

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

WP(C) No. 1236/2025
CM No. 2946/2025

**Parvesh Kumar, age 47 years S/o Tirath Ram Sharma,
R/o Ward No. 10, Kathua.** Petitioner(s)

Through: Mr. Raghav Sawhney, Advocate

Vs

- 1. Union Territory of J&K through Commissioner/
Secretary, Department of Jal Shakti, Civil
Secretariat, Jammu.**
- 2. Chief Engineer, Jal Shakti, Irrigation and Flood
Control, Jammu.**
- 3. Superintendent Engineer, Hydraulic Circle,
Kathua.**
- 4. Executive Engineer, Irrigation Division, Kathua.** Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER
20.05.2025

1. Heard.
2. Through the medium of instant petition filed under Article 226 of the Constitution of India, the petitioner has sought issuance of direction/writ in the nature of mandamus for commanding the respondents to release in his favour an amount of Rs.90,778/- on account of the execution of the duly allotted work i.e construction of ***Tractor Crossing over Dlsy No.1 of Kathua Main Canal at RD-190M near land of Mulraj***, along with interest at the prevalent market rate of 12% from the due date of the same upto the actual payment.

3. The case of the petitioner in nutshell is that he being a contractor was allotted work for construction of, Tractor Crossing over Dlsy No.1 of Kathua Main Canal at RD-190M near land of Mulraj by the respondents pursuant to the finalization of the e-NIT No. 19 of 2017-18 dated 18.04.2018 as being the successful bidder. That he executed the allotted work in time to the satisfaction of the respondents, but the payment against the bill submitted by him to the respondents has not been made to him despite repeated requests. That he raised debt in connection with the execution of the subject work and the non-payment of the bill amount in his favour by the respondents has subjected him to great hardship and agony. That he felt constrained to approach this Court for enforcement of his legitimate claim upon the failure of the respondents to discharge their legal obligation despite requests and reminders. That the respondents have been delaying the release of the payment, due to the petitioner on the pretext of non-availability of the funds.
4. The petitioner has enclosed the copy of the allotment letter of the respondent No.4 in support of the execution of the subject work as also the bill raised by him before the respondents duly verified under rules.
5. Heard the learned counsel for the petitioner in respect of the matter who submitted that the petitioner is a contractor by profession and has been executing different works of the Government and also of private firms. That he participated in the tender process issued by the respondents vide e-NIT No. 19 of 2017-18 issued under endorsement No. IDK/6942-82 for construction of Tractor Crossing over Dlsy No.1 of Kathua Main Canal at RD-190M near land of Mulraj and was declared as successful bidder

pursuant to which work was allotted to him vide letter No. IDK/328-37 dated 18.04.2018. That he successfully executed the work within the stipulated time, submitted the bill against the work done to the respondents which was verified and passed under rules, but unfortunately, the payment has not been made to him since the execution of the work in 2018. He further submitted that the petitioner has been badly suffering on account of the non-payment of the bill amount to him as he had raised debt in connection with the execution of the subject work.

6. In the facts and circumstances of the case, this Court is of the opinion that the matter can be disposed of at this threshold stage by passing appropriate orders, the direction under which is otherwise to be complied with by the respondents out of a legal obligation.
7. The instant petition is, accordingly, ***disposed of*** at this threshold stage with the direction to the respondents to ensure the release of the payment, due to the petitioner, on account of the execution of the subject work i.e., Tractor Crossing over Dlsy No.1 of Kathua Main Canal at RD-190M near land of Mulraj, within a period of ***one month*** along with interest admissible under rules.
8. Copy of this order shall be forwarded for compliance to the respondent Nos. 2 to 4.

(Mohd. Yousuf Wani)
Judge

Jammu
20.05.2025
Vijay

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No