

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

...
WP(C) 1118/2022
CM(2781/2022)
CM(437/2025)

ADIL SHAFI MIR (Age 41 yrs.)
S/O MOHAMMAD SHAFI MIR
R/O BEMINA, SRINAGAR.

.....Petitioner(s)

Through:
Mr. Shahbaz Sikander, Adv.

Versus

1. UNION TERRITORY OF J AND K TH. COMMISSIONER/SECRETARY TO GOVT. PW (R&B) DEPARTMENT, CIVIL SECRETARIAT, SRINAGAR/JAMMU.
2. SUPERINTENDING ENGINEER PW (R&B), CIRCULAR ROAD, PROJECT, SRINAGAR.
3. EXECUTIVE ENGINEER (R&B), LEFT RIVER CIRCULAR ROAD, DIVISION, SAFA KADAL, SRINAGAR.
4. ASSISTANT EXECUTIVE ENGINEER, SYED MANSOOR, SUB DIVISION, LEFT RIVER CIRCULAR ROAD, DIVISION, SRINAGAR.

.....Respondent(s)

Through:
Mr. Alla ud din, AAG
Mr. Waseem Gul, GA

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER (ORAL)

30.10.2025

1. The petitioner through the medium of the instant petition has sought the following relief:

“Writ of Mandamus, directing respondents to release the amount of Rs. 4.13 lacs due to the petitioner for the execution of works as allotted to him in terms of contract dated 13.12.2017.”

2. The learned counsel appearing on behalf of the petitioner has vehemently argued that the petitioner is a registered contractor and was allotted contract for construction of foot path and V-shaped surface drain at Wazpora, Sokalipora, Rajouri Kadal

Road (both Side) by virtue of a valid allotment order No. R&B/LRCR/Allot/4608-13 dated 13.12.2017.

3. The learned counsel further submits that the petitioner has completed the aforesaid work well in time in conformity with the terms and conditions of the allotment order and has raised the bill for an amount of Rs. 5.74 lacs, against the work executed well in time out of which Rs. 1.61 lacs have already been paid and the remaining amount of Rs. 4.13 lacs has not been paid to the petitioner till date without any justifiable cause.
4. The further stand of the petitioner is that the bill submitted by the petitioner came to be forwarded by the respondent No. 4 to the respondent No. 3 vide communication dated 31.05.2018, but despite that, the amount has not been released in favour of the petitioner.
5. It is a specific case of the petitioner that the respondents have admitted the execution and completion of the aforesaid work by the petitioner as also retention of the balance amount without disclosing any plausible reason.
6. It is a specific case of the petitioner that after completion of the work, the site was handed over to the concerned authorities, after satisfying themselves that the work has been executed strictly in tune with the allotment order and the petitioner has also submitted the requisite bills to the competent authority for release of said payment in his favour, but the respondents without any justifiable reason has not released the aforesaid payment till date and feeling aggrieved of the same, the instant petition has been preferred.

7. Per contra, the reply stands filed on behalf of the respondents in which the respondents have taken a ground that the claim of the petitioner is hopelessly time barred and the petitioner approached this court after several years and thus a specific preliminary objection has been taken with regard to the maintainability of the instant petition. The respondents while filing the reply have also taken a specific objection that no due process of law has been followed while allotting the contract or execution of the alleged work and as per the writ court there was no administrative approval/technical sanction in the instant matter.
8. In addition, the respondents have also taken objection that the work was also not reflected in any work programme and, therefore, there was no budgetary provision for the same. The respondents have also taken a specific objection that there is no record which justify that the work has been taken after obtaining proper mandatory administrative approval/technical sanction.
9. Heard the learned counsel for the parties at length and perused the record.
10. At the very outset, learned counsel appearing for the petitioner submits that the issue which is being projected in the instant petition is covered by the Judgment passed by this court in case titled as *“M/S Saint Soldier Engineer and Contractor Pvt. Ltd. Th. Its Director Sham Singh Jamwal Age 66 yrs S/o Sh. Sardar Singh Jamwal, R/o B. P. 159, Channi Himmat, Jammu Vs. UT of J&K Th. Commissioner/Secretary to Govt. PWD (R&B) Department, Jammu &*

Ors.” decided on 26.09.2025 and the learned counsel prays that the instant matter be also disposed of on the same lines what has been held by this court in the aforesaid case.

11. With a view to fortify his claim, Mr. Shahbaz Sikander, learned counsel appearing for the petitioner has drawn the attention of this court that the respondents have admitted the liability of the petitioner which is evident from a bare perusal of the communication dated 27.12.2021 by virtue of which the concerned Executive Engineer has referred the matter to the Superintending Engineer PWD (R&B) for examining the claims of the delayed payments to the contractors.

12. From a bare perusal of the aforesaid communication, it is apparently clear that on the date when the said communication came to be issued in 2021, an amount of Rs. 4.13 lac was pending as an admitted liability in favour of the petitioner. The respondents after having admitted the liability of the petitioner are estopped under law to question the same at this belated stage, particularly when they are enjoying the fruits of the said work and the respondents cannot be allowed to take objection of not having administrative approval post-facto.

13. This aspect of the matter has already been dealt with by this court in judgement passed in the case mentioned supra and accordingly, this court is of the view that the issue which is being projected by the petitioner is covered by the said judgment.

14. Thus, in the aforesaid backdrop, the instant writ petition is allowed in the same terms and on the same lines as held in the case mentioned supra. The respondents are directed to release

the admitted liability in favour the petitioner within a period of four weeks from today.

15. It is made clear that in case the admitted liability to the tune of Rs. 4.13 lacs is not released in favour of the petitioner for the execution of the works as allotted to him in terms of the allotment order dated 30.12.2017, then the petitioner shall be entitled to interest @ 6% per annum from the date the said amount was due and not paid by the respondents till the same is paid in favour the petitioner. The interest component, in such eventuality, shall be borne by the officer responsible for the delay.

16. The writ petition is, accordingly, disposed of in the manner indicated above.

(WASIM SADIQ NARGAL)
JUDGE

Srinagar

30.10.2025

Sakeena-PS

Whether the order is speaking: yes/No
Whether the order is reportable: Yes/No