Serial No. J2

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

(Through Video Conferencing at Jammu)

Reserved On: 15.12.2020.
Pronounced On: 19.12.2020.

WP (C) No. 1971/2020
CM No. 7468/2020

M/s Aditya Tiles Logate Kathua Th. Reena Devi …Petitioner(s)

Through:- Mr. Ankur Sharma, Advocate.

v/s

Union Territory of J and K and others ….Respondent(s)

Through:- Mr. H.A. Siddiqui, Sr. AAG for
Respondents 1, 2 & 5 to 7.
Mr. F.A. Natnoo, AAG for R-3 & 4.

Coram: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

1. In this petition, the petitioner prays for the following reliefs:-

> "**1. MANDAMUS**: Directing the Respondents, to release the withheld payment of the petitioner amounting to Rs. 73,17,456/- qua supply orders vis-a-vis supply of Interlocking Tiles (details of which has been comprehensively given in para 3 of the writ petition);
>
> **2. MANDAMUS**: Directing the Respondents to pay interest @ 18% p.a towards the outstanding amount/ payment amounting to Rs. 73,17,456/- calculable till whole realization of the outstanding, stated herein above."

2. The aforesaid reliefs are being sought on the premise that the petitioner is running a registered firm dealing in supply of Interlocking Tiles.

3. According to the petitioner, respondents issued various supply orders reflected in para 2 of the petition for supply of Interlocking Tiles beginning from the month of March 2018 till June 2020, in respect whereof part payments were made by the respondents and balance payments have been withheld illegally and arbitrarily, despite the fact that supplies of requisite material have been made on time and satisfactorily by the petitioner to the respondents.

4. According to the petitioner there was no slackness or complaint in the goods/ material supplied by him and, as such, the petitioner was entitled to receive the payments of bills raised by him and that the respondents were under legal obligation to pay the due payments to the petitioner for the supply of material in question.

5. According to the petitioner to his utter surprises and dismay the respondents failed to release the outstanding payments for the supplies made and are sleeping over the matter without any justifiable reason. The petitioner states to have incurred huge loss on account of withheld payment by the respondents and the said loss is stated to be recurring one, in that, the petitioner is compelled to pay penal interest to the Bank wherefrom the petitioner has obtained huge loan for running the business.

6. According to the petitioner, despite the fact that respondent No.7 in terms of a Communication dated 16.04.2018, requested the Conservator of Forest East Circle, Jammu to release of amount of Rs.13.98/- lacs in favour of the petitioner, yet the respondents despite *inter se* communications have failed to release withheld payment in favour of the petitioner. A representations dated 28.10.2020 is stated to have been filed by the petitioner before the respondents, which representation is stated to have

yielded no results leaving no option to the petitioner except to seek indulgence of this Court.

7. Learned counsel for the petitioner while making his submissions in line with the contentions urged in the petition prayed for disposal of the petition at this stage, with an innocuous direction to the respondents that they shall consider effectively the release of withheld payment amounting to Rs. 73.17456/- lacs within some stipulated period of time.

8. On asking, Mr. H.A. Siddiqui, Sr. AAG enters appearance and accepts notice for and on behalf of respondents. Mr. Siddiqui is not averse to the disposal of the petition at this stage, in view of the submission made by the learned counsel for the petitioner.

9. **Heard learned counsel for the parties.**

10. Having regard to the controversy involved in the petition, the nature of relief as prayed for by the learned counsel for the petitioner inasmuch as, coupled with submissions made by the learned counsel for the respondents, this petition is taken up for final disposal at this stage and is disposed of as follows:-

> (i) Respondents to accord consideration to the claim of the petitioner for release of withheld payment of Rs. 73.17456/- lacs stated to have accrued in favour of the petitioner on account of supply of Interlocking Tiles to the respondents, within a period of eight weeks from the date of passing of this order (unless there is any legal impediment thereto) and in accordance with law, rules and regulation occupying the field.

11. It is made clear that this Court did not express any opinion about the entitlement of the petitioner qua the amount claimed by him in the petition

from the respondents and thus, nothing hereinabove shall be deemed to be expression of any opinion about the same.

Disposed of along with all connected CM(s).

(JAVED IQBAL WANI)
JUDGE

Jammu
December, 19 2020
Renu

Whether the Order is speaking? *Yes/No*
Whether the Order is reportable? *Yes/No*

HIGH COURT
JAMMU & KASHMIR

RENU BALA
2020.12.17 11:29
I attest to the accuracy and
integrity of this document