

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

**WP(C) 1046/2025
CM(2729/2025)**

M/S Farooq & Co.

...Petitioner(s)

Through: Mr. Qazi Ayaz, Advocate.

Vs.

Union Territory of J&K and Others.

...Respondent(s)

Through: Mr. Bikramdeep Singh, Dy. AG.

CORAM:

Hon'ble Mr. Justice Wasim Sadiq Nargal, Judge.

ORDER

07.05.2025

01. The petitioner through the medium of the instant petition is aggrieved of non-payment of admitted amount with respect to the execution of work viz. *“fixation of contract for construction/ upgradation of Chamber Yariban road”* allotted by the respondent No. 4 in favour of the petitioner vide allotment Order No. 3915-18 dated 13th December, 2021 for the advertised cost of Rs. 25.00 lacs and the allotted cost of Rs. 15,20,957/-.

02. The further case of the petitioner is that initially an amount of Rs. 2.00 lacs was released by the respondent No. 4 for the work done and the petitioner accordingly continued the rest of the work as well and thereafter the petitioner

requested the concerned JE to prepare the bill and submit the same to the respondent No. 4. The petitioner has completed the work costing about to Rs. 8.00 lacs approximately, however, the additional work for the said road was thereafter allotted to some other contractor.

03. It is the specific case of the petitioner that he has executed the work costing to Rs. 8.00 lacs approximately and out of the said amount, part payment of Rs. 2.00 lacs has been released in favour of the petitioner, whereas, Rs. 6.00 lacs is still outstanding against the respondents.

04. The learned counsel for the petitioner submits that since the petitioner has executed the work, however, an amount of Rs. 6.00 lacs has not been released in his favour and feeling aggrieved of the inaction on part of the respondents, the petitioner approached the Deputy Commissioner, Kupwara, by way of representation, who forwarded the same to the respondent No. 4, yet no action was taken and thereafter the petitioner also served a legal notice to the Deputy Commissioner concerned and has also approached the respondent No. 4 number of times, but till date, the needful has not been done with regard to the redressal of the grievance of the petitioner.

05. Learned counsel for the petitioner submits that he would feel satisfied, if the present writ petition is disposed of at this stage by directing the respondents to treat this writ

petition as representation on behalf of the petitioner and accord consideration to the same, in accordance with law, within some reasonable timeframe.

06. On the asking of the Court, Mr. Bikramdeep Singh, learned Deputy Advocate General has caused appearance on behalf of respondents and is not averse to the disposal of the present petition at this stage or else to the submission made by the counsel for the petitioner. However, he submits that the representation of the petitioner would be considered in accordance with the rules and as per law occupying the field.

07. Without issuing formal notice in the instant case, the same is taken up for final disposal with the consent of the learned counsel for the parties at its threshold and is accordingly disposed of with the direction to the respondent No. 4 to treat this writ petition as representation on behalf of the petitioner and accord consideration to the same strictly in conformity with the rules and as per law, within a period of six weeks, from the date a copy of this Order along with copy of writ petition as also the annexures appended with the writ petition, is made available to the said respondent. Needless to say that in case the petitioner intends to place on record any material certifying the factum of execution of work, he shall be at liberty to do so within a period of one week from today and subject to doing the needful, the respondent No. 4 thereafter shall accord consideration to the representation of the petitioner within a period of six weeks, strictly in

accordance with rules, as already observed hereinabove. The order of consideration which is likely to be passed, be provided to the petitioner through registered post.

08. Writ petition ***disposed of*** along with connected CM in the manner indicated above.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:
07.05.2025
"HAMID"

