

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

WP(C) No.2354/2024
CM No.5736/2024

Ajay Sharma

.....Petitioner/Appellant(s)

Through: Mr. Rajiv Kumar Sharma, Advocate

Vs

Union Territory of J&K and others

..... Respondent(s)

Through: Mr. Amit Gupta, AAG

Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER

30.09.2024

By this petition, the petitioner herein is seeking a direction upon the respondents to release the admitted liability of the contract works executed by the petitioner. It is prayed that the respondents be directed to release the outstanding payment of Rs.8,64,000.00 along with interest @ 18% per annum from the date of completion of the work.

2. The respondents are stated to have engaged the petitioner for execution of following works:-

- i) Restoration of MTC by way of pitching/Grouting/Lining and removal of Mulba silt at RD 14430 mtr.; and
- ii) Restoration of pitching/grouting at RD14400m and including clearance of mulba from RD 14100 mtr. Of MTD; and
- iii) Restoration of MTC by way of pitching/grouting/lining and removal of mulba silt at RD 14430 mtr of MTC.

The petitioner is stated to have completed the allotted all the three works. The petitioner claims to have approached the respondents for release of the amount due to him but he has got nothing except assurance from the respondents that the amount will be released after arrangement of funds.

3. Petitioner herein is aggrieved of the inaction of the respondents for causing delay in releasing the payment due to him for execution of the works by him and, as such, is seeking a direction upon respondents to release the outstanding amount of Rs. 8,64,000/-.

4. It is stated that after completion of the works, petitioner submitted bills to the concerned authorities. Petitioner has placed on record copies of the bills/vouchers submitted to the respondents, perusal whereof reveals that vouchers have been endorsed by the respondents.

5. Learned counsel for the petitioner submits that he would feel satisfied if the respondents are directed to consider the case of the petitioner for release of the outstanding amount of Rs. 8,64,000/- in his favour.

6. Mr. Amit Gupta, AAG, learned counsel appearing for the respondents, states that he would not be averse to the proposition made by the learned counsel for the petitioner.

7. Having regard to the prayer made by learned counsel for the petitioner, the instant writ petition is disposed of at its threshold, with a direction to the respondents to consider the claim of the petitioner as projected in the writ petition and take a decision thereon within a period of two months from the date a certified copy of this Order is made available to the respondents subject to verification of the requisite bills under rules. The decision so taken by the respondents shall be conveyed to the petitioner.

(Moksha Khajuria Kazmi)
Judge

Jammu
30.09.2024
Vinod, PS

Whether the order is reportable: Yes/No