

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 193/2025
CAV No. 150/2025

M/S Vithesta Construction Co.

.... Petitioner/Appellant(s)

Through:- Mr. G.Q. Bhat, Advocate

V/s

Mohd. Hussain and others

.....Respondent(s)

Through:- Mr. Idress Saleem Dar, Advocate

CORAM : HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
06.02.2025

1. In the instant petition, petitioner herein has challenged order dated 26.04.2023, passed by the court of Assistant Labour Commissioner, Ramban, along with all proceedings in case titled "Mohd. Hussain and another v. Superintending Engineer PMGSY and others".
2. Petitioner has also challenged order dated 20.01.2025, passed by learned Principal District Judge, Ramban, in case titled "M/S Vithesta Construction Company v. Mohd. Hussain and others" in civil appeal No. 01/2024.
3. Learned counsel for the petitioner has vehemently argued that objections being filed by the petitioner were not considered by Assistant Labour Commissioner, Ramban. It is also stated that the claim of respondent Nos. 1 and 2 is based on forged and concocted documents. He has further stated that the Appellate court has also not considered the appeal of the petitioner in its right perspective.
4. With the appearance of Mr. Idrees Saleem Dar, learned counsel for the caveator/respondents, caveat stands discharged.

5. Notice.
6. Mr. Idrees Saleem Dar, learned counsel waived notice on behalf of respondent No. 1 and 2. Ms. Pallavi Sharma, learned counsel appearing vice Mr. Ravinder Gupta, learned AAG waived notice on behalf of respondent Nos. 3 to 5. They seek and are granted four weeks' time for filing reply.
7. Registry is directed to summon the digitized record from the court of Assistant Labour Commissioner, Ramban, as well as from the court of Principal District Judge, Ramban, by or before the next date of hearing.
8. Learned counsel for the petitioner has stated that in terms of order dated 18.11.2021, an amount to the tune of Rs. 9 lacs is still lying with the Superintendent Engineer, PMGSY and he has been directed not to release the same.
9. Learned counsel for the petitioner has further stated that Rs. 10 lacs have been deposited by the petitioner with the office of Executive Engineer, PMGSY Division Banihal since 2021. The Executive Engineer is directed to keep the said amount in a Fixed Deposit for a period of six months at the first instance.
10. List on 24.03.2025.
11. Meanwhile, subject to objections and till next date of hearing before the Bench, impugned orders dated 26.04.2023 and 20.01.2025, shall remain stayed.

(MOKSHA KHAJURIA KAZMI)
JUDGE