

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

CCP(S) No. 376/2024

In [WP(C) No. 1890/2023]

Rehmatullah Naik

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

Through: Mr. Irfan Khan, Advocate.

Vs

Bhupinder Kumar And Others

..... Respondent(s)

Through: Mr. Ravinder Gupta, AAG.

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

ORDER
30.09.2025

1. The instant contempt petition arises out of an order/judgment passed by this Court on 09.05.2024, by virtue of which, the writ petition preferred by the petitioner was allowed in the following manner:

“45. I, hereby, conclude that law does not put any bar or any fetters on the High Court in respect of exercising its writ jurisdiction in contractual matters. The judgment, which have been cited hereinabove, clearly prove that there has been paradigm shift in the approach of the Courts in exercise of its Writ Jurisdiction in the matters of contractual disputes with State and its authorities.

46. For the foregoing reasons, and what has been discussed hereinabove, coupled with settled legal position, with writ petition is allowed and the respondents are directed to release a sum of Rs.20.74 lakhs in favour of the petitioner, within a period of six weeks, from the date a copy of this order is made available to the respondents.

47. In case, the aforesaid amount is not released in favour of the petitioner within the aforesaid stipulated time period, in that eventuality, the outstanding amount, along with interest @ 9%, shall

be payable to the petitioner by the respondents, from the date of filing of the writ petition i.e. 24.07.2023 and the interest component will be payable by the respondent/officer on whose count such delay occurs.”

2. Since the aforesaid order/judgment passed by this Court was not complied with within time granted by this Court and also the interest component was not paid to the petitioner, the instant contempt petition was preferred in which notice was issued way-back on 06.11.2024.

3. The record reveals that the statement of facts, was initially filed by the respondents on 25.04.2025 followed by another set of statement of facts on 24.08.2025 and the latest of which has been filed on 29.09.2025, however, the same was not traceable. Copy of the same has been furnished to this Court, which is taken on record.

4. From a bare perusal of the latest Statement of Facts filed, it is apparently clear that the respondents have taken a specific stand that the concerned Executive Engineer, PWD (R&B) Division, Banihal has made a demand for the funds vide Communication dated 21.08.2025 with the concerned Chief Engineer, PWD (R&B) Department, Chenab Zone, Batote and pursuant thereto, an amount of Rs.10.37 lacs has been received in the office of Executive Engineer, PWD (R&B) Division, Banihal and the said payment as per the stand taken by the respondents will be paid to the petitioner shortly.

5. It is not so, even the respondents have taken a specific stand that the balance funds have also been demanded by the Chief Engineer, PWD (R&B) Department, Chenab Zone, Batote vide Communication dated 28.08.2025 from the Administrative Department and a specific stand has been taken that the same shall be released in favour of the petitioner upon receiving the balance funds from the Competent Authority. A copy of the aforesaid communication has been placed on record along with latest compliance report.

6. Thus, in light of the stand taken by the respondents, the instant contempt petition can be disposed of, at this stage, by directing the concerned Executive Engineer, PWD (R&B) Division, Banihal to release the amount of Rs. 10.37 lacs within a period of one week in favour of the petitioner and insofar as the release of the balance amount along with interest component, as directed by this Court, in terms of the order/judgment passed on 09.05.2024 is concerned, the same shall be released within a period of two weeks thereafter. It is made clear that in case if the amount is not released, as directed by this Court, this Court will be constrained to initiate coercive measures against the respondents.

7. In the light of the fresh directions passed by this Court by extending the time period in the instant contempt petition, no fruitful purpose would be served to keep this contempt petition alive. Accordingly, same is **disposed of** in the manner indicated above.

8. Proceedings in the instant contempt petition are accordingly closed and rule, if any, issued shall stand discharged.

9. It is made clear that if the amount is not released as directed by the learned Writ Court on 09.05.2024 in WP(C) No. 1890/2023 read with order passed by this Court today in the instant petition, whereby, the time has been extended, the petitioner will be at liberty to seek revival of the instant contempt petition and in that eventuality, this Court will be constrained to initiate coercive measures against the respondents.

10. The contempt petition is, accordingly, disposed of.

(Wasim Sadiq Nargal)
Judge

Jammu
30.09.2025
Raj Kumar