

**IN THE HIGH COURT OF JAMMU & KASHMIR AND  
LADAKH AT SRINAGAR**

**WP(C) No.1007/2020**

Masarat Ali Malla ...Petitioner(s)

Through: Mr. Syed Faisal Qadiri, Sr. Advocate, with  
Ms. Tayba Gulnar, Advocate.

Vs.

UT of J&K & Ors. ...Respondent(s)

Through: Ms. Nadiya Abdullah, Advocate.

**CORAM:HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**ORDER**  
**30.12.2023**

1. The petitioner has sought a direction upon the respondents to release an amount of Rs.51,61,469/ along with interest @18% per annum on account of outstanding liability for execution of the works allotted to him.

2. As per case of the petitioner, respondent Srinagar Municipal Corporation vide its communication No.SMC/Plg/2019-20/2445-49 dated 29.10.2019 conveyed authorization to execution of as many as 47 works at a cost of Rs.153.08 lacs. Thereafter tenders were invited vide tender notice No.14 of 2019-20 dated 09.12.2019, to which the petitioner responded. It has

been submitted that the tender of the petitioner was accepted for certain works and in terms of 21 allotment orders, all dated 03.01.2020, various works costing an amount of Rs.51,61,469/ were allocated in favour of the petitioner. It has been further contended that the petitioner completed all the aforesaid works to the satisfaction of the respondents and raised bills in the amount of Rs.51,61,469 upon the respondents but till date the bills have not been cleared.

3. According to the petitioner, the amount in respect of the bills is, admittedly, due and outstanding against the respondents but they are not releasing the same without any justifiable cause, hence the present writ petition.

4. A large number of opportunities were availed by the respondents to file reply to the writ petition but no reply has been filed by them. Ultimately, vide order dated 10.03.2023, right of the respondents to file reply has been closed.

5. I have heard learned counsel for the parties and perused the material on record.

6. As already stated, the petitioner, after having participated in the tendering process, was allotted the contract for execution of various works vide 21 different allotment orders issued by the respondents on 03.01.2020. Copies of all these allotment orders have been placed on record by the petitioner. According to the petitioner, he has executed the works to the satisfaction of the respondents and raised bills for an amount of Rs.51,61,469/ upon the respondents but the same is not being released in his favour despite having approached the respondents on a number of occasions. The petitioner, it seems, has also served a demand notice dated 16.03.2020 upon the respondents which has evoked no response from them.

7. Since no reply has been filed by the respondents, therefore, the assertions made in the writ petition have remained unrebutted.

8. In view of the above, a direction is issued to the respondents to release the outstanding amount of the petitioner after due verification of his claim. The entire exercise shall be completed by the respondents within a period of two months from the date a certified copy of this order is served upon them, failing which the

outstanding amount shall carry interest @6% per annum from the date of filing of the writ petition till its realization.

9. The petition shall stand disposed of.

(Sanjay Dhar)  
Judge

Srinagar  
30.12.2023  
"Bhat Altaf, PS"

*Whether the order is reportable: Yes/No*

