

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

WP(C) 1217/2025

MOHD AQLEEM MIR

...Petitioner/Appellant(s)

Through: Mr. Anuj Devan Raina, Advocate

Vs.

UT OF J&K AND ORS.

...Respondent(s)

Through: None

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER
04.06.2025

1. Heard.
2. It is submitted by the learned counsel for the petitioner that the matter in the backdrop of its facts and circumstances can be disposed of even at this threshold stage by passing of appropriate directions in consonance with the law as the petitioner is claiming the payment of outstanding due amount in his favour on account of execution of a work completed by him within stipulated time against the formal allotment order.
3. The case of the petitioner in nutshell is that he is an unemployed youth who has formed a self-help group of engineers being the representative

of the same. That being eligible in all respects, he participated in a tendering process floated by respondents in terms of e-NIT No. 07 of 2013-14 dated 22-11-2013, for the construction/remodeling of Nagrota-I Khul from RD 1250-2000m. That the respondents after culmination of the e-tender process allotted work in his favour at negotiated rate of 15% above, with the condition that the work is to be executed strictly in accordance with the relevant standards, specification and advertised conditions of the contract. That he was allotted work vide allotment No. IDR/3364-68 dated 08-12-2014. That as per the allotment order, he had to undertake the execution of the work within seven days from the issuance of the same and had to ensure the completion of the contract work by sixty days. That he accordingly undertook and completed the work within stipulated period in attestation whereof a certificate/report was furnished by the Assistant Executive Engineer, Sub-Division-II, Rajouri and witnessed by the Junior Engineer concerned. That despite completion of work, only CC Ist to the tune of Rs. 995673-00/- including the amount of labour and material components has been paid to him as is evident from the communication of the respondents bearing No. ISD/II/26 dated 25-05-2018. That the respondents till date have not paid the balance amount of Rs. 746327-00/-. That he made representations before the respondents for release of his outstanding due amount but in vain. That he being the leader of the self-help group of

the engineers duly registered with the Government under registration No. JRF-7114/166 dated 07-09-2013, has been practicing the profession of contractors by executing various works being allotted to him and the said profession is the only source of his livelihood. That he incurred loan from the Bank in connection with the execution of the work and the in-action of the respondents in not releasing his due payment has added to his hardships. That this Court has already in a decided case observed that contractors do not execute the work for charity, they invest money with the hope that by the execution of work, they will earn profits and thus meet their day to day needs and run their homes. That they are getting financial help from the Banks and they are supposed to pay high interests on their loan amounts. That contractors are supposed to run in deep financial crisis in case their due amounts are unnecessary withheld. That the bills raised by him on account of the execution of the allotted work are not being disputed by the respondents and as such the latter cannot at belated stage delay his payment on account of mere technicalities of administrative and technical approvals, for which they themselves are responsible.

4. The petitioner has prayed for the issuance of writ/direction in the nature of mandamus for commanding upon the respondents to pay the balance amount of Rs. 746327-00/- in his favour on account of the completion

of work of the construction/remodeling of Nagrota-I Khul from RD 1250-2000m allotted to him vide allotment No. IDR/3364-68 dated 08-12-2014, with interest at the rate of 9% with effect from the date the said amount became due to him till the date of actual payment.

5. I have heard the learned counsel for the petitioner, who reiterated his stand taken in the petition and as hereinbefore reproduced. I have gone through the memo of petition and the copies of documents enclosed with the same as annexures thereto including the allotment order dated 08-12-2014, completion report, communication regarding detailed estimate, requisition for allotment of additional funds and the representation of the petitioner regarding release of his pending claim.
6. In the facts and circumstances of the case, this Court is of the opinion that as admittedly submitted by the learned counsel for the petitioner, the matter can be disposed of even at this threshold stage by passing of appropriate directions in consonance with law that are not likely to prejudice the interests and legal rights of the other party.
7. It is beyond doubt that a contractor having been entrusted with the execution of any work against a proper allotment order especially upon the culmination of a valid tender process and who executes/completes the same in accordance with terms and conditions of the allotment order, has an actionable claim to the amount or any part thereof due to

him on account of the said execution of work. It is needless to mention that contractors more often raise loans from the Banks in connection with execution of their allotted works under an expectation of earning lawfully on account of the same for their livelihood. Any technicalities or formalities needed are supposed to have been facilitated by the executing agency before issuing the formal allotment order.

8. The petitioner is believed to have been badly suffering on account of the non-payment of balance amount due to him under rules.
9. Accordingly, the instant petition is disposed of at this stage with the direction to the respondents to ensure the release/payment of the balance amount in favor of the petitioner due to him on account of the execution of the work i.e., construction/remodeling of Nagrota-I Khul from RD 1250-2000m places, without any further delay. The respondent No. 4, shall submit his compliance report positively to the Registry of this Court within a period of four weeks.

10. *Disposed of.*

**(MOHD YOUSUF WANI)
JUDGE**

JAMMU:
04.06.2025
Akshil Dev