

S.No.1
Supp. List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
CCP (S) 447/2023

ABRAR INFRASTRUCTURES LLP THROUGH ...Petitioner(s)/Appellant(s)
ITS 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

28-11-2024

1. The record reveals that the instant contempt petition was revived vide order dated 20th November, 2024 as the interest component was not paid to the petitioner and even the amount to the tune of Rs. 9,00,44000/- (nine crore forty four thousand) was not credited in the account of the petitioner as some objections were raised by the concerned treasury officer, which were already rejected by this Court. Accordingly, the concerned treasury was arrayed as contemnor/respondent in the instant contempt petition and was granted time to file response.
2. The record further reveals that when the instant contempt petition was taken up for consideration on 22nd November, 2024, the concerned Executive Engineer, who was present in person before this Court, submitted that he has already processed the bill to the tune of Rs. 9,00,44000/- and has transferred the funds to the concerned treasury as well, but the amount was not credited in the account of the petitioner due to

fault on part of the treasury officer, as he has raised certain objections, which were already rejected by this Court and accordingly, Court was *prima facie* of the view that the conduct of the concerned Treasury Officer in raising objections which were rejected was contemptuous. In the meantime, learned GA was directed to comply order dated 10th July, 2023 passed in WP (C) 329/2024 in its letter and spirit and the contempt petition was directed to be listed on 26th November, 2024, on which date, the concerned Treasury Officer, who was present in person along with Executive Engineer, assured the Court that the amount will be credited in favour of the petitioner on or before the next date. Accordingly, time was extended to comply with order passed by this Court with the rider that if the amount is not released in favour of the petitioner, then the concerned Treasury officer shall remain present before this Court on the date fixed. However, the personal presence of the Executive Engineer was dispensed with.

3. Today, when the case was taken up for consideration, it has been brought to the notice of this Court by learned GA that amount to the tune of Rs. 7,92,38,720/- (Seven crore, ninety two Lakh, thirty eight thousand, seven hundred and twenty) has already been credited in the account of the petitioner which is being admitted by learned counsel for the petitioner.
4. In so far as the remaining amount to the tune of Rs. 1,08,05,280/- (Rs. One crore, eighty lakhs, five thousand two

hundred and eighty) is concerned the same has been withheld for which the petitioner is required to file an application before Executive Engineer, seeking closure of the contract and release of retention in terms of Clause 42 of Standard Bidding Document for no defect liability period. Accordingly, it is directed that the petitioner shall file an application within one week before the concerned Executive Engineer for doing the needful.

5. Subject to filing of requisite application, the respondents are directed to release withheld amount in favour of the petitioner within one week, thereafter. The respondents are also directed to release the interest component as already directed by this Court vide judgment/order 10th July, 2023 passed in WP (C) No. 329/2023 by or before the next date of hearing.
6. In light of the above and the assurance extended by the learned counsel for the respondents, proceedings in the instant contempt petition are deferred for the time being. However, it is made clear that in case the aforesaid directions are not complied with within the stipulated period, then this Court will be constrained to initiate coercive measures against the respondents and in that eventuality, concerned Executive Engineer shall remain present before this Court.
7. List on 24th December, 2024.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
28-11-2024
Mubashir