

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

**Case: WP(C) No.2188/2024
CM No.5333/2024**

Date of Pronouncement: 18.08.2026

Uploaded on: 19.08.2026

Mohd. Shafi Zargar

.....Petitioner(s)

Through: Mr. Rajnesh Singh Parihar, Advocate

vs

The U.T. of Jammu & Kashmir and Ors.

..... Respondent(s)

Through: Ms. Mehar Bali, Assisting counsel to
Mr. Ravinder Gupta, AAG.

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

18.08.2026

1. By way of present writ petition preferred under Article 226 of the Constitution of India, the petitioner seeks the following relief:-

“Writ of Mandamus commanding the respondents to release the outstanding liability/ balanced payment amounting to Rs.22.34 lacs (Rupees twenty two lacs and thirty four thousand only) along with interest @ 6% per annum in favour of the petitioner on account of work done with regard to work i.e. Up-gradation of L025 Basmeena to Gumri Margi, PMGSY-II, Batch-I, 2019-20, Package No.JK04-632, Block: Warwan, District Kishtwar.”

2. The petitioner claims to be a registered "A-Class" Contractor who participated in the e-tendering process issued by respondent No. 3 for the up-gradation of L025 Basmeena to Gumri Margi, PMGSY-II, Batch-I, 2019-20, Block Warwan, District Kishtwar (Length: 04 Kms). Being the lowest tenderer, the petitioner was allotted the aforesaid work for an

amount of Rs. 382.82 lacs. It is contended that while the tender was issued for a length of 04 Kms, the actual work required on-site spans only 2,700 meters, as a road from Inshan to Sukhnai has already been constructed from Margi village. The petitioner further states that the allotted work was completed well within time, keeping in view the challenging climatic conditions prevailing at the work site. It is submitted that following the completion of the baseline work, the blacktopping/macadamization of the road could not be carried out due to the absence of a bridge over the local nallah. The heavy machinery required for macadamization could not cross the nallah owing to the high flow of water. Consequently, the petitioner approached the respondents requesting the construction of a bridge to facilitate the completion of the blacktopping, for which the Public Works Department (PWD) has recently issued a fresh tender.

3. It is further pleaded by the petitioner that through diligent execution, the aforesaid works were completed satisfactorily and in a timely manner. The total bill submitted by the petitioner amounted to Rs.2,09,34,000/-, against which an amount of Rs. 1,87,00,000/- was earmarked. Out of this, after excluding a 7.5% security deposit amounting to Rs.14,02,500/-, a sum of approximately Rs.1,72,00,500/- was paid to the petitioner. However, an outstanding amount of Rs.22,34,000/-, apart from the security deposit and bank guarantee, has not been released in favour of the petitioner. The petitioner contends that there is no justifiable reason to

withhold this outstanding liability, given that the contract was executed successfully and with utmost promptitude. The remaining work of blacktopping could not be executed solely due to the bridge not being constructed by the respondents. As such, the respondents are required to release the entire outstanding balance of Rs.22.34 lacs along with interest, particularly as the petitioner has to disburse outstanding wages to the laborers engaged for the execution of the project.

4. This Court, vide order dated 09.09.2024, while issuing notice in the matter, directed the respondents to consider the case of the petitioner, besides granting them time to file a reply. Thereafter, the matter was listed on 11.05.2026 but could not be considered due to a paucity of time on the said date. Despite the case remaining pending since 2024, no reply has been filed by the respondents till date.
5. Today, when the case was taken up for consideration, the learned counsel for the petitioner submitted that the petitioner would be satisfied if the petition is disposed of with a direction to the respondents to treat the instant writ petition as a representation on behalf of the petitioner and to consider and decide the same within a stipulated timeframe. The learned counsel appearing for the respondents raised no serious objection to the disposal of the petition on the safely mentioned terms. Their statements are dynamic and taken on record.
6. In view of the aforesaid submissions made at the Bar, the instant petition is disposed of with a direction to the respondents to treat the writ petition

of the petitioner as a representation and to consider and decide the same by passing a reasoned and speaking order, after affording a reasonable opportunity of being heard to the petitioner. The entire exercise shall be completed within a period of one month from the date a certified copy of this order is made available by the petitioner to the respondents.

(Sanjay Parihar)
Judge

Jammu
18.08.2026
Narinder

Whether order is speaking? Yes/No.
Whether order is speaking? Yes/No.

