
(2021) 02 J&K CK 0016

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 1006 Of 2020, CM No. 4282, 4283, 6955 Of 2020

M/S Faheem Electrical Contractors And Suppliers APPELLANT

Vs

Ut Of Jammu And Kashmir RESPONDENT

Date of Decision : 04-02-2021

Acts Referred:

Citation : (2021) 02 J&K CK 0016

Hon'ble Judges : Sanjay Dhar, J

Bench : Single Bench

Advocate : Z.A Qureshi, Rehana Fayaz, Hakim Aman Ali

Final Decision : Disposed Of

Judgement

1 Through the medium of instant petition, the petitioner has sought a direction against the respondents to release the outstanding payment of

Rs.22,91,083/- along with interest at the rate of 18% per annum.

2 I have heard learned counsel for the parties and perused the pleadings of the parties.

3 As per the case of the petitioner, he was allotted a contract of painting of ST Poles at different places by the respondents. Accordingly, the

petitioner executed the requisite works to the entire satisfaction of the respondents during the financial year 2018-19 and a bill of Rs.22,91,083/ was

submitted by the petitioner before the respondents for its payment. It is contended that respondent No.4 vide his letter dated 03.07.2019 requested

respondent No.3, his superior officer, for release of funds to the tune of Rs.23.00 lac so that the liability of the petitioner is cleared, but the outstanding

amount was not released by the respondents in favour of the petitioner which compelled it to serve a notice of demand dated 09.03.2020 upon the

respondents and in response to the same, respondent No.4 vide his letter dated 18.03.2020 intimated that he has taken up the matter with the higher

authorities. The outstanding amount, according to the petitioner, has still not been cleared by the respondents which compelled him to file the instant petition.

4 The respondents have filed their reply to the instant writ petition in which they have admitted that the petitioner was allotted a contract of painting of

ST poles. The respondents have also admitted that the petitioner has executed the work for an amount of Rs.22,91,083/-. They have further admitted

that the petitioner did approach them for release of payment. According to the respondents, the matter has been taken up with the higher authorities

and as soon as the funds will be available to them, the liability of the petitioner shall be cleared.

5 From the reply of the respondents, it is clear that they have not disputed the liability and have, in fact, admitted that they will clear the said liability as

soon as funds become available to them.

6 On account of admission made by the respondents, the instant petition is allowed and the respondents are directed to release the admitted liability of

Rs. 22,91,083/ in favour of petitioner within a period of six weeks from the date a copy of this order is made available to them. Petition along with

connected CMs stands disposed of accordingly.