

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**WP(C) No. 449/2026
CM No. 1049/2026**

Kapoor Singh

.....Appellant(s)/Petitioner(s)

Through: Mr. G S Thakur, Advocate

UT of J&K & Ors.

..... Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

**ORDER
(25.02.2026)**

1. Petitioner, through the medium of this petition has challenged the termination of contract for construction of road from Ritti Near Shiv Temple towards Barta Govt. High School L=2.Km under NAWARD RIDF-XXVI, whereby, the bank guarantee dated 24.09.2021 valid up to 23.03.2028 for an amount of Rs. 4.12 lac issued by J&K Bank Udhampur along with security deposit forfeited and he has been debarred from taking up any work in the Public Works (R&B) Department for a period of 01 year as contemplated under Clause 21 of the SBD "Fundamental breach of contract- Sub clause 'vi' which reads as **"if in case contractor failed to start/complete the work, within the stipulated time period, his Performance Security shall be forfeited after termination of the contract. Besides, defaulting contractor shall be debarred from taking works in R&B Department at least for one year"**.
2. Learned counsel for the petitioner submits that, without waiting for the expiry of the contract period for completion of the work, as the

petitioner had completed almost 80% of work, the respondents issued fresh tender notice dated 28.01.2026. It is further submitted that the respondents have illegally withheld and forfeited the petitioner's security deposit and he has also been debarred from taking any work for a period of one year. 03.

3. Heard.

4. Issue notice to the respondents, returnable within four weeks, subject to filing of requisites within a week's time.

5. List on **21.04.2026**.

6. Meanwhile, subject to objections and till next date of hearing before the Bench, it is provided that the petitioner shall not be debarred from taking work in the Public Works (R&B) Department in compliance of the order impugned.

(M A CHOWDHARY)
JUDGE

Jammu
25.02.2026
Tarun/PS