

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(through virtual mode)

CJ Court

Reserved on 16.12.2025
Pronounced on: 29.01.2026
Uploaded on: 29.01.2026

Case No. LPA No. 307/2025

Whether the operative part or full
judgment is pronounced: Full

1. UT of J&K through Commissioner/
Secretary, Jal Shakti Department, Civil
Secretariat, Srinagar/Jammu. Appellant(s)/Petitioner(s)
2. Chief Engineer, Irrigation and Flood
Control, Jal Shakti Department, Engineering
Complex, Silk Factory, Rajbagh, Srinagar.
3. Superintending Engineer, Hydraulic Circle
Budgam.
4. Executive Engineer, Irrigation Division,
Ompora Budgam.

Vs

Through: Mr. Jehangir Dar, GA

1. Irfan Nazir Bhat (Age 26 yrs)
S/o Nazir Ahmad Bhat,
R/o Mamath, Budgam.
2. Naseer Ahmad Mir (Age 37yrs)
S/o Gh. Ahmad Mir
R/o Mamath, Budgam.
3. Abrar Nazir Bhat(Age 28 yrs)
S/o Nazir Ahmad Bhat.
R/o Mamath, Budgam.
4. Mohammad Sultan Bhat(Age 45yrs)
S/o Abdul Satar
R/o Shaperbugh, Budgam.

Through: Mr. S. N. Ratanpuri, Advocate.

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

JUDGMENT

PER OSWAL-J

CM NO. 8417/2025

1. This is an application seeking condonation of delay of 1226 days in filing the *intra* court appeal against judgment dated 03.06.2022 passed by the learned Writ Court in WP(C) No. 457/2021, titled, “*Irfan Nazir Bhat and others 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 in favour of the respondents in light of the stand taken by them in paragraph No. 4 of their reply, within a period of two months from the date of passing of the order in accordance with law.
2. The applicants have stated that sanction to file appeal was granted by the Law Department on 22.07.2025, and vide communication dated 19.08.2025, the sanction to file the appeal was communicated to the counsel. The cause for delay in filing the appeal projected by the applicants in the present application is that they have been making persistent bona fide efforts to resolve the substantive issue of release of funds, which include:

“a. Repeated communications with the Deputy Commissioner, Budgam, being the competent authority for SDRF funds, requesting release of payments.

b. Convening a high-level meeting on 31.01.2025 as directed by this Hon’ble Court, which was attended by the Additional Chief Secretary, Jal Shakti, the Chief Engineer, I & FC, Kashmir, and the Director Finance, Jal Shakti Department, wherein it was decided to take up the matter

with the “Deputy Commissioner, Budgam for release of funds under SDRF norms.

c. Formal request to the Principal Secretary, Department of Disaster Management, Relief, Rehabilitation and Reconstruction (DMRRR) vide Communication dated 21.08.2025 to examine the matter for early resolution and arrangement of funds, explicitly stating that the Jal Shakti Department was only the executing agency.

e. The Office of the Principal Secretary, DMRRR, vide its Communication dated 15.09.2025, in response directed the appellants to “take up the matter with concerned Deputy Commissioner for further appropriate action,” which irrefutably establishes that the Deputy Commissioner is the competent authority. Pursuant thereto, the matter was diligently taken up with the concerned Deputy Commissioner. However, no fruitful resolution was achieved at that level, leaving the core issue of fund allocation and certificate unresolved.

f. That the appellants continued their Bonafide efforts and vigorously pursued the matter at all relevant administrative levels. As a directed result of these proactive efforts and to ensure the early resolution of the matter, the appellants have successfully solicited the intervention of the highest office. Consequently, the Chief Secretary, J&K had been pleased to convene a high-level meeting which was scheduled on 26-11-2025 at 2:30 P.M. in his office chambers to deliberate on critical issues pertaining to SDRF works, including the permissibility of works under SDRF norms, certification by Deputy Commissioners, and the stands of various departments on liability.

g. That due to unforeseen administrative exigencies, the high-level meeting scheduled for 26.11.2025 under the

chairmanship of the Chief Secretary, J&K, could not be convened as planned and the meeting has not been rescheduled. The outcome of this rescheduled meeting is crucial for the resolution of the matter.

h. That the appellants have also been diligently pursuing the matter before this Hon'ble Court by filing CM No. 8299/2024 for impleadment of the District Development Commissioner Budgam as a necessary party, which demonstrates the appellants' ongoing efforts to resolve the substantive issues".

3. Precisely, the stand of the applicants is that they made serious efforts to resolve the issue for release of funds through various channels and, as such, the delay has occasioned in filing the appeal, which is neither wilful nor deliberate.
4. Heard learned counsel for the parties and perused the record.
5. The order impugned was passed on 03.06.2022, however, the instant application, accompanied by an intra-court appeal, has been filed only on 10.12.2025. While the applicants assert that the Law Department granted sanction on 22.07.2025, the record depicts a different timeline. It shows that sanction was granted vide order dated 07.10.2025, and the learned counsel was informed and requested to file the appeal vide a communication of even date.
6. In the application seeking condonation of delay, it is the positive stand of the applicants that they made whole-hearted efforts to resolve the issue of release of funds through administrative channels but could not. Interestingly, there is no whisper in the application seeking condonation of delay as to what prevented them from assailing the judgment

rendered by the learned writ court after it was pronounced on 03.06.2022 till the end of year, 2024. It is evident that the applicants were not aggrieved of the judgment, passed by the learned Writ Court, but when the learned Single Judge directed the applicants in no uncertain terms to comply the judgment that the applicants decided to assail the judgment through the medium of intra court appeal accompanied with application for condonation of delay. We have no hesitation to say that the applicants have miserably failed to demonstrate any sufficient cause in not filing the appeal within the period of limitation. In **“Shivamma (Dead) by LRs Vs. Karnataka Housing Board and Ors.”**, reported in **2025 INSC 1104**, the Hon’ble Supreme Court of India has held as under:

“263. Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.”

7. Otherwise also on merits, the applicants have no case at all, more particularly when the liability is not disputed and the dispute now raised by the applicants is only regarding the onus to discharge the said liability.

8. In view of the above, we do not find any reason to show indulgence.

This application is found to be misconceived, the same is **dismissed**.

As a natural corollary, the *intra* court appeal shall also stands **dismissed**.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
29.01.2026
Neha-1

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

Yes/No.
Yes/No.

