

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

WP (C) No. 2579/2025

**M/S Kapil Sharma Khattar,
H.Mo. 111, Patta Paloura, Opp BSF Campus,
Talab Tillo, Jammu.
A/p Kamdhenu Homes Block A, Flat No. 102,
Near Best Price, Akhnoor Road, Jammu
through its partner Sh. Kapil Kumar Khattar,
S/o Late Sh. Chunni Lal,
R/o Kamdhenu Homes, Block A, Flat No. 102,
Near Best Price, Akhnoor Road, Jammu.**

.....Applicant(s)/Petitioner(s)

Through :- Mr. Arun Dev Singh, Advocate

v/s

- 1. Union of India through
Secretary Defence,
101-A, South Block, New Delhi-110011.**
- 2. Engineer-in-Chief,
Branch Military Engineering Services,
Kashmir House, Rajaji Marg,
New Delhi-110011.**
- 3. HQ Chief Engineer, Northern Command,
Udhampur Zone, C/o 56 APO.**
- 4. PCDA Northern Command, Narwal Pain,
Satwari, Jammu.**
- 5. Garrison Engineer GE (S) Akhnoor
C/o 56-APO-900234.**
- 6. Garrison Engineer 881 EWS
C/o 56-APO-900234.**

.....Respondent(s)

Through :- Mr. Vishal Sharma, DSGI with
Mr. Eishaan Dadhichi, CGSC
Mr. Sumant Sudan, Advocate

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER (ORAL)
17.09.2025**

1. Impugned in this petition is a show cause notice bearing No. 42590/S-69/375/E8 dated 07.08.2025 issued by the Office of Chief Engineer, Northern Command to the petitioner for deposit of an

amount of Rs. 1,26,37,192.00 in the form of MRO in Government Treasury within 21 days from the date of issuance of the notice.

2. The impugned show cause notice has been challenged by the petitioner on the ground that it does not provide any opportunity of hearing to the petitioner and, is therefore, nothing short of a demand notice. The impugned notice (supra) is also challenged on the ground that the figure reflected in the show cause notice is factually incorrect in view of the communication of the subordinate office dated 12.08.2025 indicating that only a sum of Rs. 28,95,736.00 is payable.
3. Be that as it may, the fact remains that the impugned notice, though, styled as show cause notice is a notice of demand and, therefore, there is hardly any opportunity given to the petitioner to explain his position.
4. In view of the nature of controversy involved and the submission made at Bar, we are of the considered opinion that this petition can be disposed of by providing as under:
 - i. **The notice of demand shall be treated as a 'show cause notice' and shall be replied by the petitioner within a period of one week from the date of passing of this order. The petitioner shall be at liberty to append with the reply, the documentary and other evidence in his possession.**
 - ii. **The decision in the show cause notice shall be taken by the respondent within a period of one week after the receipt of reply from the petitioner.**

- iii. A reasoned order shall be passed and communicated to the petitioner indicating the exact amount required to be deposited.

5. *Ordered, accordingly.*

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
17.09.2025
Manan

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

