

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

**WP(C) 1095/2025  
CM(2901/2025)**

**M/S Alba Power Private Limited.**

**...Petitioner(s)**

Through: Mr. Azhar Ul Amin, Advocate with  
Mr. Nomaan Shafi, Advocate.

**Vs.**

**Union Territory of J&K and Others.**

**...Respondent(s)**

Through: Ms. Nadiya Abdullah, Assisting Counsel vice  
Mr. Mohsin S. Qadri, Sr. AAG.

**CORAM:**

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

**ORDER**

14.05.2025

01. It has been urged by the learned counsel for the petitioner that the instant petition is by way of second round of litigation, as prior to the filing of the present writ petition, the petitioner has also filed a writ petition before this Court which was registered as OWP No. 2403/2018 and the said writ petition was disposed of by this Court vide order dated 28<sup>th</sup> December, 2018 in the following manner:

*“2. Keeping in view the submissions made by learned counsel for the petitioner and the nature of controversy involved, this petition is disposed of at this stage by providing that respondent no.2 shall consider the request of the petitioner for release of his balance amount as projected in*

*its representation dated 30.06.2018 and take appropriate decision thereon within a period of six weeks from the date certified copy of this order is made available to the respondent no.2.*

*3. It may, however, be clarified that this Court has not expressed any opinion about the merits of the claim of the petitioner and the same shall be verified by respondent no.2. If the amount claimed by the petitioner is the admitted payment due to the petitioner, the same shall be released forthwith unless there is some legal impediment in doing so.*

*Disposed of.”*

02. From a perusal of the aforesaid order, it is emphatically clear that the respondents were under a legal obligation to consider the case of the petitioner for release of the balance amount as projected in the representation dated 30<sup>th</sup> June, 2018 and to take appropriate decision thereon, within a period of six weeks from the date certified copy of the said order was made available to the respondent no. 2.

03. Since the aforesaid order was not complied with within the prescribed period, the petitioner was constrained to approach the respondents from time to time by way of representations, however, the respondents have not accorded due consideration to those representations and have not complied the direction passed this Court in its letter and spirit.

04. Feeling aggrieved of the same, the petitioner has filed the instant writ petition by way of second round of litigation, praying therein for the following reliefs:

- a) Issue a writ, order or direction including one in the nature of Mandamus commanding the Respondents to pay the amount of Rs. 2,82,800/- (Rupees Two Lacs Eighty-Two Thousand Eight Hundred Only) against the supplies received in pursuance of Supply Order No.: SGE/II/PDC/139 of 2011 dated 11.03.2011;*
- b) Issue a writ, order or direction including the one in the nature of Mandamus directing the Respondents to pay the compound interest @three times the bank rate with monthly rest with effect from the appointed day till its realisation in terms of Section 16 of the MSME Act.*
- c) Any other order or direction which this Hon'ble Court may deem fit and proper be also issued in favour of the Petitioner and against the Respondents.*

05. Learned counsel for the petitioner submits that the petitioner would feel satisfied, if the present writ petition is disposed of at this stage by directing the respondents to treat the instant 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, Ms. Nadiya Abdullah, learned Assisting Counsel appearing vice Mr. Mohsin S.

Qadri, learned Senior Additional Advocate General enters 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, she submits that the representation of the petitioner would be considered in accordance with the rules and as per law occupying the field.

07. Heard learned counsel for the parties at length and perused the record.

08. Without issuing formal notice, the instant writ petition is taken up for final disposal at its threshold with the consent of the learned counsel for the parties. Accordingly, the same is disposed of with a direction to the respondents to treat this writ petition as representation on behalf of the petitioner and to accord consideration to the same within a period of six weeks from the date of receipt of copy of this order along with copy of writ petition and the annexures appended thereto, strictly in conformity with the rules and as per law. While according consideration to the case of the petitioner, the respondents shall also give due consideration to the order passed by this Court on 28<sup>th</sup> December, 2018 in OWP No. 2403/2018 as also to the communication dated 13<sup>th</sup> December, 2012 addressed by the Chief Engineer, Generation Wing, Kashmir, Power Development Corporation, Bemina, Srinagar to the Superintending Engineer, Generation Circle II, PDS, Srinagar, (Annexure-VIII to the

writ petition). The order of consideration which is likely to be passed by the respondents be provided to the petitioner through registered post.

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

**(Wasim Sadiq Nargal)**  
**Judge**

**SRINAGAR:**

14.05.2025

"HAMID"

