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| S.No.178  |
| Supp.List |

**IN THE HIGH COURT OF JAMMU & KASHMIR ANLADAKH**  
**AT SRINAGAR**

**CCP (S ) 447/2023**

ABRAR 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**

**22-11-2024**

1. The record reveals that the instant contempt petition was disposed of vide order dated 14<sup>th</sup> October, 2024, when the learned Counsel, Mr. Jehangir Ahmad Dar, Government Advocate produced copy of the communication issued by concerned Executive Engineer, whereby bill for an amount of Rs. Rs. 9,00,44000/- has been remitted to the concerned treasury. However, from a bare perusal of the said communication, it was apparently clear that the interest component was not remitted to the treasury in terms of judgement dated 10<sup>th</sup> July, 2023. Accordingly, respondents were granted four weeks' time to comply the aforesaid judgment/order in its letter and spirit and the contempt proceedings were closed by giving liberty to the petitioner to seek revival of the contempt petition, in case the interest component as directed is not released within the time granted by the Court.

2. The record further reveals, that when the instant contempt petition, after revival, was taken up for consideration on 20<sup>th</sup> November, 2024, Mr. Jehangir Ahmad Dar, by placing reliance upon communication of Treasury Officer, Additional Treasury Tankipora, dated 6<sup>th</sup> November, 2024, has apprised this Court that bill for an amount of Rs. 9,00,44000/- has been returned by the treasury by raising certain objections which falls within the realm of contempt of court and this was precisely the reason that the amount could not be credited in favour of the petitioner. The objection so raised by the concerned treasury officer, has already been rejected by this Court and therefore the concerned Treasury Officer could not have raised objections which have already been rejected by this Court.

Therefore, before proceeding further in the matter, learned GA was directed, to comply the judgment/ order dated 10<sup>th</sup> July, 2023 passed in WP (C) 329/2023 in its letter and spirit, failing which, it was made clear that coercive measures shall be taken against the respondents.

3. Today, when the case was taken up for consideration, the judgment *supra* has not been complied with. However, Mr. Shuja Ahmad, concerned Executive Engineer, who was present in Court, submitted that he has already processed the bill to the tune of Rs. Rs. 9,00,44000/- and has submitted the same before the concerned treasury by transferring the funds as well. He further submits that whatever was required on his part, he has already done the needful and now, it is the concerned treasury officer who has raised objection

and not transferred the amount to the account of the petitioner and the concerned treasury officer is not under his command.

4. What to talk of releasing the 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 and the Court was made to believe that the principal amount will be credited in the account of the petitioner and in the light of such assurance the contempt proceedings were closed. Thus, this Court is *prima facie* of the view that conduct of the respondents and the concerned treasury officer in the instant case, is contemptuous and it is a fit case, where rule is required to be framed against the respondents for flouting the judgement and subsequent orders passed by this Court in the contempt petition.

5. However, with a view to proceed further in the matter, this Court deems it proper to array Treasury Officer, Additional Treasury Tankipora, as party contemnor/respondent in the instant contempt petition. Mr. Jehangir Ahmad Dar, learned GA waives notice on behalf of the newly impleaded respondent and seeks two days' time to file reply on his behalf.

6. In the meantime, learned GA is directed, to comply with order dated 10<sup>th</sup> July, 2023 passed in WP (C) 329/2023 in its letter and spirit.

7. List this matter on 26<sup>th</sup> November, 2024 in Supplementary Cause List, on which date, concerned Executive Engineer and Treasury officer shall remain present before this Court as well.

(WASIM SADIQ NARGAL)  
JUDGE