

S. No. 22
Regular list

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 995/2025 CM (2625/2025)

M/s Baba enterprises
having its registered office at
153, Goal Market, Karan Nagar, Srinagar
Through its partner
Imran Ashraf Baba, aged 47 years,
S/o Mohammad Ashraf Baba
R/o Hyderpora, Srinagar

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

Through: Mr. Jehangir Iqbal Ganie, Sr. Advocate with
Ms. Mehnaz Rather, Advocate.

Vs.

1. Sher I Kashmir Institute of Medical Sciences Soura
through its Director
 2. Chief Engineer, Skims Soura Srinagar
 3. Executive Engineer, Electric Skims Soura,
Srinagar
 4. Director, Finance, Skims Soura, Srinagar
 5. Executive Engineer, Electric Hospital Division,
PW(R&B), Kashmir
Engineering Complex Rajbagh, Srinagar 1900010

...Respondent(s)

Through: None.

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

05.05.2025

1. The petitioner through the medium of the instant petition is seeking a direction against the respondents to release the balance amount of Rs. 38,30,080/-, which according to the petitioner is due on account of successful completion of the work i.e., Supply Installation Testing and Commissioning of 2× 750 KVA DG Set for newly constructed Maternity Block at SKIMS Soura, besides seeking interest on the amount not being released within the time frame.

2. The specific case of the petitioner is that after complying with the terms and conditions of the allotment order, the DG Sets were installed at Maternity Block of SKIMS Soura, which was the requirement in terms of the order of allotment. The installation was subjected to inspection clearance and after conducting the requisite inspection vide No. CEI/JPPDD/TS/233-34 dated 16.08.2022, the infrastructure was cleared for energization subject to the conditions incorporated therein.
3. The further case of the petitioner is that after execution of the work allotted to the petitioner and having regard to the terms and conditions with regard to payment as incorporated in the NIT, the petitioner submitted the requisite bills/ tax invoices which also included the GST amount paid to the petitioners and, after receipt of the invoices, the respondent-Institute has released in total an amount of Rs. 76,25,420/- only out of the total allotted cost of Rs. 1,14,55,500/- and as on date the balance amount of Rs. 38,30,080/- is yet to be released by the respondents despite there being no legal impediment qua the terms and conditions of the allotment order.
4. Since the needful was not done and amount was not released, the petitioner was compelled to file a representation duly received by the respondent No. 4 through e-mail on October 19, 2022 and, till date, the balance amount has not been paid to the petitioner and due to the inaction on part of the respondents, the petitioner has been constrained to file the instant petition for seeking release of payment of the balance amount mentioned supra.

5. Mr. Jehangir Iqbal Ganie, learned Senior Advocate along with Ms. Mehnaaz Rather, learned counsel has drawn attention of the Court to a certificate issued from the office of the concerned Executive Engineer Electric Hospital Division Kashmir dated 19.12.2024, a perusal whereof, reveals that the petitioner has successfully executed the work regarding “Supply Installation Testing & Commissioning of 2×750 KVA DG set for newly constructed Maternity Block at SKIMS Soura”. It has also been certified that the aforesaid work has been completed and commissioned functioning properly till date.
6. The aforesaid certificate has been issued by the concerned Executive Engineer Electric Hospital Division Kashmir in reference to the report furnished by the concerned Assistant Executive Engineer, Sub-division SKIMS Soura vide letter No. AEE/E/SD-SKIMS/2024/900 dated 19.12.2024 against request of the concerned Contractor i.e., petitioner herein.
7. The learned Senior Counsel appearing for the petitioner after arguing for a while submits that the petitioner would feel satisfied if the present writ petition is disposed of at this stage with a direction to the respondents No. 1 to 4 to treat the instant writ petition as representation and to accord consideration to the same within some reasonable period in the light of the averments pleaded in the writ petition and the documents placed on record with particular reference to the certificate mentioned supra.
8. On the asking of the Court, Mr. Jehangir Ahmad Dar, learned GA, has caused appearance on behalf of the respondent-SKIMS who waives notice on behalf of the respondents’ vice Mr. Rais ud din Ganie,

learned Deputy AG and submits that he is not averse to the disposal of the instant petition at this stage or else to the prayer made by the counsel for the petitioner.

9. With the consent of the learned appearing counsel for the parties, the instant writ petition is taken up for final disposal at this stage and is disposed of with a direction to the respondents 1 to 4 to treat the instant writ petition as representation and to accord consideration to the same within a period of four weeks from the date a copy of this order along with writ petition and annexures are made available to the respondents No. 1 to 4, strictly in conformity with the rules and as per law and while according consideration to the representation, due weightage shall be given to communication dated 19.12.2024 issued by the Executive Engineer, Electric Hospital Division Kashmir, which has been placed on record with the writ petition as Annexure-V.
10. The consideration order which is likely to be passed be forwarded to the petitioner through registered post.
11. The writ petition is ***disposed*** of in the manner as indicated above.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR
05.05.2025
Hilal Ahmad