

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGR
(THROUGH VIRTUAL MODE)**

CJ Court

Reserved on 16.02.2026

Pronounced on: 19.02.2026

Uploaded on: 19.02.2026

**Case No. CM No. 342/2026 in
LPA No. 9/2026**

Whether the operative part or full
judgment is pronounced: **Full**

1. UT of J&K through Commissioner/ Secretary Appellant(s)/Petitioner(s)
to Govt, PWD(R&B) Department, Civil
Secretariat, Srinagar
2. Chief Engineer PWD(R&B) Department
Kashmir Srinagar
3. Superintending Engineer PWD(R&B) Circle,
Srinagar/Budgam
4. Executive Engineer, R&B Construction
Division-II Srinagar

Through: Mr. Abdul Rashid Malik, Sr. AAG with
Mr. Mohammad Younis, Adv.

vs

Najeem Hafiz S/o. Habibullah Mattoo, R/o.
Lal Mandi, Srinagar, Age 50 Yrs

Through: None.

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

JUDGMENT

PER OSWAL-J

CM No. 342/2026

1. This is an application seeking condonation of delay of 139 days in filing
the *intra* court appeal against judgment dated 16.07.2025 passed by the
learned Writ Court in WP(C) No. 2570/2022, titled, "Najeem Hafiz vs. U.
T. Of J&K and others", whereby the aforesaid writ petition has been
allowed with the directions to the applicants/appellants to release the

admitted amount to the tune of ₹7,71,988/- in favour of the respondent within six weeks from today, subject to completion of all codal formalities and further in case, the amount is not released within the aforesaid period, the respondent will be entitled to interest at the rate of 6% from the date, the amount was payable and denied by the appellants.

2. For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 139 days in filing the appeal is condoned.
3. Application stands disposed of.
4. Main Appeal is taken on board.

LPA No. 9/2026

1. Heard Mr. A. R Malik, learned Sr. A.A.G.
2. The appellants are aggrieved of the judgment dated 16.07.2025 rendered by the learned Writ Court in WP(C) No. 2570/2022, whereby the appellants have been directed to release the admitted amount to the tune of ₹7,71,988/- in favour of the respondent within six weeks from the order, subject to completion of all codal formalities and further the appellants have been directed to pay the interest to the respondent at the rate of 6% from the date, the amount became payable to him, if the amount is not released within the period fixed by the Writ Court.
3. The appellants challenge the judgment primarily on the ground that the learned Writ Court passed the impugned order without affording the appellants an opportunity to file objections, thereby violating the principles of natural justice. Furthermore, while the original admitted amount has already been released, the balance claimed pertains to unauthorized and

excess work executed by the respondent. It is also contended that the learned Writ Court erred by directing payment based solely on a communication dated 18.10.2022, without critically examining the validity of the alleged 'admitted liability'.

4. Heard and perused the record.
5. The respondent had filed a writ petition bearing WP(C) No. 2570/2022 for commanding the appellants to pay ₹7,71,988/- on account of work namely, “Reconstruction of damaged protection wall along Dal Lake Left Side of SHR from M. A. Ramzana Complex to Hotel Heemal on Boulevard road way to stone masonry work RD-725-rd-800ft”. It was stated that after completion of the work, the respondent submitted all the necessary requisite documents to the satisfaction of the appellants, but he was paid only part amount out of the total amount payable in lieu of the work done by him and the balance payment of ₹7,71,988/- was not made despite written request. The respondent further claimed that he served a legal notice dated 27.05.2022 upon the appellants demanding ₹7,71,988/- but in vain.
6. A perusal of the order impugned, reveals that the appellants did not file the response to the writ petition despite numerous opportunities granted to them. The learned Writ Court, during the course of hearing, took a communication dated 18.10.2022, which was a reply to the legal notice served by the respondent upon the appellants, wherein the appellant No. 4 had admitted the execution of the work and had stated that out of ₹34,96,000/-, an amount of ₹27,26,363/- has already been paid to the

respondent under proper head of account and the remaining amount has not been released due to non-availability of funds.

7. When the learned Senior AAG contended that the original work sanction was limited to ₹86,904/-, the Court posed a specific query, if the sanction was indeed so confined, on what basis had a payment of ₹27,26,363/- already been released and why was the balance still being disputed? The learned counsel was unable to provide a satisfactory justification. Crucially, the appellant failed to challenge the veracity of the communication dated 18.10.2022, effectively leaving the respondent's evidence unrebutted.
8. We find no error in the learned Writ Court's reliance upon the communication dated 18.10.2022 when rendering the impugned judgment. However, we observe that according to said communication, the respondent is entitled to a sum of ₹7,69,637/- only. As there appears to be a clerical error in the calculation of the awarded amount, we find no necessity to issue notice to the respondent for this modification, particularly since the communication was submitted and relied upon by the respondent's own counsel in open court.
9. Having examined the Writ Court's decision, we concur with the findings of the learned Single Judge, save for a minor modification in the awarded amount. The respondent's entitlement is hereby fixed at ₹7,69,637/-. With this modification, the appeal stands **disposed of**.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
02.02.2026
Rakesh PS

Whether the order is speaking:
Whether the order is reportable:

Yes/No.
Yes/No.