

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

Case: CPOWP No. 58/2019 IN
OWP No. 561/2018

Puran Chand

..... Petitioner(s)/Appellant(s)

Through :- Mr. Ateet Sapolia, Advocate

Vs

Vinod Gupta Chief Engineer Irrigation and
Flood Control and Ors.

.....Respondent(s)

Through :- Ms. Priyanka Bhat, Advocate vice
Mrs. Monika Kohli, Sr. AAG

CORAM:
HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
26.09.2025

01. The instant contempt petition arises out of an order/judgment dated 23.03.2018 passed by this Court in OWP No. 561/2018 by virtue of which the writ petition preferred by the petitioner was disposed of in the following manner:-

“Needless to say that in case the petitioner is found entitled to the amount, which is due and payable to him, the same shall be paid to him within a period of three months therefrom. It is made clear that this Court has not expressed any opinion with regard to the merits of the case.

With the aforesaid direction, this petition stands disposed of along with connected MP(s).”

02. Since the aforesaid order was not complied with within the time granted by this Court, the instant contempt petition was preferred in which notice was issued on 25.03.2019.

03. Record reveals that statement of facts stand filed on behalf of concerned Executive Engineer Mahore Irrigation Division Dharmari way back on 02.09.2024. From a bare perusal of the statement of facts filed on behalf of the said respondent, it is apparently clear that in compliance to the direction passed by this Court mentioned (*supra*), a speaking order dated 27.06.2024 was issued in tune with the order/judgment passed by this Court. Copy of the same has been placed on record along with the statement of facts.

04. Through the medium of the said speaking order, respondents have actively sought to address the financial obligations concerning the pending claims of the contractor. As per the stand taken by respondents, order/judgment dated 23.03.2018 passed by this Court stands complied with. Respondents while filing statement of facts have placed on record a detailed order dated 27.06.2019 in which the stand has been taken that Rs. 24.86 lacs for the work was released in the financial year 2018-19 under the State share against payable due amount of Rs. 28.38 lacs calculated by the respondents. Respondents in the said order have admitted that the balance amount was payable to the tune of Rs. 3.52 lacs, which shall be paid to the petitioner as and when the balance funds are released.

05. The order further reveals that petitioner was called many times to provide the details of bank account so that the amount to the tune of Rs. 24.86 lacs will be deposited in his account but the petitioner refused to provide the bank details on the ground that the amount of Rs. 85,90,376/- is being payable to him and he refused to accept the meager amount.

06. After repeated pursuance, finally the petitioner gave his bank account number to which the net amount, after due deduction of taxes and other deductions was credited in favour of the petitioner.

07. Thus, keeping in view the aforesaid facts, an amount of Rs. 9,32,95,322/- was due to him against the work executed for which the departmental material stood issued against an amount of Rs. 883,09,619/- was paid to him up to CC 13th and CC 14th against his total work done against the departmental material issued for an amount of Rs. 932,95,322/-

08. Accordingly, as per the calculation made by the respondents, net payable amount which has been worked out by the respondents was to the tune of Rs. 28,37,832/- after deducting all the previous payments made and the departmental material issued to the petitioner. Accordingly, CC 14 was passed for net payment of Rs. 24.86 lacs against the funds released and in said order, it has mentioned that balance amount of Rs. 3,51,832/- shall be paid to him as and when the funds are made available to the department for the said work.

09. Thus, according to the respondents, the order/judgment dated 23.03.2018 passed by this Court stands complied with. However, as per the stand taken in the said speaking order, an amount of Rs. 3,51,832 was paid on the date when the aforesaid came to be issued i.e. on 27.06.2019.

10. Pursuant thereto, it has been brought to the notice of this Court by learned counsel for the respondents that a fresh compliance report also came to be filed on 29.10.2024 in which the balance amount mentioned (*supra*) was processed and submitted in the District Treasury Officer through bill dated

16.10.2024 for release of payment. The said fact is borne out from Form F.C 28, which stands attached with the fresh compliance report.

11. In view of the stand taken by the respondents, the order/judgment dated 23.03.2018 passed by this Court, which was sought to be complied with stands complied with in its letter and spirit and thus, a prayer has been made by the learned counsel for the respondents for disposal of the instant contempt petition.

12. In light of the stand taken by the respondents coupled with the issuance of the detailed speaking order in conformity with the order/judgment dated 23.03.2018 passed by this Court, this Court is of the view that the order/judgment dated 23.03.2018 passed by this Court stands complied with. Accordingly, proceedings in the instant contempt petition are closed. Rule, if any, shall stand discharged. However, dismissal of the instant contempt petition shall not come in the way of petitioner if petitioner intends to assail detailed speaking order, which has been placed on record along with the compliance report filed on 02.09.2024 by way of appropriate proceedings, if so advised.

13. ***Disposed of,*** accordingly.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
26.09.2025
Mihul