

IN THE HIGH COURT OF JAMMU & KASHMIR ANLADAKH
AT SRINAGAR

CCP (S) 447/2023

ABRAQ INFRASTRUCTURES LLP THROUGH ...Petitioner(s)/Appellant(s)
ITS MAGAGING PARTNER REYAZ AHMAD
QADRI

Through: Mr. Adil Asimi, Advocate

Vs.

MR. BHUPINDER KUMAR AND ORS.

...Respondent(s)

Through: Mr. Jehangir Ahmad Dar, GA

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

14-10-2024

1. Respondent no. 6, Deputy Commissioner Srinagar, has appeared through virtual mode.
2. The record reveals that the instant contempt petition was listed on 2nd August, 2024, when respondents were directed to release the amount of Rs. 9,00,44,358 (Nine crore, forty four thousand, three hundred, fifty eight) in favour of the petitioner by or before next date of hearing, failing which, it was observed that coercive measures in terms of order dated 24th April, 2024 read with order dated 10th July, 2024 shall be taken. The aforesaid order came to be passed in the light of the assurance extended by Commissioner/Secretary, Revenue and Commissioner/Secretary, PWD, who were present before this Court and on their assurance last and final opportunity of four weeks was

granted for compliance of the judgement passed by this Court dated 10th July, 2023.

3. Since judgement dated 10th July, 2023, was not complied with in its letter and spirit, this Court vide its order dated 2nd September, 2024, granted two weeks' further time to the respondents to file fresh compliance report, strictly in conformity with judgement dated 10th July, 2023 by reflecting that amount of the admitted liabilities to the tune of Rs. 9,00,44,358 (Nine crore, forty four thousand, three hundred, fifty eight) along with interest @ 6% per annum from the date of passing of the judgement i.e., 10th July, 2023 stands transferred in the account of the petitioner.
4. In spite of the direction issued by this Court from time to time, judgement dated 10th July, 2023, which has assumed finality, has not been complied with in its letter and spirit and when the instant contempt petition was listed before this Court on 18th September, 2024, learned counsel for the respondents submitted that the Administrative Department has already approved the admitted liability of the petitioner on 5th September, 2024, and in the aforesaid backdrop, further time was granted to the respondents to release the admitted liability along with the interest by or before the next date of hearing, failing which, it was observed that the coercive measures shall be initiated against the officers responsible for not complying the said direction.

5. In spite of the concurrence from the Administrative Department for release of the admitted liability on 5th September, 2024 and also in the light of the fact that the direction was issued by this Court in the instant contempt petition on 18th September, 2024, the order was not complied with. On the other hand, Mr. Jehagnir Ahmad Dar, learned Government Advocate, undertook to file fresh compliance report, by or before the next date, by reflecting that the admitted amount to the tune of Rs. Rs. 9,00,44,358 (Nine crore, forty four thousand, three hundred, fifty eight) along with interest @ 6 percent per annum will be transferred in the account of the petitioner, failing which, the personal presence of respondents 1, 5 and 6 before this Court was ordered through virtual mode.
6. Today, when the instant contempt petition was taken up for consideration, it has been brought to the notice of this Court by learned counsel for the petitioner, that in spite of the direction issued by this Court from time to time, the judgement passed by this Court has not been complied with and the respondents are adopting dilly daily tactics with a view to frustrate the judgement dated 10th July, 2023 passed by this Court, which has assumed finality.
7. *Prima facie* the respondents are in recurring contempt of the Court, as they have flouted the directions passed by this Court with impunity and accordingly, it is a fit case where rule is required to be framed.

8. However, before proceeding further in the matter, this Court deems it proper to grant last and final opportunity of two weeks' to the respondents to comply order/judgement passed by this Court dated 10th July, 2023, in its letter and spirit within two weeks by reflecting that the admitted amount to the tune of Rs. 9,00,44,358 (nine crore, forty four thousand, three hundred, fifty eight) along with interest @ 6 per annum stands transferred in the account of the petitioner, failing which, this Court will be constrained to frame rule against respondents 1, 5 and 6.
9. It is made clear that in case order/judgment passed by this Court mentioned *supra* is not complied with within two weeks, then respondents 1, 5 and 6 shall appear in person before this Court, on the next date of hearing.
10. List this contempt petition on 6th November, 2024.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
14-10-2024
Mubashir