

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT
SRINAGAR

WP(C) No. 1900/2026 CM No. 5108/2026

C/w

(i) WP(C) No. 1439/2025 CM No. 3728/2025, CM No.
4470/2026 (ii) WP(C) No. 784/2026 CM No. 1991/2026

Mohd Shafi Malik

..... Appellant/petitioner(s)

Through: -

Mr. Jahangir Iqbal Ganai, Sr. Advocate with Mr. Mir Kamil, Advocate
Mr. P. Imroz, Advocate in WP(C) No. 784/2026

V/S

UT of J&K and Ors.

..... Respondent(s)

Through: -

Mr. Mohsin Qadri, Sr. AAG with Mr. Ilyas Nazir, GA along with
Mr. Mir Nasrool Hilal-Chief Executive Officer, PDA & (Mr. Tariq Hussain, CEO,
Gulmarg Development Authority through VC)
Mr. P. Imroz, Advocate with Ms. Tabish, Advocate for WP(C) No. 1439/2025

CORAM:

HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

(ORDER)

12.08.2026

01. By way of the instant petition, the petitioner has sought quashing of the communication dated 30.07.2026, for short impugned communication, whereby the petitioner has been directed to discontinue the Zip Line activity being carried out at Betab Valley.

BREIF FACTS OF THE CASE

02. An E-bidding Auction notice bearing No. 05/PDA/GeM/e-auction of 2024 dated 02.04.2024, has been issued for out-sourcing of operation and management of various assets on license basis of the Pahalgam Development Authority, viz assets in respect of Betab Valley Picnic Spot including parking place, amusement rides and Toilet blocks.
03. The said tender was allotted in favour of the petitioner after having been declared as H1 for having offered a bid of Rs. 19.10 Crores against the

advertised minimum reserved bid of Rs. 04.97 Crores for a period of three years. Consequently, the asset outsourced was given to the petitioner on 07.05.2024, which included the items partially/totally damaged as reflected in the handover/takeover document, constraining the petitioner to move a representation before the respondents.

04. The petitioner was made to suffer on account of closure of operation of the asset due to Shri Amarnath Ji Yatra, 2024, prompting the petitioner to again move a representation before respondent No. 3, requesting therein that the period of two months, during which the park remained closed be extended in the period of contract or proportionate amount be deducted from the total bid accepted by the Pahalgam Development Authority.
05. The respondents, during deliberations on the issue, agreed that allottee shall be given an opportunity to clear the payment of next year (2025) in two instalments. However, the Pahalgam Development Authority issued a communication dated 27.03.2025, whereby the petitioner was asked to deposit the entire bid amount of Rs. 07.64 Crores. A circular on the similar lines was also issued by the Pahalgam Development Authority on 16.04.2025. The petitioner represented against the said communication and circular echoing his concern of contractual violation. The petitioner pointed out in the representation that the Baisaran Park remained closed for visitors due to a terrorist incident that took place on 22.04.2025, therefore, the direction communicated in terms of communication dated 27.03.2025, by the Pahalgam Development Authority is uncalled for.
06. Thereafter, the Pahalgam Development Authority, despite having admitted that the Park remained closed for visitors for a considerable amount of time and that the assets were provided to the petitioner in

partially/total damaged condition, issued yet another communication bearing No. CEO/PDA/Ests/695-97 dated 05.06.2025, calling upon the petitioner to deposit the entire bid amount of Rs. 07.64 Crores for the year 2025-2026, failing which the allotment shall be deemed to have been cancelled.

07. The said communication was challenged by the petitioner before this Court in a writ petition, WP(C) 1439/2025, wherein the operation of the communication was stayed in terms of order dated 19.06.2025 and the respondents were directed to allow the petitioner to operate and run the Betab Valley Park at Pahalgam subject to payment of outstanding second year bid amount regarding which a reasonable relaxation/lenient view needs to be taken, having regard to the closure of park during peak tourist reason. The respondents in the said writ petition, in their objections, had taken a stand that the petitioner has been duly compensated by allowing him to install a Zip Line activity vide letter No. CEO/PDA/Ests/3484-85 dated 10.10.2024, which activity is operational inside the park.
08. The respondent No. 3, in disregard of the stand taken by them in this Court as averred in the objections filed in opposition to the WP(C) No. 1439/2025, in a very casual and mechanical manner issued the impugned communication dated 30.07.2026, calling upon the petitioner to stop the Zip Line activity forthwith. Mr. Mohsin Qadri, learned Sr. AAG, however, submits that on his advice the said objections have not been filed till date, only a copy of the same was furnished to the other side.
09. Aggrieved of the said impugned communication, the petitioner has filed the instant petition, challenging the same inter alia on the grounds that the impugned communication is an outcome of non-application of mind

inasmuch as the Zip Line activity has been termed as “unauthorized” by the respondent No. 3, in disregard of the fact that the said activity was undertaken and made operational on the directions of the respondents themselves, after proper permission granted in terms of communication dated 10.10.2024, so as to enable the petitioner to mitigate the losses suffered by him due to the closure of Betab Valley Park during peak tourist season by the Security Forces; the respondents cannot approbate and reprobate with regard to the authorization granted in favour of the petitioner to operate the Zip Line activity inside the Park; the impugned communication is irrational, unjust, unfair, violating with impunity the principles of legitimate expectations; the impugned communication is unsustainable in law being hit by the doctrine of promissory estoppel; the impugned communication has been issued without any prior show cause notice.

