

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

**WP(C) No.905/2022
CM No.2732/2022**

Date of Order: 28.01.2026
Uploaded on: 29.01.2026

Yasin Manzoor, Age 26 years,
S/O Sh. Manzoor Hussain
R/O Village Khankari,
Tehsil and District Rajouri.

.....Petitioner

Through: Mr. Ajaz Chowdhary, Advocate.

Vs

1. **UT of J&K** through
Commissioner/Secretary to Govt.
Public Works Department,
Civil Secretariat, Jammu.
2. The Rajouri Municipal Council,
through its President.
3. The Rajouri Municipal Council,
through its Executive Officer.
4. The Executive Engineer,
PWD (R&B) Division, Rajouri.
5. The Assistant Executive Engineer
PWD (R&B) Sub Division South
Rajouri.

..... Respondents

Through: Ms. Pallavi Sharma, Assisting Counsel vice
Mr. Ravinder Gupta, AAG.

CORAM: HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

(ORDER)

28.01.2026

1. Petitioner, through the medium of this petition, has sought the following reliefs:

- i. Commanding and directing the respondent to release the payment amounting to Rs.14,78,804/- alongwith interest @ 22% per annum in favour of the petitioner in view of the communication dated 14.03.2022 forwarded by the respondent no.4, as the petitioner has already completed the work;
- ii. Commanding and directing the respondents to accord consideration to the representation of the petitioner for release of amount of Rs. 14,78,804/- along with interest @ 22 % per annum.

2. The facts as narrated in the petition are briefly stated as under:

Pursuant to Notice Inviting Tender (NIT) No.122 of 2021-22 dated 29.12.2021, the petitioner participated in the tendering process for construction of Cafeteria and Passenger Shed near Salani Bridge, Rajouri, wherein he was declared as successful bidder and was allotted the aforesaid work for an amount of ₹ 27,78,804/- vide allotment order No.EER/R&B/6/2021-22/22270-75 dated 29.01.2022. On that count, an agreement bearing No.297/OW dated 15.02.2022 was executed between the petitioner and respondent No.4 i.e., Executive Engineer, PW(R&B) Department, Division Rajouri, and thereafter, the petitioner carried out the work in order to complete the same and respondents have released some amount in favour of the petitioner; on directions of District Administration, Rajouri, the under construction structure was dismantled, resulting loss of material to the petitioner, approximately, amounting to rupees six to seven lakhs. On being denied the said amount, the petitioner approached respondent No.5-

Assistant Executive Engineer, PW(R&B) Department, Sub Division South, Rajouri; and Junior Engineer concerned prepared the bill amounting to ₹ 7,85,776/-, however, the said amount has not been released so far. Vide communication No.26106-07 dated 14.03.2022, the Executive Engineer, PW(R&B) Department Division Rajouri submitted the bill for an amount of ₹7,85,776/- to respondent No.3-Executive Officer, Municipal Council, Rajouri, however, the admitted amount has not been released in favour of the petitioner. Feeling aggrieved, the petitioner submitted a representation dated 22.03.2022 before the respondents for release of the amount, and inaction on part of the respondents for release the amount in question, forced the petitioner to knock portals of this Court by way of present petition for redressal of his grievance.

3. Mr. Ajaz Chowdhary, learned counsel for the petitioner submits that the respondents have admitted the work executed by the petitioner, but are shuttling the onus among them, thereby, denying the due payment to the petitioner.

4. It is submitted by learned counsel appearing on behalf of the respondent Nos. 1, 4 and 5 that it is the responsibility of the respondent Nos. 2&3, the indenting department to liquidate the liability.

5. On notice, resisting the petition, the respondent Nos. 1, 4 & 5 [PW(R&B) Department of Union Territory of J&K] have filed their objections wherein it is contended that an amount of ₹ 8,34,000/- has been paid to the

petitioner and another bill amounting to ₹7, 85,776/- has also been submitted to the Executive Officer, Municipal Council, Rajouri, for making payment to the petitioner.

6. Respondent Nos. 2&3 (President and Executive Engineer, respectively of Municipal Council, Rajouri) have also filed their reply affidavit contending therein that bill to the tune of ₹8.33 lakhs was submitted to Executive Engineer, PW(R&B) Department, Division Rajouri, for making payment to the petitioner, however, the Deputy Commissioner, Rajouri vide communication dated 17.03.2022 directed to stop the work by the concerned agency and thereafter under construction structure was demolished by the District Administration and Border Roads Organization on 21.03.2022. It is contended in the reply affidavit filed by respondent Nos. 2 & 3 that CC 2nd bill for payment amounting to ₹7,85,776/- vide No.26106-07 dated 14.03.2022 was submitted however, the said payment could not be released in favour of the petitioner due to lapse of funds. It is also contended that respondent Nos. 2&3 have now taken up the matter with Directorate of Urban Local Bodies, Jammu for release of said amount.

7. Heard learned counsel for the parties, considered their submissions and perused the record annexed with the petition.

8. A perusal of the record reveals that the work was allotted to the petitioner by the Public Works Department of Government of Jammu and

Kashmir and the same was executed to some extent, however, due to orders of Deputy Commissioner, Rajouri, the said work was stopped and under construction structure was got demolished.

9. Reply affidavit of respondent No.2 & 3 is suggestive of the fact that for construction of work done by the petitioner, an amount of ₹8,34,000/- has been paid to him and, admittedly, an additional amount of ₹7,85,776/- is under process for its release, awaiting availability of funds from the Directorate of Urban and Local Bodies, Jammu.

10. In view of the facts and circumstances of the case and pleadings, this petition is, disposed of, with a direction to the respondents, particularly, respondent-Municipal Council Rajouri, to release the admitted amount of ₹7,85,776/- in favour of the petitioner within a period of two months from the date a certified copy of this order is served upon them. It is provided that in case, the needful is not done within the stipulated time period, in that eventuality, the petitioner, shall also be entitled to interest @ 6 % per annum on the admitted amount, which shall be reckoned from the date of filing of this petition till the final payment is made to the petitioner.

11. The petition stands disposed of along with connected application.

(MA CHOWDHARY)
JUDGE

JAMMU
28.01.2026
Surinder