

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

Case: CCP(S) No. 374/2024 IN
OWP No. 1351/2018

Nagar Mal

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

Through :- Ms. Arsha Sharma, Advocate

Vs

Shaleen Kabra Commissioner Jal Shakti
Deptt. and Ors.

.....Respondent(s)

Through :- Ms. Priyanka Bhat, Advocate vice
Mrs. Monika Kohli, Sr. AAG

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

ORDER
18.08.2025

01. The instant contempt arises out of the order/judgment dated 18.07.2018 passed by this Court in OWP No. 1351/2018 by virtue of which the writ petition preferred by the petitioner was admitted to hearing and disposed of by issuing direction to the respondents that undisputed liabilities, if any, towards the petitioner shall be cleared without any undue delay, preferably within a period of eight weeks from the date, the petitioner produces the copy of the order to the office of Chief Engineer, Ravi Tawi Irrigation Complex, Jammu, herein respondent No. 2.

02. Since the aforesaid order was not complied with within the time granted by this Court, the instant contempt petition has been preferred in which notice was issued on 06.11.2024.

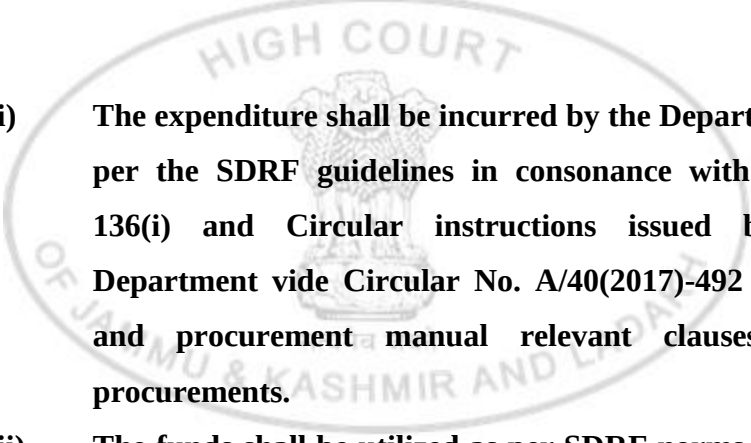
03. Record reveals that the respondents have filed statement of facts initially on 18.03.2025 in which they have taken a specific stand that District Development Commissioner, Samba has already been communicated in this regard to release the balance fund including the liability of the petitioner amounting to Rs. 2.25 lacs with a view to clear the liability of the agency but since the said amount was not released by the concerned District Development Commissioner, Samba, the order could not be complied with.

04. The aforesaid statement of facts was filed by respondents on 18.03.2025. Pursuant thereto, respondents have filed a fresh compliance report on behalf of District Development Commissioner, Samba before the Registry today, however, the copy of the same is not traceable and the same has been furnished to this Court, which is taken on record.

05. From the perusal of the fresh compliance report filed on behalf of District Development Commissioner, Samba, it is apparent that District Development Commissioner, Samba vide order No. 25-DCS of 2025 dated 14.08.2025 has accorded sanction to release of funds amounting to Rs. 2.25 lakh through BEAMS in favour of Chief Engineer, Ravi Tawi, Irrigation Complex, Jammu for clearing the work done liability on account of execution of Flood Protection Work in 2014 under SDRF. Copy of the aforesaid order dated

14.08.2025 has also been placed on record along with the fresh compliance report.

06. Thus, in light of the aforesaid stand taken by the respondents in the fresh compliance report filed on behalf of the District Development Commissioner, Samba and also in light of the issuance of order dated 14.08.2025 mentioned (*supra*), the funds are required to be released by the Chief Engineer, Ravi Tawi, Irrigation Complex, Jammu for clearing the work done liability on account of execution of Flood Control Work in 2014 under SDRF subject to the following conditions:-

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- i) The expenditure shall be incurred by the Department/Agencies as per the SDRF guidelines in consonance with GFR-2017 Rule 136(i) and Circular instructions issued by the Finance Department vide Circular No. A/40(2017)-492 dated 26.04.2021 and procurement manual relevant clauses for emergent procurements.
 - ii) The funds shall be utilized as per SDRF norms of Gol and GFR-2017.
 - iii) Reasonability of the rates and actual services availed shall be certified by the concerned authorities. Each Agency shall submit UC within a month and also indicate their current balances.
 - iv) The funds shall be utilized in accordance with the SDRF guidelines read with Standard Operating Procedure (SOP) issued by the Government.
 - v) The DDO concerned shall ensure vouch safe the utilization of funds as per the codal procedure/guidelines/standing Government instructions issued by the Finance Department from time to time.
 - vi) The funds are drawn only for the purpose it has been released.
 - vii) All terms and conditions as envisaged in release order of BEAMS shall be followed.

- viii) The claim shall be settled subject to the conditions that they are sanctioned by the competent authority as per the delegation.
- ix) The office with whom the funds have been placed shall reconcile the expenditure under SDRF with the Accountant General (A&E) J&K, Jammu and send a copy of the same with the Annual report for the financial year.
- x) The funds drawn are not parked in any Bank Account outside the State account.
- xi) Procurement shall be made as per actual requirement through a transparent system of e-tendering as per the extent of rules/codal formalities keeping the latest specifications of the equipment's/items into consideration, with no compromise on the quality and reasonability of the rates.
- xii) Expenditure Incurred against the funds released during the current financial year shall be intimated to this Department/office by or before 25th of each month.
- xiii) Expenditure shall be booked under appropriate head of Accounts.
- xiv) The Chief Engineer RTIC shall ensure that the expenditure be incurred after proper verification of the works executed under SDRF.

07. Thus, in light of the stand taken by respondents coupled with the issuance of the aforesaid order, no fruitful purpose will be served to keep this contempt petition alive and, accordingly, the same is disposed of by directing the Chief Engineer, Ravi Tawi, Irrigation Complex, Jammu for clearing the work done liability on account of execution of Flood Control Work in 2014 under SDRF in favour of the petitioner subject to fulfillment of the conditions mentioned in Order No. 25-DCS of 2025 dated 14.08.2025 within two weeks positively from today.

08. Accordingly, proceedings in the instant contempt petition are ***closed***. Rule, if any, shall stand discharged.

09. It is made clear that in case aforesaid order is not complied with within the period mentioned (*supra*) than in that eventuality petitioner will be at liberty to revive the instant contempt petition and the Court will be constrained to initiate coercive measures against the said respondent.

10. ***Disposed of***, accordingly.

JAMMU
18.08.2025
Mihul



(WASIM SADIQ NARGAL)
JUDGE