

Serial No. 68
Regular Cause List.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

 WP(C) 636/2025
 CM(1578/2025) CM(2065/2026)
 CM(6087/2025).

M/S ULTIMED SOLUTION.

Through: Mr. Owais Shafi, Advocate.

...Petitioner (s)

VERSUS

UNION TERRITORY OF J AND K AND ORS.

Through: Mr. Faheem Nisar Shah, Government Advocate.

...Respondent(s)

CORAM:
HON’BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.

ORDER
31-08-2026

1. The petitioner claims to have supplied “Real Time PCR (Make:- Applied Bio Systems USA) Model:- 7500 Fast DX, with Five year Warranty” to the respondents pursuant to the contract allotted to the petitioner, as claimed in the petition. The grievance projected by the petitioner in the present writ petition is that, despite the supply made by the petitioner, the respondents have illegally and without any authority of law withheld an amount of Rs. 30,45,000/-.
2. The petitioner has placed on record a copy of the supply order dated 4th of March, 2015, and also communication dated 10th of February, 2016, whereby the petitioner has requested respondent No. 5 to release the amount in question, as the petitioner had sought financial assistance for the purpose of discharging the contractual liability.

3. The petitioner claims to have fulfilled all the terms and conditions of the contract, including submission of the performance report and bank guarantee in the form of FDR for an amount of Rs. 2,90,000/-. However, despite numerous representations, the amount was not released in favour of the petitioner.
4. The respondents, in turn, have filed their response, stating therein that the Institute placed an order for supply of Real Time PCR from M/s Ultimed Solution, Chandigarh/Jammu, vide Order No. PS/Acctt/2014-15/8335-62 dated 4th of March, 2015. The invoice bills were raised by M/s Ultimed Solution, Jammu/Chandigarh, and the same were verified by the Medical Officer concerned and forwarded to the Accounts Section for necessary action. Further, the Institute received a letter addressed to the Medical Superintendent, SMHS Hospital, Srinagar, from M/s Ultimed Solution, Chandigarh, dated 14th of March, 2016, wherein it has been stated that Mr. Ajay Sharma was appointed as Sub-Dealer for the State of Jammu and Kashmir and subsequently on his request, appointed Sh. Rajesh Dhar to get his firm registered in the Department of Excise and Taxation, Jammu and Kashmir. However, Mr. Rajesh Dhar fraudulently opened the firm using his name and showed himself as proprietor, regarding which M/s Ultimed Solution, Chandigarh, lodged a police complaint against Sh. Rajesh Dhar.
5. It is further stated that the payment was not released till date due to the dispute between the two parties, M/s Ultimed Solution, Jammu and M/s Ultimed Solution, Chandigarh, and the same would be released after the parties would sort out the issue arising between them.

6. The petitioner has filed *CM No. 2065 of 2026* for taking on record the undertaking of Sh. Loveneesh Arya and for deposit of the withheld amount of Rs. 30,45,000/- before the Registry of this Court.
7. It is stated that Sh. Loveneesh Arya has furnished an undertaking, whereby he has stated that his grievance regarding alleged misuse of the name of his firm, Ultimed Solution, by the petitioner arose purely on account of misunderstanding between the parties, which has since been amicably resolved.
8. The application is *allowed* and the undertaking of Sh. Loveneesh Arya is taken on record.
9. Heard learned counsel for the parties and perused the record.
10. The grievance projected by the petitioner in the present petition is withholding of an amount of Rs. 30,45,000/- by the respondents, despite the fact that the product pursuant to the supply order dated 4th of March, 2025, was supplied to the respondents.
11. The respondents cannot be said to have illegally withheld the amount, as they had genuine reasons available to withhold the amount in view of the complaint made by one Sh. Loveneesh Arya, who claimed to be the proprietor of M/s Ultimed Solution. It is the stand of the respondents that, as and when the dispute between the petitioner and one Sh. Loveneesh Arya is resolved, the payment shall be released.
12. The petitioner has placed on record the undertaking executed by Sh. Loveneesh Arya, proprietor of M/s Ultimed Solution, Chandigarh, wherein he has stated that there was some misunderstanding between him and the

petitioner and that he has no objection whatsoever if the Medical Superintendent, Government SMHS Hospital, Srinagar, or any officer authorized by him releases the withheld amount in favour of Shri Rajesh Dhar.

13. In view of the above, the present petition is disposed of by directing the respondents to determine the authenticity/veracity of the undertaking executed by Sh. Loveneesh Arya, proprietor of M/s Ultimed Solution, Chandigarh. In the event the undertaking is found to be genuine, the amount withheld by the respondents to the tune of Rs. 30,45,000/- be released in favour of the petitioner. The petitioner shall render all possible assistance to enable the respondents to determine the authenticity/veracity of the undertaking.

14. The entire exercise be completed within a period of three months from the date of receipt of this order, failing which the petitioner shall be entitled to interest at the rate of 6% per annum from the date of passing of this order.

15. The petition shall stand *disposed* of along with connected CMs.

(Rajnish Oswal)
Judge

SRINAGAR
31-08-2026
Showkat Khan