

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CCP(S) 447/2023 in[WP(C) 329/2023]

ABRAQ INFRASTRUCTURES LLP

...Petitioner(s)

Through: Mr. Adil Asimi, Advocate.

Vs.

MR SHALINDER KUMAR AND ORS

...Respondent(s)

Through: Mr. Ilyas Nazir Laway, GA for R 1 & 7 to 11.

CORAM:

HON'BLE MR JUSTICE RAHUL BHARTI, JUDGE

ORDER

22.03.2024

This is a contempt petition in which 11 respondents are named and their names are reproduced as under: -

- (1) Mr. Shalinder Kumar, Commissioner/Secretary to Government PW(R&B) Department, Jammu /Srinagar.
- (2) Mr. Shaleen Kabra, Financial Commissioner (Revenue) J&K Jammu/Srinagar.
- (3) Mr. Shaleen Kabra, Commissioner/ Secretary to Government, Revenue Department, J&K, Jammu/Srinagar.
- (4) Mr. Santosh D.Vaidya, Principal Secretary to Government, Finance Department, J&K Srinagar/Jammu.
- (5) Mr. Vijay Kumar Bidhuri, Divisional Commissioner, Kashmir.
- (6) Mr. Mohammad Ajas Assad, District Development Commissioner, Srinagar.
- (7) Mr. Rafiq Ahmad Rafiq, Chief Engineer, PW(R&B) Department, Kashmir Srinagar.
- (8) Mr. Sajad Naqib, Superintendent Engineer, R&B Circle Srinagar-Budgam.
- (9) Mr. Mushtaq Ahmad Bacha, Executive Engineer, R&B Construction Division 2nd Srinagar.
- (10) Mr. Waseem Ahmad, Assistant Executive Engineer, (R&B) Construction Division 2nd Right City Sub Division Srinagar.
- (11) Mr. Javid Ahmad Joint Director Planning PWD (R&B) Kashmir, Srinagar.

To this contempt petition only the respondent No. 6 i.e. the District Development Commissioner, Srinagar, has come forward with statement of facts from his end.

On behalf of the respondent Nos. 1, 7 to 11. Mr. Ilyas Nazir Laway, learned GA, has caused appearance.

Let a notice be issued to Respondent Nos. 2 and 3 that is the Financial Commissioner, (Revenue) Srinagar and the Commissioner/Secretary, Revenue Department, UT of J&K, as to why contempt proceedings shall not

be initiated against them for continuing non-compliance of writ court directions passed in judgement dated 10.07.2023 in terms whereof all the writ respondents were directed to release an amount of Rs.9,00,44,358/- in favour of the petitioner within a period of two months from the date of availability of the copy of the court order/judgement. The disposal of the writ petition has taken place in presence of the Government Advocate representing the writ respondents and, as such, it does not require any reminder to the writ respondents of their obligation in acting compliance to the court direction but still more than seven months have gone by and the petitioner is still struggling to earn his legitimate claim with respect to the aforesaid amount after having invested and carried out the construction work for the benefit of the UT of Jammu and Kashmir.

From the point of the petitioner, the situation obtaining as it is, nothing but failure of the rule of law.

Respondent Nos. 1, 7 to 11 represented by Mr. Laway is given last and final opportunity come up with individual response of said respondents whom he is representing by or before the next date of hearing failing which this court shall be framing rule for contempt proceedings. Default in submitting individual statement of facts/response on the part of the respondents shall be compounding contempt further on their part.

Petitioner to furnish the registered postal covers for issuance of notice to the respondent Nos. 2 and 3 that is the Financial Commissioner, (Revenue) Srinagar and the Commissioner/Secretary, Revenue Department, UT of J&K within a period of two weeks, whereupon the Registrar Judicial, Srinagar, to issue notices along with copy of this order for the benefit of their reading and compliance.

The petitioner to update the memo of parties as presently the Commissioner/Secretary, Revenue Department, UT of J&K may not be the official as named in the contempt petition.

List on 19.04.2024.

(RAHUL BHARTI)
JUDGE

SRINAGAR

22.03.2024

Ishaq