

HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR

WP(C) 2849/2022

M/S S. F. Enterprises

...Petitioner(s)

Through: Mr. Shariq J. Reyaz, Advocate.

Vs.

Union Territory of J&K and Others.

...Respondent(s)

Through: Mr. Syed Musaib, Dy. AG vice  
Mr. Mubeen Wani, Dy. AG for R-1  
Ms. Shaila Shameem, Assisting Counsel vice  
Mr. Alla Ud Din Ganai, AAG for R-2 to 6.

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.

ORDER

31.01.2024

01. In the instant writ petition filed under Article 226 of the Constitution of India, the petitioner is inter alia praying for the following reliefs:

*“Writ in the nature of Mandamus or any other appropriate Writ commanding the Respondents in particular Respondents 2 to 6 to pay and/or cause to pay, in in due discharge of the liability incurred towards the Petitioner Firm amounting to a total of Rs. 17.8 lacs for supply of allied material essential for restoration of electricity in District Kupwara following the damage caused to the Electrical HT/LT Lines as also the electrical devices meant for the smooth transmission of electricity due to heavy snowfall/rains in district Kupwara on 6<sup>th</sup>/7<sup>th</sup> of November, 2019.”*

02. The short grievance projected by the petitioner in this petition is that the Petitioner Firm is engaged in the business of executing Electrical Contracts including Government Contracts in the nature of repair/restoration of damaged electrical lines and transformers and have undertaken and executed successfully the various Contract awarded by the Government from time to time. The learned counsel for the petitioner submits that in view of

untimely snowfall in the District Kupwara on 6<sup>th</sup> and 7<sup>th</sup> November, 2019, the electrical HT/LT lines as also the transmission devices meant for delivery transmission of electricity to the inhabitants of District Kupwara suffered massive damage, resulting in snapping of electricity in the entire area. The learned counsel further submits that an Electronic Notice Inviting Tender (e-nit) was floated by the respondent department for restoration of damaged electrical lines and consequently, vide allotment Order bearing No. EDK/Ts/1931-34 dated 4<sup>th</sup> November, 2019 and Order bearing No. EDK/Ts/3321-34 dated 30<sup>th</sup> March, 2020, work for restoration of the electric in District Kupwara was allotted to the Petitioner Firm.

03. The learned counsel for the Petitioner Firm submits that the Petitioner Firm supplied all the essential allied material meant for the restoration of the electricity in the district Kupwara and, as such, the Respondent Corporation was duty bound in law to disburse/release the admitted amount of Rs. 17.8 lacs towards the Petitioner Firm, however, Respondent Corporation failed to release/disburse the said amount in favour of the Petitioner Firm despite repeated requests for releasing/disbursing the same, leaving the Petitioner Firm with no other option but to approach this Court for redressal of its genuine grievance.

04. At the motion, this Court while issuing notice in terms of order dated 16<sup>th</sup> December, 2022, directed the respondents to consider the claim of the petitioner for making the requisite payments, in case due to the petitioner.

05. The respondents appeared in the matter and filed their reply, in which they have taken a specific stand in Para 2(E) and 2(F), which for the purpose of reference are reproduced below:

2(E) That it is respectfully submitted that the office of Executive Engineer, Electric Division- Kupwara has written many letters to District Development Commissioner, Kupwara for releasing of liability on account of contractors but the payment is still pending.

2(F) That as and when the balance liability will be released by the concerned authority the same will be released in favour of contractors who have done the actual work and have followed due procedures of norms governing the field.”

06. The learned counsel appearing on behalf of petitioner submits that he would feel satisfied if this writ petition is disposed of at this stage with a direction to the respondents to accord consideration to the claim of the petitioner as projected in the writ petition, within the reasonable time frame.

07. The learned counsel appearing for the respondents are not averse to the disposal of the present petition at this stage or else to the prayer made by the counsel for the petitioner. However, they submit that the case of the petitioner would be considered in accordance with the rules and as per law occupying the field.

08. With the consent of the learned counsel appearing for the parties, the instant writ petition is taken up for final disposal and is disposed with a direction to the respondents to accord consideration to the case of the petitioner for release of an amount of Rs. 17.8 lacs, strictly in conformity with the rules and as per law within a period of six weeks, from the date copy of the writ petition along with its annexures as also a copy of this order is made available to the respondents. The order of consideration which is likely to be passed be provided to the learned counsel for the petitioner by registered post. It is made clear that if the amount in question is not released in favour of the petitioner within the aforesaid period, then the petitioner will be entitled to the interest component @ 6% from the date the said amount was due and not paid to the petitioner and same will be recovered from the pocket of the respondent at whose remissness the delay occurs.

09. Writ petition **disposed** of along with connected CM(s).

(WASIM SADIQ NARGAL)  
JUDGE

SRINAGAR:  
31.01.2024  
“Hamid”