
(2023) 12 J&K CK 0048
In the Jammu And Kashmir High Court
Case No : Writ Petition (C) No. 97 Of 2023

M/S Reyaz Ahmad Qadri

APPELLANT

Vs

Ut Of J&K & Others

RESPONDENT

Date of Decision : 11-12-2023

Acts Referred:

Citation : (2023) 12 J&K CK 0048

Hon'ble Judges : Sanjay Dhar, J

Bench : Single Bench

Advocate : Adil Asmi, Raees-Ud-Din Ganai

Final Decision : Disposed Of

Judgement

Sanjay Dhar, J

1) The petitioner has sought a direction upon the respondents to release a sum of Rs.1,56,77,669/ along with interest in his favour.

2) According to the petitioner, respondent No.5 invited tenders vide e-NIT No.e-08 of 2017-18 dated 03.06.2017 for the work (construction of proposed shopping complex at Hari Singh High Street, Srinagar). The petitioner is stated to have responded to the said tender notice and vide order No.SMC/JCW/SE/06-12 dated 10.07.2017 followed by authorization/agreement No.SMC/JCW/SE/17 dated 05.08.2017, the work was allotted in favour of the petitioner and the cost of the work was fixed as Rs.5,52,16,669/. It has been submitted that the work was taken up in the year 2017, however, during the execution of the said work, the respondents desired to raise an additional storey and the petitioner was also asked to undertake the work relating to face lifting of the building/shopping complex. The petitioner is stated to have executed the work for an amount of Rs.5,52,16,669/, out of which an amount of Rs.3,95,39,000/ has been released in his favour but the balance amount of Rs.1,56,77,669/ is yet to be paid by the respondents.

3) The petitioner is stated to have made a number of representations to the respondents for release of the balance amount but they have not released the same, hence the present writ petition.

4) A number of opportunities were given to the respondents to file their reply to the writ petition but no reply has been filed by them. On 24.11.2023, respondent No.5 appeared in person and submitted that the claim of the petitioner has been processed and a final decision in the matter shall be taken within a week's time. However, today neither any decision has been conveyed to this Court nor any reply has been filed by the respondents. Their right to file reply stands closed.

5) Heard and considered.

6) As per the documents placed on record by the petitioner, he was allotted the work relating to construction of shopping complex at Hari Singh High Street, Srinagar, in terms of allotment order dated 10.07.2017, that was issued pursuant to tender notice dated 03.06.2017. The cost of the work has been mentioned as Rs.5,52,16,669/, regarding which the petitioner has raised bills upon the respondents that have been verified by them. Copies of the bills have been placed on record. According to the petitioner an amount of Rs.3,95,39,000/ stands released in his favour and balance amount of Rs.1,56,77,669/ is still outstanding against the respondents.

7) The respondents have not filed any reply to the writ petition to contest the claim of the petitioner regarding outstanding amount of Rs.1,56,77,669/. Thus, the assertions of the petitioner have remained unrebutted.

8) In view of the above, the writ petition is disposed of with a direction to the respondents to release the balance amount of Rs.1,56,77,669/ (rupees one crore fifty-six lacs seventy-seven thousand six hundred and sixty-nine only) in favour of the petitioner within a period of two months from today, failing which the said amount shall carry interest @6% per annum from the date of filing of the writ petition till realization of the amount.