

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

07

Case: WP(C) No. 710/2024

Poonam Jain, Age 52 years
Prop. Vaibhav Engineers and Technocrates,
Yard No. 6, Narwal Transport Nagar, Jammu Petitioner

Through: Mr. Sanjay Sharma, Advocate.

VS

1. UT of J&K,
Through its Commissioner/Secretary to Govt.,
PHE Department, Civil Secretariat, Jammu
2. The Executive Engineer,
Jal Shakti (PHE) Division, Reasi Respondents

Through: Mr. Amit Gupta, AAG.

CORAM: HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER
01.04.2024

01. Petitioner, through the medium of this petition seeks following reliefs:-

- i) Commanding the respondents to release the outstanding liability amounting to Rs.19,38,000/- (Rupees Nineteen Lakh Thirty Eight Thousand only) in favour of the petitioner's firm under the name of 'Vaibhav Engineers and Technocrates' on account of execution and completion of allotted work pursuant to Tender Notice No. PHER/144497-14545 dated 03.02.2021;*
- ii) Commanding the respondents to pay interest @6% per annum on account of delay in making the payment to the petitioner's firm as per the judgment passed by the Hon'ble Apex Court in various pronouncements;*
- iii) Commanding the respondents to decide the representation submitted before the respondents by the petitioner seeking release of the outstanding amount along with interest from the date it is due to the petitioner's firm; and*
- iv) Any other relief to which this Hon'ble Court deems the petitioner is entitled for, may also be granted in favour of petitioner in the circumstances of the case.*

02. The Case as set up by the petitioner is that respondent no. 2 vide E-tender invited the eligible firms for completion of work for providing/installation/testing/commission of 3000 GPH x 250 Mtrs Head HC Pump Set (2 Nos) for (Stage-0) at WSS Sersundwan near Borewell site. It is contented that the petitioner's firm under the name of 'Vaibhav Engineers and Technocrats' being most eligible, applied for the tender notice (supra) and respondent no. 2 vide order No. PHER/408-14 dated 03.03.2021 allotted the work in favour of the petitioner's firm; that the petitioner's firm, completed the allotted work and handed over the site to respondent no. 2, who after inspecting the same to his utmost satisfaction issued the work done/experience certificate in favour of the petitioner's firm. It is stated by learned counsel for the petitioner that after completion of work, the petitioner approached respondent no. 2 by filing the representations from time to time for the release of amount for the work done to the satisfaction of the respondents, however, payment has not been released so far.

03. Learned counsel for the petitioner submits that petitioner has placed on record the Work Done/Experience Certificate issued by Executive Engineer Jal Shakti (PHE) Division Reasi, on 09.04.2022 wherein it is certified that M/S Vaibhav Engineers and Technocrats Yard No. 06, Narwal Transport Nagar Jammu has successfully completed the work pursuant to Tender Notice No. PHER/144497-14545 dated 03.02.2021. He further submits that petitioner would feel satisfied in case the present petition is disposed of at this stage with a direction to the respondents to consider the representations of the petitioner for release of outstanding amount along with interest from the date the same is due to the petitioner.

04. Mr. Amit Gupta, learned AAG who caused appearance on behalf of the respondents, submits that he is not averse to the aforesaid plea provided the entitlement as projected by the petitioner is verified.

05. Keeping in view the facts and circumstances including the submissions made by learned counsel for the parties, the present petition is **disposed of** at the motion stage with a direction to the respondents to consider the representation of the petitioner for release of outstanding admitted amount subject to verifications in the light of Work Done/Experience Certificate issued by Executive Engineer, Jal Shakti (PHE) Division Reasi on 09.04.2022, within a period of four weeks from the date a copy of this order is served upon them.

06. Disposed of accordingly along with connected application(s).

(MA Chowdhary)
Judge

Jammu
01.04.2024
Abinash

