

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

WP(C) 2153/2026
CM(5841/2026)

SMART EDGE TECHNO TH. ITS
PROPRIETOR

...Appellant(s)/Petitioner(s)

Through: Ms. Syed Ainain Qadiri, Advocate

Vs.

UT of JK and another

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
02.09.2026

1. In this petition, filed under Article 226 of the Constitution of India, the petitioner seeks the following reliefs:

2. "By a writ of *Mandamus*:

a) The respondents be directed to release the due/admitted payment of Rs. 2,50,223/- (Two Lakhs Fifty Thousand Two Hundred and Twenty-Three) in favour of the petitioner for the work/supplies made by him, along with 18% interest from the date the same has been withheld by the respondent-Corporation.

b) The respondents be burdened with exemplary costs and damages of Rupees Fifty Thousand for the harassment, agony, loss and injury suffered by the petitioner on account of the inaction of the respondents in withholding the payment unnecessarily, or, in the alternative, they may be directed to pay the interest amount incurred by the petitioner from the date the payment has been stopped by the respondents."

3. The background facts enumerated in the petition, under the shade and cover of which the aforesaid relief is being claimed, are that the

Rural Development and Panchayats Department, through the Block Development Officer, Lassipora, Pulwama, placed a supply order upon the petitioner through the Government e-Marketplace (GeM) portal for the supply of HP Desktop Computers, pursuant to Contract No. GEMC-511687786572440 dated 15.09.2022. In pursuance of the said contract, the petitioner supplied the goods in accordance with the prescribed specifications, terms and conditions, for a total consideration of Rs. 2,50,223/-. The petitioner thereafter raised Tax Invoice (Bill) No. SET/2159-22 dated 27.09.2022 for the said amount.

4. The grievance of the petitioner is that, despite having duly supplied the goods and the respondents having received and utilized the same, the admitted amount of Rs. 2,50,223/- has not been released to him. It is alleged that repeated requests and reminders made by the petitioner for the release of the outstanding payment have yielded no result and that the respondents have withheld the payment without assigning any justifiable reason.
5. It is further the case of the petitioner that the continued withholding of the admitted dues has caused him financial hardship and prejudice, particularly as the petitioner had incurred liabilities, including bank dues, in connection with the execution of the supply order. According to the petitioner, the respondents, having derived the benefit of the goods supplied, cannot lawfully retain the corresponding consideration and are under a public duty to release the admitted payment.
6. Learned counsel for the petitioner contends that the Government of India has enjoined upon all Government Departments in all the States, which includes the Union Territory of Jammu and Kashmir, to make purchases through the online mechanism, viz. GeM, and it is in compliance thereof that the respondent-Corporation issued the supply order through GeM in favour of the petitioner. However, the outstanding payment has yet to be cleared by the respondents. According to learned counsel for the petitioner, the petitioner is

being unnecessarily made to run from pillar to post under the garb of bureaucratic wranglings.

7. Ms. Syed Ainain Qadiri, learned counsel for the petitioner, to cement her case set up in the instant writ petition, would submit that since the work/supplies carried out by the petitioner have been advantageously utilized by the respondents, the retention of the payment is illegal and against the principles of natural justice. She further submits that the petitioner is also entitled to compensation, keeping in view the economic inflation and other factors incidental to delayed payments, and that the petitioner has been put to severe adversity and prejudice and, as such, is entitled to restitution on equitable terms.
8. Learned counsel for the petitioner, after arguing the case, has submitted that the instant writ petition can be disposed of at the very threshold by directing the respondents to release the admitted balance payment of Rs. 2,50,223/- in favour of the petitioner.
9. In view of the submissions made by learned counsel for the petitioner and the claim put forth in the writ petition with regard to the release of the outstanding amount of Rs. 2,50,223/- for the work/supplies made by the petitioner, it would be futile to keep this petition pending on board. As such, the writ petition is, accordingly, disposed of with a direction to the respondents to accord effective consideration to the claim of the petitioner for release of the outstanding amount of Rs. 2,50,223/- in favour of the petitioner, if found eligible as expeditiously as possible, preferably within a period of six weeks from the date a copy of this order is served upon the respondents.

10. *Disposed of* along with connected CMs.

**(SANJAY PARIHAR)
JUDGE**

*Srinagar
02.09.2026
"Imtiyaz"*