

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

**OWP No. 781/2016
c/w OWP No. 838/2016
OWP No. 853/2016**

Ghulam Hussain

..... Petitioner/Appellant(s)

Through: Mr. M.S. Reshi, Advocate

V/s

State of J&K

.....Respondent(s)

Through: Mr. T.M. Shamsi, DSGI

CORAM:

HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE

ORDER
05.06.2023

OWP No. 853/2016:-

Objections on behalf of the respondents are filed.

Registry is directed to segregate this file and list it separately for consideration on 14.08.2023.

OWP No. 781/2016:-

In this petition, the petitioner submits that being a registered contractor from District Kargil, he participated in a tendering process and was allotted the construction of the Thangboo to Karpophong Irrigation Canal. The allotted cost, including the cost of departmental materials, was estimated at Rs. 14.35 lacs and the completion time was given as two months. The petitioner claims to have completed the allotted work within the stipulated period of time and to the satisfaction of the concerned authorities. After fulfilling all the necessary formalities and inspections, the petitioner submitted a bill for an amount of Rs. 758,551/- for the executed work. However, despite completing the work in 2012, the respondents have not

released the bill amount to the petitioner. Therefore, he has approached this Court for redressal of his grievances through the medium of the present writ petition.

The learned counsel for the petitioner submits that the petitioner is entitled to receive the bill amount for the executed work, asserting his fundamental right to receive payment for the work he has executed.

The learned counsel for the respondents submits that an amount of Rs. 4.05 lacs has already been paid to the petitioner as the first instalment, but the second instalment of Rs. 7.585 lacs was submitted too late for payment and the allocated funds for the scheme have been exhausted. The scheme is now completed and closed, and no further funds have been received to pay the pending claims. Learned counsel for the respondents further submits that the requisition letter has been forwarded to the District Superintending Engineer, PHE& IFC Circle Kargil, for arrangement of funds to the tune of Rs. 7.585 lacs to meet the pending payment liabilities as and when funds under the said head are released, the pending payment of liabilities will be cleared.

After considering the arguments from both parties and examining the material on record, the Court feels that the petition can be disposed of with a direction to the respondents to arrange the funds to meet the petitioner's liability for the works already executed by him on the basis of the bills prepared by the respondents, at the earliest. Ordered accordingly.

Disposed of.

OWP No. 838/2016:-

In this petition, the petitioner submits that being a registered contractor from District Kargil, he participated in a tendering process and was allotted the construction of earthwork link road Hardasgund Km 1st RD

100-500 mtrs and construction of link road Hardasgund Limb-B RD 850-1070 mtrs. The allotted cost, including the cost of departmental materials, was estimated at Rs. 13.60 lacs and 11.35 lacs respectively and the completion time was given as 65 and 60 days. The petitioner claims to have completed the allotted works within the stipulated period of time and to the satisfaction of the concerned authorities. After fulfilling all the necessary formalities and inspections, the petitioner submitted a bill for an amount of Rs. 136000/- and Rs. 1134797/- for the executed work. However, despite completing the work in 2014, the respondents have not released the bill amount to the petitioner. Therefore, he has approached this Court for redressal of his grievances through the medium of the present writ petition.

The learned counsel for the petitioner submits that the petitioner is entitled to receive the bill amount for the executed works, asserting his fundamental right to receive payment for the work he has executed.

Objections on behalf of the respondents are not filed.

After considering the arguments from both parties and examining the material on record, the Court feels that the petition can be disposed of with a direction to the respondents to consider the claim of the petitioner for release of withheld amount, if any, for the works stated to have been executed by him, at the earliest. Ordered accordingly.

Disposed of.

Registry is directed to place a copy of this order on each file.

(Tashi Rabstan)
Judge

SRINAGAR:

05.06.2023

“Mir Arif”