

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

WP(C) 2236/2025 CM(5916/2025)

M/S BARKAT ELECTRICALS SRINAGAR ...Petitioner(s)/Appellant(s)
TH.ITS PROP

Through: Mr. Waqar Ul Haq, Advocate

Vs.

UNION TERRITORY OF J AND K ...Respondent(s)
TH.COMMR/SECTY TO (P.D.D.) AND ORS

Through: Mr. Alla Ud Din, AAG

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

29-10-2025

1. The matter is taken up out of turn at the request of learned counsel appearing for the petitioner.
2. Learned counsel for the petitioner submits that in pursuance to NIT No. 38 of 2018-19 dated 06.09.2018, Contract Award Order No. EDK/Ts/1317-20 dated 08.03.2019 was issued in favour of the petitioner for construction of an 11 KV tap line for providing power supply to Gratnard Balla, Sarpanch Mohalla Gratnard Doban Gratnard, Doban Payeen Gratnard, and Doban Balla Gratnard from the main Gratnard under the "Saubhagya" Scheme at Lolab, District Kupwara, for a total contract amount of Rs. 24,56,026/-.
3. It is further submitted that despite the said amount having been duly recommended and admitted by the respondents for release in favour of the petitioner, an amount of Rs. 23,33,044/- has not been paid without any justifiable reason. The petitioner contends that, in terms of the contract executed between the parties, the respondents were under a legal obligation to release the entire amount strictly in accordance with the agreed payment schedule for the work executed. However, despite repeated representations made by the petitioner, the respondents have failed to release the balance amount of Rs. 23,33,044/-, thereby causing financial loss and hardship to the

petitioner, constraining him to invoke the extraordinary writ jurisdiction of this Court.

4. Learned counsel further submits that the controversy involved in the present petition stands squarely covered by the judgment rendered by this Court in ***M/s Sain Soldier Engineer and Contractor Pvt. Ltd. through its Director vs. Union Territory of J&K through Commissioner/Secretary to Govt. PWD (R&B) Department, Jammu & Ors.***, WP(C) No. 2472/2022, decided on 26.09.2025. It is accordingly prayed that the present petition be disposed of in similar terms.
5. Mr. Alla Ud Din Ganai, learned AAG appearing for the respondents, has no objection to the same.
7. In view of the consensus arrived at between learned counsel for the parties, the present petition is taken up for final disposal at this stage. Accordingly, the petition is disposed of with a direction to the respondents to take a decision regarding the release of the admitted liability in favour of the petitioner strictly in accordance with law, rules, and in the light of the judgment rendered by this Court in *M/s Sain Soldier Engineer and Contractor Pvt. Ltd. (supra)*, within a period of six weeks from the date a copy of this order, along with a copy of the writ petition and its annexures, is made available to them, provided there is no legal impediment in doing so. It is made clear that in the event the admitted liability amount is not released in favour of the petitioner within the time granted by this Court, the petitioner shall be entitled to interest at the rate of 6% per annum from the date the said amount became payable and was withheld by the respondents. The interest component shall be recoverable from the officer(s) responsible for the delay in its release.

6. The decision which is likely to be taken shall be communicated to the petitioner through registered post.

7. Disposed of.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
29-10-2025
Mubashir

