

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

.....

CCP (S) No. 130/2025 in
OWP No. 787/2014.

M/s Sidiq Steel Industry and other (Senior Citizen).

...Petitioner(s)

Through: Mr. Baber Bilal Malik, Advocate.

VERSUS

Atal Dulloo Chief Secretary and Ors.

...Respondent(s)

Through: Mr. Mohsin S. Qadiri, Sr. AAG with
Ms. Nadiya Abdullah, Assisting Counsel.

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

01.09.2025

01. The present Contempt Petition arises out of the judgment dated 1st August, 2025 passed in OWP No. 787 of 2014, whereby the Writ petition preferred by the petitioners was disposed of in the following terms.

“Petitioners are aggrieved of the inaction of respondents as they have not considered the case for waiver of interest etc., while submitting that they are entitled and eligible for such waiver under the Government Order No. 47-IND of 1999 dated 10.02.1999. He claims that the units of the petitioners are sick and the said Government Order makes classification of the sick units and submits that their Industrial units remained closed because of occupation of the premises by the security forces. While relying on the Government Order, petitioners submit that they were entitled to the waiver of interest. Counsel for the respondents 1 to 3 submits that the petitioners are entitled to such waiver only in case they fall within the purview of the Government Order referred to

above and it is admitted by them that the claim of the petitioners to that extent has not been determined by the respondents 1 to 3. It is submitted that respondents would consider the claim of the petitioners for such waiver strictly in accordance with provisions of law while taking into account the documents which are being relied by the petitioners. It is submitted by learned counsel for the respondents that respondents would consider the claim of the petitioners for waiver and would take into account the Government Order aforesaid and provisions of law applicable to the same and whether or not such units are entitled would be decided by them within a period of two months.

It is made clear that so far as the order impugned for recovery of rent is concerned, learned counsel for the respondents could not satisfy this Court how the recovery could be effected unless and until the claim of the petitioner is decided by the respondents 1 to 3. In view of this, the recovery of the loan will be subject to the finding to be given by the respondents, till then, obviously, order impugned shall not be acted upon. In view of the above, this petition is disposed of along with connected CM(s), on the aforesaid lines”.

02. Since the aforesaid order was not complied with, the petitioner has filed the instant contempt petition, in which notice was issued on 6th May, 2025.

03. The record reveals that Statement of Facts has been filed on behalf of Respondent No. 6, wherein it has been stated that the SSP, Srinagar, vide communication dated 25th January, 2025, intimated that the premises in question had been vacated by the Security Forces on 26th December, 2024, and was subsequently handed over to the owner on 29th December, 2024.

04. In this backdrop, the matter was further taken up with the Police Headquarters vide communication dated 5th of March, 2025, requesting that necessary directions be issued for release of the pending rentals in respect of the premises beyond 1st December, 2022.

05. In response, the Police Headquarters, vide communication dated 25th March, 2025, reiterated that the matter had already been examined at the PHQ level and that the due rentals would be released in favour of the proprietor herein, subject to production of the necessary NOCs from the J&K SFC, as per the rules governing the subject. In the aforesaid backdrop, the DIG, CKR vide communication dated 23rd of May, 2025, again directed the petitioners to furnish the requisite NOCs from the SFC at the earliest, so that the rentals for the period from 1st December, 2022 to 26th December, 2024 could be released. Since the petitioners failed to produce the NOCs as mandated by the Government, the rentals could not be released.

06. The record further reveals that the Writ petition preferred by the petitioners were disposed of in light of the stand taken by the respondents, wherein the respondents had submitted that the petitioners are entitled to such waiver only if they fall within the ambit of Government Order No. 47-IND of 1999, dated 10th February, 1999. It was further admitted before the Writ Court that the claim of the petitioners, to that extent, had not been determined by Respondent No. 1 to 3. In view of the stand taken by the respondents, and the submissions made by the learned counsel appearing for the respondents that the claim of the petitioners for such waiver would be considered strictly in accordance with law and upon examination of the documents relied upon by the petitioners, the writ petition was disposed of with a direction to the respondents to consider the petitioner's claim for such waiver and for recovery of loan.

07. The subject matter before the Writ Court pertained to the order impugned, which related to the recovery of rent. However, recovery of rent couldn't be affected unless and until the claim of the petitioners is decided by

respondent Nos. 1 to 3. Having regard to the peculiar facts and circumstances of the case, the learned Writ Court directed that the recovery of loan shall remain subject to the findings to be returned by the respondents, and until such determination is made, the respondents were restrained from acting upon the order impugned. The Writ petition was accordingly disposed of in the manner indicated above.

08. Thus, from a bare perusal of the directions passed by the learned Writ Court, it is evidently clear that the recovery of the loan was made subject to the findings to be returned by the respondents, which, till date, has not been done. As a result, the order impugned has not been acted upon, and the petitioner continues to remain the beneficiary of inaction on the part of the respondents.

09. In view of the peculiar facts and circumstances of the case, this Court deems it proper to dispose of the present Contempt Petition by directing the concerned respondents to comply with the order passed by this Court dated 1st of August, 2024, which has attained finality, in its letter and spirit, within a period of two weeks from today, vis-à-vis the claim of the petitioner for waiver of the loan amount, in conformity with the aforesaid Government Order. Until such compliance is effected, the order impugned, as already directed by the learned Writ Court, shall not be acted upon, and its continuance shall remain subject to the outcome of the decision to be taken by the respondents in terms of the aforesaid order.

10. In view of the above, the proceedings in the instant contempt petition in the aforesaid backdrop are closed. Rule, if any, shall also stand discharged. It is further made clear that in case decision which is likely to be taken by the concerned respondents as mentioned above goes against the

petitioners, the petitioners in that event will be at liberty to challenge the same by way of appropriate proceedings.

11. Disposed of.

(Wasim Sadiq Nargal)
Judge

SRINAGAR
01.09.2025.
Showkat Khan

