

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

**WP(C) No. 2606/2025
CM No. 6002/2025**

M/s national Industrial Training and
Consultancy Th. V. K. Katal

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

Through: Mr. Sheikh Najeeb, Advocate.

vs

UT of J&K and others

..... Respondent(s)

Through: Ms. Nisha Kangotra, Advocate vice
Mr. S. S. Nanda, Sr. AAG
Mr. Ravinder Gupta, AAG.

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

**ORDER
19.09.2025**

ORAL

1. The petitioner, through the medium of instant petition, has sought a writ in the nature of mandamus seeking direction to the respondents to release the payment amounting to Rs. 16,62,000/- along with the interest on account of execution of two works under Swachh Bharat Mission namely Construction of Community Toilets at Community Health Centre Ramgarh, Samba for an amount of Rs. 10.50 lakh and work of completion of ongoing/under execution community toilet in ward No. 1 Municipal Community Ramgarh for an amount of Rs. 6.12 lakh executed by the petitioner, with a further direction against the respondents to decide the representation in the form of legal notice dated 17.03.2025.

2. The petitioner claims to be an NGO approved and empanelled by the respondent No. 1 vide Office Order No. 08 HUD of 2018 dated 15.01.2018 who is engaged in the construction of community/public toilets under Swachh Bharat Mission in urban areas of J&K for its engagement for construction/operation and maintenance of community public toilet complex.
3. It is the case of the petitioner that vide order No. 95-DULBJ of 2019 dated 25.09.2019, the respondent No. 2 accorded sanction to the construction of Community Toilet at Community Health Centre Ramgarh in favour of the petitioner for an approved cost of Rs. 10.50 lakh and similarly sanction was also accorded for the allotment of ongoing/under execution toilet in ward No. 1 of Municipal Committee Ramgarh in favour of the petitioner for an approved cost of Rs. 6.12 lakh by virtue of communication No. BULBJ/P&S/CT/PT/19-20/14335-42 dated 11.12.2019.
4. The specific case of the petitioner is that the petitioner executed the aforesaid work within the stipulated period as contemplated in the work order and after inspection by the Municipal Committee, Ramgarh, the completion certificate was also issued in favour of the petitioner by the respondent No. 3 vide No. MC/R/2022-23/2547-48 dated 20.12.2022. The petitioner has placed on record the communication dated 20.03.2023, which has been issued by the respondent No. 3 to the respondent No. 4 with a request to verify the status of both the works as per specifications in the allotment

order/work build so that the process of release of payment may be initiated and along with the said communication, bills in original and supporting documents have also been enclosed by the respondent No.

3. However, despite the request made by the respondent No. 3, the needful was not done and feeling aggrieved of the same, the petitioner served a legal notice dated 17.03.2025 to the respondent Nos. 1 and 2 seeking release of an amount of Rs. 16,62,000/- on account of works executed by the petitioner.

5. Issue notice to the respondents.
6. Ms. Nisha Kangotra, Advocate appearing vice Mr. S. S. Nanda, learned Senior AAG waives notice on behalf of respondent Nos. 1 to 3 and Mr. Ravinder Gupta, learned AAG waives notice on behalf of the respondent No. 4.
7. Mr. Ravinder Gupta, learned AAG has produced a copy of Govt. Order NO. 43-JK(HUD) of 2020 dated 04.02.2020, whereby reference has been given to the Administrative Council Decision No. 14/3/2020 dated 29.01.2020 for change of framework of Execution of civil work of the Urban Local Bodies in the UT of J&K (except Srinagar Municipal Corporation and Jammu Municipal Corporation). The same is taken on record.
8. At this stage, learned counsel for the petitioner has drawn the attention of this Court to a communication dated 20.03.2023, issued by the Executive Officer, Municipal Committee, Ramgarh to the Executive Engineer, PWD (R&B) Division, Samba for verification of work bill

for construction of Community Toilets in town Ramgarh, which has been placed on record as Annexure-IV and thus according to the learned counsel for the petitioner, the role of the Executive Engineer PWD (R&B) Division, Samba is confined only to the extent of verifying of the said bill.

9. Learned counsel for the petitioner, after arguing for a while, submits that the petitioner would feel satisfied in case the instant petition is disposed of by directing the respondents to treat the instant petition as representation and accord consideration to the same within some reasonable period of time.
10. Learned counsel for the respondents submit that they are not averse to the prayer made by the learned counsel for the petitioner, provided the same is directed to be accorded consideration strictly under rules and as per law.
11. With the consent of the learned counsel for the parties, the instant petition is taken up for final disposal at the very threshold and accordingly the same is disposed of by directing the concerned Executive Engineer to verify the bill strictly in consonance with the Govt. Order NO. 43-JK(HUD) of 2020 dated 04.02.2020 within a period of one week from today and subject to said verification, the respondent Nos. 1 to 3 are directed to treat the instant petition as representation and accord due consideration to the same, with respect to the release of admitted liability in favour of the petitioner, within a period of four weeks from the date of receipt of certified copy of this

order along with copy of the instant petition and annexures appended thereto, strictly under law and as per rules, provided there is no other legal impediment.

12. Disposed of along with the connected application.

**(WASIM SADIQ NARGAL)
JUDGE**

Jammu
19.09.2025
Sahil Padha

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

