Sr. No.6

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

LPA 147/2025 in[OWP 942/2016]
CM(4174/2025)

SHEIKH FEROZ AHMAD …Petitioner(s)/appellant(s)

Through: Mr. Z. A. Shah, Sr. Advocate with
Mr. A. Hanan, Advocate

Vs.

UNION TERRITORY OF J AND K AND ORS ...Respondent(s)

Through: Mr. Ilyas Laway, GA

CORAM:

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

O R D E R
31-07-2025

1. Learned senior counsel for the appellant, as always, fairly concedes that the appellant is a defaulter. For despite opportunity he failed to comply with the order dated May 31st 2025. However, he submits that his intent and bona fides cannot be doubted as he had already remitted 50% of the sale consideration as per the terms of allotment. However, the balance 50% of the amount could not be paid owing to multiple factors such as economic crisis and lack of business viabilities.
2. Be that as it may, he submits that even today the appellant is ready and willing to clear all the outstanding dues and all that he prays for is a reasonable time to establish his bona fides. It is submitted that he is willing to deposit Rs. 50.00 lacs within three days and shall clear the entire outstanding dues by 31st December, 2025. And not just that, even in the interregnum, if it is financially viable, he would discharge his liability at the earliest.
3. To this, learned counsel for the respondents, on instructions, submits that as regards the total outstanding premium, the appellant was/is required to remit Rs. 1,72, 46,650/-. And

similarly the total rental outstanding as on April 30, 2025 was/is Rs. 60,31,638/-. Thus, in the event, the appellant deposits the said amounts within a week from today and the balance outstanding within the next two months, the authorities would consider de-sealing the premises and restore the site/property.

4. In response, learned senior counsel for the appellant submits that *qua* this, he would require time to seek conclusive instructions if the appellant is indeed in a position to deposit the requisite amount within the time indicated by the learned counsel for the respondents.

5. Be that as it may, he submits that the matter is still at large before the writ court. And, thus, in the given circumstances, it would rather be expedient if he is allowed to withdraw the appeal to enable the appellant to move an appropriate application under Section 148 of Civil Procedure Code (before the learned Single Judge) seeking extension of time to clear all outstanding dues. And also to furnish a specific affidavit indicating the precise time within which it would be viable for him to discharge his liabilities.

6. In the wake of position sketched out above and the statements made by learned counsel for the respective parties, we are not required to delve any further into the matter.

7. The appeal, as prayed, is **dismissed** as withdrawn.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

SRINAGAR
31-07-2025
Aamir