10. Heard learned counsel for the parties, perused the material placed on record including the impugned communication and considered the submissions made.
11. It appears that a writ petition, WP(C) No. 1439/2025, has already been filed before this Court on the subject arising out of the same tender notice as in the instant petition, with an exception of the nature of challenge. In the instant petition, the petitioner while challenging and seeking quashing of the impugned communication is also seeking a direction upon the respondents to allow him to continue operating the Zip Lone activity in Betab Valley Park at Pahalgam as allowed and authorized by them in terms of communication dated 10.10.2024.
12. Learned senior counsel for the petitioner submits that the same officer, viz respondent No. 3, Chief Executive Officer, Pahalgam Development

Authority has issued two different and contrary communications dated 10.10.2024 and 30.07.2026 on the subject, one, allowing the petitioner to operate the Zip Line activity inside the amusement park so that the loss is compensated and another declaring the same activity as unauthorized. The learned senior counsel, therefore, submits that the impugned communication being wholly unwarranted, deserves to be set aside.

13. Learned senior Additional Advocate General, on the contrary would defend the impugned communication by submitting that the communication dated 10.10.2024, was aimed at to compensate the petitioner for the loss suffered by him on account of closure of the park in question and was a short-term measure which now stands over paving the way for the impugned communication to come into being and occupy the field.
14. The officers who happen to have issued the two alleged contradictory communications are present before the Court, one in person and another through virtual mode. The present incumbent who has issued the impugned communication dated 30.07.2026 submits that the communication dated 10.10.2024, issued by the then Chief Executive Officer, Pahalgam Development Authority was not in accordance with law. He further submits that as the petitioner has suffered loss on account of being unable to operate the amusement activity, he was compensated for a period of two months and, accordingly, the impugned communication dated 30.07.2026 came to be issued, directing the petitioner to stop the Zip Line activity in Betab Valley.

The then Chief Executive Officer, Pahalgam Development Authority, namely, Mr. Tariq Hussain, who is presently now posted as Chief Executive Officer, Gulmarg has also appeared before the Court

through virtual mode, submits that, since the petitioner had suffered loss on account of his inability to operate that amusement activity, he was compensated with the consent of the higher authorities. He further submits that the petitioner was compensated for the period up to the expiry of his tender contract, which was duly informed to Director Tourism vide communication dated 10.10.2024.

15. Learned senior counsel for the petitioner submits that the communication dated 10.10.2024, does not provide for any period for which the Zip Line activity was allowed to be undertaken, therefore, the submission of the senior Additional Advocate General and also the present CEO, PDA, that it was a short-term measure is bereft of reasons.
16. The documents placed on record especially the communication dated 10.10.2024, would go on to suggest that the park in question has indisputably remained closed on two occasions on account of Shri Amarnath Ji Yatra, 2024 and the terrorist attack at Baisaran Park. It is also not disputed that petitioner suffered financial losses on account of such closure of park, and was allowed to operate the Zip Line activity inside the park so that the losses suffered by the petitioner are compensated. That narrows down the controversy to the extent that the arrangement made by the respondents to allow the petitioner to operate the Zip Line activity was for a short-specified period or till the time the tender was valid.
17. The stance of the learned Sr. AAG and that of the present incumbent CEO, PDA, as also the then CEO, that the arrangement of Zip Line activity was either for a short spell of two months or the entire tender period, does not find documentary support, as the communication dated 10.10.2024, by virtue of which the said activity was authorized to be

undertaken does not provide for any specific period for such activity to remain operational for.

18. In terms of communication dated 10.12.2025, issued by CEO, PDA Pahalgam, the case of the petitioner had been recommended to Financial Commissioner by present CEO, PDA-respondent No. 3, for exemption of bid amount of seven months period for the year 2025, enabling the petitioner to execute the developmental works of the park well in time.
19. The learned senior counsel for the petitioner is quite justified in submitting that the petitioner has had the legitimate expectation that he would be allowed/authorized to continue to operate the Zip Line activity in terms of communication dated 10.10.2024 for as long as the tender period is over as the respondents do not deny that the park has remained closed on account of certain acts not attributable to the petitioner and because of which he has suffered financial losses. In fact, the respondents, on their own, have offered the Zip Line activity to be undertaken by the petitioner as an additional alternative to mitigate the loss suffered by him.
20. Learned senior AAG, has conceded that the respondents have admittedly not acted in accordance with law.
21. The impugned communication, in light of what has been said hereinbefore, appears to be not in consonance with law, therefore, is set aside. The respondents are, however, at liberty to proceed in the matter strictly in accordance with law.
22. **Disposed of** along with all connected CM(s) on the above lines.

(i) WP(C) No. 1439/2025 CM No. (3728/2025) CM No. (4470/2026)
(ii) WP(C) No. 784/2026 CM No. (1991/2026).

01. Mr. Mohsin Qadri, learned Sr. AAG, appearing on behalf of the respondents seeks and is granted two weeks' time to file objections in both the petitions, with copy in advance to other side.

02. List on 15.09.2026.

CM No. 4470/2026 in WP(C) No. 1439/2025

Appearance as above.

01. By way of this application, the application, namely, Mohammad Akram Khanday S/o Ali Mohammad Khanday R/o Pahalgam, District Anantnag, seeks his impleadment as a party respondent in WP(C) No. 1439/2025.

02. Notice.

03. Notice is waived by Mr. Kamil, learned counsel appearing for the petitioner. He seeks and is granted two weeks' time to file objections.

04. List as above.

05. Registry is directed to place a copy of this order on each of the file.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
12.08.2026
"Mohammad Yaseen Dar"