

IN THE HIGH COURT OF JAMMU & KASHMIR ANLADAKH
AT SRINAGAR

CM 7278/2024 in

CCP (S) 447/2023

ABRAQ INFRASTRUCTURES LLP ...Petitioner(s)/Appellant(s)
THROUGH MANAGING 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

20-11-2024

CM 7278/2024

1. The record reveals that this Court while hearing the contempt petition bearing CCP (S) No. 447/2023, in the light of the communication issued by concerned Executive Engineer whereby bill for an amount of Rs. 9,00,44000/- has been remitted to the concerned treasury, was disposed of the said contempt petition and proceedings initiated therein were closed. However, the petitioner was given liberty to seek revival of the contempt petition, in case, interest component has not released in his favour.

2. What to talk of interest component, even the amount for which the bill has been produced before this Court has not been credited in the account of the petitioner. According to learned counsel for the petitioner, the respondents have tried to mislead this Court by placing on record communication of the concerned Executive Engineer, and

the Court was made to believe that the bill to the tune of Rs. Rs. 9,00,44000/- has been remitted to the concerned treasury for the purpose of crediting the amount in the account of the petitioner which till date has not been happened. This is precisely the reason the instant application has been preferred for seeking revival of the contempt petition. The act of respondents tantamount to playing fraud with the Court.

3. Application, for the reasons stated therein is allowed. Accordingly, contempt petition bearing No. CCP (S) No. 447/2023 is taken on board.

4. Application is *disposed of*.

CCP (S) No. 447/2023

5. When the instant contempt petition was taken up, learned counsel for the respondents has apprised this Court that bill for an amount of Rs. 9,00,44000/- has been returned by the treasury by raising certain objections and this was precisely the reason that the amount could not be credited in favour of the petitioner. With a view to fortify his clam he has place reliance upon communication of Treasury Officer, Additional Treasury Tankipora, dated 6th November, 2024, which is taken on record.

6. The objection which has been raised by the concerned treasury officer, have already been rejected by this Court and the respondents as such are estopped under law to reopen an issue which has already been clinched. Thus, this Court is *prima facie* of view that conduct of the respondents in the instant case, is contemptuous and it is a fit case, where rule is required to be framed against the respondents for

misleading this Court. However, before proceeding further in the matter, this Court deems it proper to direct learned counsel for the respondents, to comply with order dated 10th July, 2023 passed in WP (C) 329/2023 in its letter and spirit, failing which, coercive measures will be taken against the respondents.

7. List this matter on 22nd November, 2024.

SRINAGAR:
20-11-2024
Mubashir

