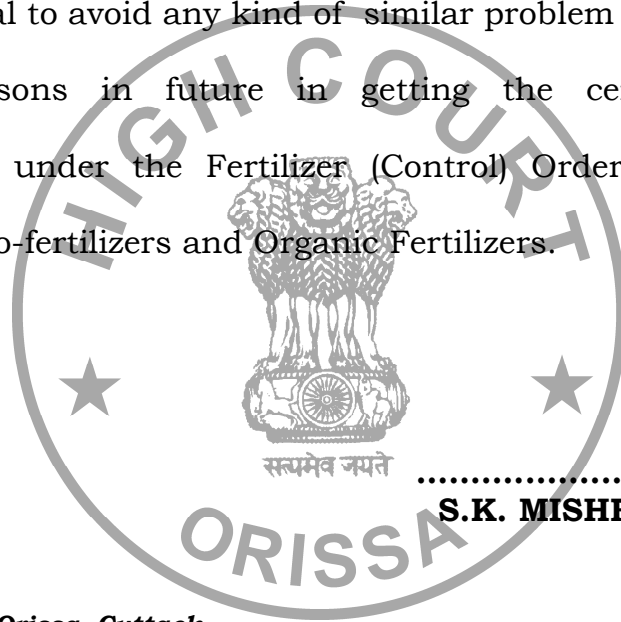
**13.** In view of the said provisions under the various clauses of the Control Order, 1985, which got amended from time to time and was last amended vide the Fertilizer Control Amendment Order, 2016, so also the averments made by the parties on record, this Court is of the view that for

manufacturing Bio-fertilizer and Organic Fertilizer, no certificate of manufacturing is required. However, the manufacturer is only required to obtain a certificate from the concerned District Industries Centre to sell the Bio-fertilizer and Organic Fertilizers. But no condition can be imposed under the Control Order, 1985 for the wholesale dealer or retail dealer to furnish such a certificate to the concerned authority issued in favour of the manufacturer enabling him/it to obtain certificate of registration under the Control order, 1985 for selling Bio-fertilizer and Organic Fertilizer. Rather, the dealer has to furnish certificate of source in Form 'O' while applying for getting it registered as dealer in Form-A.

**14.** In view of the above, as there is no such provision in the online portal to upload the certificate of source in Form 'O', as has been detailed above, the Writ Petition stands disposed of granting liberty to the Petitioner to make an application for registration in terms of Clause-8 of the Control Order, 1985 manually/through offline mode to obtain a certificate of registration under the said Order for selling Bio-fertilizer and Organic Fertilizer enclosing thereto certificate of source in Form 'O'. If such an application is filed, the

Authority concerned shall do well to deal with the said application and issue registration certificate in favour of the Petitioner in accordance with various provisions of the Fertilizer (Control) Order, 1985 as detailed above, within eight weeks from the date of receipt of said application, to be submitted by the petitioner through offline mode.

**15.** This Court is hopeful that the State Government shall do well at the earliest to modify/update the software in the official portal to avoid any kind of similar problem to similarly placed persons in future in getting the certificate of registration under the Fertilizer (Control) Order, 1985 for selling of Bio-fertilizers and Organic Fertilizers.



.....  
**S.K. MISHRA, J.**

**High Court of Orissa, Cuttack**  
*The 16<sup>th</sup> January, 2024 /Prasant*