

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

**WP(C) 2236/2022  
CM(5612/2022)**

**Manzoor Ahmad Sofi**

**... Petitioner(s)**

Through: Mr. Adil Asimi, Advocate

**Vs.**

**Union Territory of J&K and Ors.**

**...Respondent(s)**

Through: Mr. Mubashir Majid Malik, Dy. AG

**CORAM:**

**HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE.**

**ORDER**

**31.12.2024**

1. The petitioner has filed the instant petition seeking a direction upon the respondents to release an amount of Rs. 15,11,965/- along with interest in his favour. The petitioner claims to be a contractor who was awarded the execution of construction work viz. "construction of link road BWO Earth filling GSB and WBM G 2<sup>nd</sup> upto to H/O Fh Mohammad Koul at Qammerabad, Qamarwari", vide allotment order No. 22413-18 dated 04.08.2015.

2. The petitioner has submitted that he executed the aforesaid work incurring a cost of Rs. 27,23,965/- out of which he has been paid an amount of Rs. 12,12,000/- leaving a balance of Rs. 15,11,965/- with the respondents. He asserts that the work was executed to the entire satisfaction of the respondents and till date the balance amount of Rs. 15,11,965/- has not been paid to the petitioner.

3. According to the petitioner, a legal notice dated 27.05.2022, came to be served by him upon the respondents, but inspite of the same, the

respondents have not cleared the liability. Hence the present writ petition has been filed.

4. The respondents have filed reply to the writ petition, in which they have submitted that the work in question was allotted to the petitioner vide allotment order dated 04.08.2015 for a sum of Rs. 1,50,473/-. It has been submitted that the petitioner executed the additional work to the tune of Rs. 27,23,965/- out of which an amount of Rs. 12,12,000/- stands paid to him, thus leaving a balance amount of Rs. 15,11,965/-. It has been further submitted that the aforesaid amount has been reflected in the liability statement, which has been submitted to the higher authorities. It has been submitted that the petitioner has been informed that the balance amount will be released in favour of the petitioner after completion of all the necessary codal formalities and when the funds are made available and placed at the disposal of the answering respondent.

5. I have heard learned counsel for the parties and perused the material on record.

6. From the objections filed by the respondents, it is clear that the respondents have not disputed the allotment of work to the petitioner nor have they disputed the fact that work has been executed by the petitioner to the entire satisfaction of the respondent authorities. It has been admitted by the respondents that the petitioner has executed the work to the tune of Rs. 27,23,965/-, out of which an amount of Rs. 12,12,000/- stands released in his favour, leaving an outstanding amount of Rs. 15,11,965/-. According to the respondents, the balance outstanding amount is reflected in their liability statement and that the same would be released in favour of the petitioner after completion of codal formalities and availability of funds.

7. The stand taken by the respondents for not releasing the funds to the petitioner appears to be unjustified because the respondents have after allocating the work to the petitioner allowed him to execute the work without insisting upon completion of codal formalities. By their conduct, the respondents have made the petitioner to mobilize men and machinery and to incur huge expenditure on the work allotted in his favour. By asking the petitioner to change his position to his disadvantage, the respondents have given rise to the legitimate expectation in favour of the petitioner that he would be paid for the work which he has executed.

8. Thus the respondents have made themselves liable to compensate the petitioner for the expenses which he had incurred in competition of the work. The availability of funds are internal matters of official respondents and the petitioner cannot be denied his dues on account of administrative issues which the respondents may be facing in releasing the funds in his favour.

9. In view of the above, the writ petition is allowed and the respondents are directed to release the balance amount of Rs. 15,11,965/- in favour of the petitioner within a period of two months from the date a copy of this order is made available by the petitioner to the respondents. In case the balance amount is not released in favour of the petitioner within the aforesaid period the same shall carry interest @ 6% per annum from the date of filing of writ petition till its realization.

10. **Disposed of.**

**(SANJAY DHAR)**  
**JUDGE**

**SRINAGAR:**  
**31.12.2024**  
"MIR ARIF"

MIR ARIF MANZOOR  
I attest to the accuracy and  
authenticity of this document

02.01.2025