

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 952/2024
CM No. 2338/2024

Sarsher Ahmed and another

.... Petitioner/Appellant(s)

Through:- Mr. Sudesh Sharma, Advocate.

V/s

UT of J&K and others

.....Respondent(s)

Through:- Mr. S.S. Nanda, Sr. AAG

CORAM: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

03.05.2024

01. Heard.

02. Notice.

03. Mr. S.S. Nanda, learned Sr. AAG, accepts notice on behalf of the respondents.

04. The case of the petitioners is that the petitioner No. 1 was allotted the work of construction and repair of the T/road from Badakana to Pakho Morh Pyt Badakana Block, Plangarh under (PRI) vide allotment order No. XEN/REW/R/2021-22/12655-59 dated 28.02.2022 by the Executive Engineer, REW, Division Rajouri, for an amount of Rs. 2,00,000/-. In order to ensure the completion of the work within the stipulated time as per the allotment order, petitioner No. 1 hired the services of petitioner No. 2. Both the petitioners executed the aforementioned work within the stipulated time. After completing the work, respondent No. 4-Executive Engineer, REW, Division Rajouri, prepared and submitted a bill for the work for an amount of Rs. 1,78,100/-, however, the respondents released only Rs. 78,100/- in

favour of the petitioners but withheld the remaining admitted liability of Rs. 1,00,000/- for the work allotted and executed by the petitioners.

05. The petitioner No. 1 completed the aforesaid allotted work and submitted the final bill after completing all the formalities as per the terms and conditions of the contract but the respondents did not release the amount in favour of the petitioner No. 1, which prompted the petitioner to file the present petition.

06. Learned counsel for the petitioner submits that he would be satisfied if this petition is disposed of at this stage by directing the respondents to consider and decide the claim of the petitioner No. 1 with regard to the admitted liability after verifying the bill.

07. Mr. S.S. Nanda, learned Sr. AAG, submits that the claim of the petitioner No. 1 would be considered after verifying the bill of the work allotted and if the amount is found due to petitioner No. 1, the same would be released in favour of the petitioner No. 1.

08. In view of the above, this petition is disposed of at this stage by directing the respondents to consider and decide the claim of petitioner No. 1 after verifying the bill and if any amount is found due to petitioner No. 1, the same would be released in his favour by passing necessary orders in this regard within a period of three months from the date a copy of this order is served upon them.

09. **Disposed of** accordingly.

(Vinod Chatterji Koul)
Judge

Jammu:

03.05.2024

Javid Iqbal