Serial No. 7

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 678/2022
CM No. 2152/2022

Qazi Mushtaq Ahmed …..Appellant(s)/Petitioner(s)

Through: Mr. S. Rupinder Singh, Advocate

vs

UT of J&K and ors. ….. Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG with
Ms. Sagira Jaffar, Advocate
Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
17.11.2026

1. The petitioner was allotted the work for construction of Police Station building at Rajouri under Modernization Programme (MOPF) 2014-15. The petitioner claims to have completed 95% of the work except whitewash. It is contended that the Police Department barged into the building in the year 2017 itself and even since then, they have been using the said building as a Police Station. The petitioner further claims that he approached the respondents for release of the funds to enable the petitioner to complete the remaining 5% of the work which includes whitewash and the Managing Director of Police Housing Corporation also took up the matter with Director General of Police for release of Rs. 40 Lacs but the said amount was not released.

2. By placing these facts before this Court, the petitioner has sought issuance of direction upon the respondents to release the amount of Rs. 40 Lacs along with interest @18% per annum from the date of withholding of the payment till its actual payment.

3. Respondent Nos. 3 to 5 have filed response, stating therein that the petitioner has completed 95% of the work and the payment for the same has already been released in his favour. It is stated that till 2017, an amount of Rs. 22.40 Lacs was released in favour of the petitioner and the remaining amount could not be made as the petitioner had abandoned the work and more over the funds were also to be released by the Administrative Department. The funds were released in July, 2022 and the same were released in favour of the petitioner. It is also the stand of respondent Nos. 3 to 5 that after the petitioner abandoned the work, the same was got executed through other contractor and if there is no delay in release of the payment, the same was neither intentional nor deliberate.

4. Heard learned counsel appearing for the parties and perused the record produced by Ms. Sagira Jaffar, Advocate, which after perusal, is returned back to her.

5. The petitioner in the petition has admitted execution of 95% of the work, thus there is admission on his part that 5% of the work was not completed by the petitioner though allegedly on the ground that the Police barged into the building and took over the possession of the same, thereby disabling the petitioner to complete the balance work. This assertion of the petitioner that because of the action of the Police only, he could not complete the balance work is seriously disputed by respondent Nos. 3 to 5, as they have categorically stated in their response that the petitioner abandoned the work, which was got executed through some other contractor.

6. This Court has perused the record and perusal of the same reveals that an amount of Rs. 1,61,900/- and Rs. 35,03000/- was released in favour of the petitioner in the month July, 2022, as such, the total amount paid to the petitioner in the month of July, 2022 is Rs. 36,64,900/-. The balance amount is disputed amount and this Court in exercise of the writ jurisdiction cannot issue any direction to the respondents to release the same in favour of the petitioner, more particularly when it is seriously disputed by the respondents that the balance work was got executed through some other contractor. But equally true is that this writ petition was filed in the month of March, 2022 and the payment of Rs. 36,64,900/- was released in favour of the petitioner in the month of July, 2022 only.

7. Accordingly, the writ petition is disposed of by directing the respondents to pay the interest @9% per annum on the amount of Rs. 36,64,900/- from the date of filing of this petition till July, 2022. So far as the claim of the petitioner with regard to the balance amount is concerned, the petitioner is left free to avail appropriate remedy as available under law.

8. **Disposed of**.

(RAJNESH OSWAL)
JUDGE

Jammu
17.11.2026
Neha-II

NEHA KUMARI
2026.11.17 17:19
I attest to the accuracy and
integrity of this document