Sr. No. 28

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 1202/2024
CM No. 3064/2024
Date of Pronouncement:-12.10.2026
Uploaded on:- 13.10.2026

Mohd Farooq …..Petitioner(s)

Through: Mr. Koshal Parihar, Advocate.

Vs.

UT of J&K and others ….. Respondent(s)

Through: Ms. Palvi Sharma, Advocate vice
Mr. Ravinder Gupta, AAG.

Coram: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER(ORAL)

1. The petitioner has approached this Court, seeking direction to the respondents for release of an amount to the tune of ₹14,42,649/- (Rupees Fourteen Lac, Forty Two Thousand, Six Hundred & Forty Nine) on account of the work, which was allotted to him vide allotment order dated 11.02.2017 in pursuance to e-NIT No.50 of 2016-17 dated 22.09.2016. The allotted work pertains to the balance work for construction of record room in Tehsil Office Building at Dharhal.

2. The precise case set up by the petitioner is that, despite completion of work in accordance with the terms and conditions of the allotment order and preparations of the bills by the respondents in this regard, the outstanding amount has not been paid to him by the respondents. On the other hand, the respondents in their objections, have resisted the claim of the petitioner on the ground that the work lacks proper sanction, including administrative approval inasmuch as till date, the completion certificate has not been provided by the respondents.

3. Heard learned counsels for the parties.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

4. Since the matter pertains to a contractual liability and on completion of such work, the liability is strictly governed by the terms and conditions of the contract and if the liability is disputed, writ petition is not an appropriate remedy for adjudication of disputed questions of fact.

5. Notwithstanding the aforesaid legal position, still the petitioner has relied upon the bills prepared by the respondents and the intra department communications, which shows that petitioner has undertaken the work, which was duly allotted to him pursuant to the allotment order dated 11.02.2017.

6. In this view of the matter, the respondents are required to accord consideration to the claim of the petitioner and examine the same on the touchstone of the terms and conditions of the contract.

7. Accordingly, with the consensus of the learned counsels for the parties, the petition is taken on board and is disposed of with a direction to the respondents to consider the claim of the petitioner in the light of the allotment order dated 11.02.2017. The respondents shall release the admissible amount, if any, found due to the petitioner upon completion of all codal formalities, including satisfactory completion of the work so allotted to the petitioner. Let this exercise be completed within a period of eight weeks from the date, copy of this order is made available to the respondents.

8. Writ petition is, accordingly, ***disposed of,*** alongwith connected application.

(Shahzad Azeem)
Judge

Jammu
12.10.2026
Mahavir