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Regular

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 3012/2024
CM No. 8187/2024

M/s SL Road Construction

….. Petitioner (s)

Through: Mr. Jahangir Iqbal Ganai, Sr.Adv.
with Ms. Mehnaz Rather
and Mr. Owais Dar, Advocates.

V/s

Union Territory of J&K & Ors

….. Respondent(s)

Through: Mr. Mubashir Majid, Dy. AG

Coram:

Hon'ble Mr. Justice Sanjay Dhar, Judge.

ORDER

23.12.2024

1. The petitioner has sought a direction upon the respondents to release the retention money amounting to Rs. 35,75,419/- which according to it is due on account of successful completion of certain works. The petitioner has also sought interest @ 15% per annum on the aforesaid amount.
2. According to the petitioner, pursuant to NIT No. 04 of 2019 dated 27.05.2019 it was awarded the works relating to;

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S/No	Works
01.	Macadamization of Fruit/Vegetable Market at Handwara
02.	Macadamization of Fruit/Vegetable Market at Baramulla (Wet Land Side)
03.	Macadamization of Fruit/Vegetable Market at Baramulla (Auction Phar Side)

The petitioner has placed on record copies of allotment orders dated 26.07.2019 to support its aforesaid contention.

3. According to the petitioner, the aforesaid works were executed by it to the entire satisfaction of the respondents who have released 90% of the bill amount whereas 10% of the bill amount has been retained by the respondents. It has been submitted that once the works were executed by the petitioner to the entire satisfaction of the respondents, they were obliged to release the balance 10% amount of the bills. According to the petitioner, balance 10% of the amount of bill in respect of Macadamization of Fruit/Vegetable Market at Handwara comes to Rs. 11,22,554/-, in respect of Macadamization of Fruit/Vegetable Market at Baramulla (Wet Land Side) it comes to Rs. 11,07,265/- and in respect of Macadamization of Fruit/Vegetable Market at Baramulla (Auction Phar Side) it comes to Rs. 13,45,600/-

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4. It has been submitted that the petitioner was informed that due to reorganization of R&B Department, the record pertaining to its case has been handed over to respondent No. 5-Executive Engineer, R&B Division, Handwara, Kupwara, whereafter the petitioner is stated to have filed a representation dated 22.11.2024 before respondent No. 1 and 2 seeking release of total withheld amount of Rs. 35,75,419/-. However, according to the petitioner this undisputed outstanding amount due to the petitioner has not been released by the respondents till date. Hence the present petition.
5. Issue notice to the respondents.
6. Mr. Mubashir Majid, learned Dy. AG enters appearance and accepts notice on behalf of the respondents.
7. Learned Senior Counsel appearing on behalf of the petitioner has submitted that the petitioner would feel satisfied if a direction is issued to the respondents to consider its claim within a specified time so that the outstanding amount is released in its favour at the earliest.
8. In view of the above, the writ petition is disposed of at the threshold itself by directing the respondents to consider the release of outstanding amount in favour of the petitioner in

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accordance with the rules and guidelines holding the field most expeditiously preferably within a period of two months from the date a copy of this order is made available to the respondents

9. Disposed of as above.

(Sanjay Dhar)
Judge

SRINAGAR
23.12.2024
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HIGH COURT
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