

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

**Reserved on 17.10.2025
Pronounced on 31.10.2025
Uploaded on 31.10.2025**

WP(C) No. 1111/2024

Altaf Hussain Dar

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

Through: Mr. Owais Shafi, Adv.

vs

Union Territory of J&K and others

..... Respondent(s)

Through: Mr. Bikramdeep Singh, Dy.AG

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

JUDGMENT

1. The petitioner, by means of this petition, seeks directions to the respondents to release an amount of ₹60,24,000/- in his favour for various works executed by him.
2. It is stated that the petitioner executed various works at the behest of respondent Nos. 3 and 4. However, despite the issuance of a completion certificate in his favour, the respondents have not released the amount of ₹60,24,000/-. It is further stated that respondent No. 4, through two communications dated 12.02.2020 and 17.02.2021 respectively, requested respondent No. 2 to release the funds so that the same could be disbursed to the petitioner. Nevertheless, no amount has been released in the petitioner's

favour. The petitioner has provided details of the various work orders in paragraph 4 of the petition, and the particulars of the amount due have been mentioned in paragraph 8 of the petition.

3. The petitioner further states that he served a legal notice dated 01.11.2023 upon the respondents, seeking release of the aforementioned amount; however, this too did not yield any positive outcome.
4. The respondents have submitted a response stating that, as per the report of the Executive Engineer, City Drainage Civil Division, SMC, communicated vide letter dated 12.06.2024, works amounting to ₹60,18,000/- were executed by the Executive Engineer with the approval of the then Superintending Engineer, Drainage Circle, SMC Srinagar. These works were carried out on the verbal instructions of the then MLA, without following any tendering process. It is further stated that the works were executed without obtaining administrative approval. However, technical sanction has been granted, and a test check certificate has also been issued by the Executive Engineer. Additionally, it is stated that the Executive Engineer has already requested the Commissioner, SMC, to settle the petitioner's claim.
5. Heard and perused the record.
6. The claim put forth by the petitioners pertains to the payment of ₹60,24,000/- for various works executed by the petitioner. The respondents, in their reply, have admitted the liability and stated that the delay in payment is due to the non-availability of administrative approval. They

have further indicated that the request for release of payment will be considered once post facto administrative approval is granted.

7. The respondents have admitted both the execution of works and their liability to the petitioner. While they claim the petitioner is entitled to ₹60,18,000/- as opposed to ₹60,24,000/-, this admission of liability means the petitioner cannot be deprived of the amount due to him due to a lack of administrative approval. It was the duty of the respondents and their officials to seek this approval before any work was executed. The contractor cannot, therefore, be denied his legitimate dues simply because administrative approval was lacking.

8. In view of the above, the present writ petition is disposed of with the following directions that:

- a. The respondents shall release the admitted amount of ₹ ₹60,18,000/- to the petitioner, along with simple interest at the rate of 6 % per annum. This interest shall accrue from the date of the filing of the writ petition until the date the amount is actually paid. The entire payment must be completed within a period of three months from the date of the receipt of this order.
- b. Concerning the amount of ₹ 6,000/, the respondents shall consider the petitioner's claim for its release. This consideration must be completed within one month from the date of the receipt of this order. If, upon consideration, the amount is found to be payable to the petitioner, it shall also be released, along with simple interest at

the rate of 6% per annum, accruing from the date of the filing of the instant writ petition until the actual payment is made. Any such payment, if found due, must be released within the abovementioned three-months period.

9. Disposed of.

(RAJNESH OSWAL)
JUDGE

SRINAGAR:

31.10.2025

Rakesh PS

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

