

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

CJ Court

**LPA No. 113/2025 in
CM No. 3584/2025**

Uploaded on:. 18.02.2026

Union Territory of J&K and ors.

..Appellant(s)/Petitioner(s)

Through: Mrs. Monika Kohli, Sr. AAG
(through virtual mode)
Ms. Sagira Jaffer, Assisting counsel

Vs

Tavish Engineering Works

..... Respondents

Through: Mr. Farhan Mirza, Advocate

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

**ORDER
12.02.2026**

1. Through this intra-court appeal, the appellants have impugned the judgment dated 11.11.2024 passed by the learned writ court in WP(C) No. 1673/2020, whereby the appellants have been directed to release an amount of Rs. 62,52,246/- in favour of the respondent alongwith interest at the rate of 6% per annum from the date of filing of the writ petition till its realization.
2. Brief facts of the case are that the respondent claimed to have supplied 1950 number of B.A wire crates out of a total order of 2000 crates to the Block Development Officer, Nagrota pursuant to supply orders dated 16.09.2014, 16.09.2014 and 20.09.2014 issued by the Assistant

Commissioner Development, Jammu to the General Manager, Small Scale Industrial Development Corporation (SICOP). It was urged by the respondent that an amount of Rs. 34,70,000/- was released through SICOP in its favour for 694 crates out of total 1950 crates supplied to the office of BDO, Nagrota, but payment of Rs. 62,52,246/- regarding 1245 crates was not released. Aggrieved of non-release of the aforesaid amount, the respondent invoked the writ jurisdiction seeking the following reliefs:

I. **Mandamus** commanding the respondent Nos. 1, 3, 4 and 7 to release the payment of Rs. 62,62,246/- (Rupees Sixty Two lacs Sixty Two thousand Two hundred forty six only) on account of material supplied under SDRF Scheme i.e. 1254 crates to the respondent Nos. 5 & 6 i.e. SICOP, Jammu for making further payment to petitioner.

ii. **Mandamus** commanding upon Respondent No. 2 to release the funds if not as per the communication bearing No. ACD/J/2016-17/20153-56 dated 13/12/2016 issued by the Respondent No. 4 i.e. Assistant Commissioner Development, Jammu.

iii. Such other relief which this Hon'ble Court may deem fit and proper in the given circumstances of the case may kindly be passed in favour of the petitioner as against the respondents."

3. In the response filed by the respondent Nos. 5 & 6 to the writ petition /appellant No.5 (SICOP), it was submitted that pursuant to the supply orders of Assistant Commissioner Development, Jammu i.e. appellant No. 3, the respondent delivered the said items to the intending department and subsequently, appellant-SICOP raised invoices in favour of BDO, Nagrota for release of payment amounting to Rs. 62,62,246.00. The SICOP further requested the Director, Rural Development Department, Jammu to clear the pending liability of the respondent.
4. In the response filed by the Assistant Commissioner Development, Jammu/appellant No.3, it was stated that the supplies were made by the respondent and the bills were raised through SICOP. It was further stated that payment in respect of 1256 number of crates out of total 1950 crates,

amounting to Rs. 62.52 lacs was not settled under SDRF, as funds under the State Disaster Relief Fund were to be released by the District Development Commissioner and vide communication dated 22.11.2021, the District Development Commissioner i.e. appellant No. 2 was requested to release the funds for making the payment of Rs. 62.52 lacs to the respondent.

5. In contrast to the other appellants, appellant No. 2-the District Development Commissioner, Jammu claimed in its response that the respondent only supplied 770 crates because records demonstrate that M/s Deepak supplied 700 crates and M/s Jai Sukrala supplied 480. Of the respondent's reported supply, the BDO, Nagrota, has already paid Rs. 34,70,000/- for 694 crates.
6. Ms. Monika Kohli, learned Senior AAG, has limited the challenge against the impugned judgment solely to the quantity of crates supplied by the respondent. She submitted that, according to the records of the District Development Commissioner, Jammu, the respondent did not supply the entire consignment; rather, only 770 crates were provided, while M/s Deepak and M/s Jai Sukrala supplied the remainder. Consequently, she argued that the Writ Court erred in directing the release of the full amount of Rs. 62,52,246/- to the respondent. Furthermore, she maintained that the funds were to be deposited with SICOP for disbursement to the specific firms that actually fulfilled the supply orders.
7. Per contra, Mr. Farhan Mirza, learned counsel appearing for respondent, has submitted that the stand of the appellant No. 2 is belied by the Rural Development Department and SICOP, therefore, the challenge thrown to the judgment impugned is not tenable. He requested that appellant Nos. 1, 2, 3, 4, and 6 be directed to deposit the court-ordered amount with SICOP, Gangyal, for disbursement to the respondent or the rightful claimants. He

further clarified that since M/s Deepak and M/s Jai Sukrala are proprietary firms owned by the respondent's sons, the dispute over which entity supplied the crates is effectively moot.

8. We have heard learned counsel for the parties and perused the record.
9. The sole dispute raised by appellant No. 2 (District Development Commissioner, Jammu), which contradicts the stand of the other appellants, concerns the volume of crates supplied by the respondent. While the Writ Court directed the release of the full payment to the respondent, the District Development Commissioner maintains that 700 and 480 crates were actually supplied by M/s Deepak and M/s Sukurala, respectively.
10. Given the nature of the dispute and to expedite its resolution, appellants Nos. 1, 2, 3, 4, and 6 are directed to deposit Rs. 62,52,246/-, as determined by the Writ Court, with appellant No. 5 (SICOP) within three months. Upon receipt, SICOP shall verify all supply orders, invoices, and relevant records and thereafter shall release the funds to the entitled parties, strictly adhering to the supply orders and established norms.
11. The impugned judgment stands modified to the aforesaid extent. Interest component shall remain the same. The appeal is, accordingly, disposed of along with connected application.
12. The record furnished by Monika Kohli, learned Senior AAG is returned after perusal.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
12.02.2026
Karam Chand