

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

**WP(C) No. 788/2026
CM No. 1789/2026**

**M/S Srishti Constructions
SCO No. 02 3rd Floor PUDA Complex
Ladowali Road Jalandhar City
Through its partner Rajesh Kumar,
S/O Sh. Madan Lal
R/O 347-348 New Jawahar Nagar,
Jalandhar, Punjab.**

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

Through: Mr. Sumir Pandita, Advocate.

V/s

- 01. U.T of J&K through
Commissioner/Secretary,
Public Works Department (R&B),
Civil Secretariat, Jammu.**
- 02. Commissioner/Secretary,
Health & Medical Education Department,
Civil Secretariat, Jammu.**
- 03. Chief Engineer, PWD, (R&B), Jammu.**
- 04. Superintending Engineer,
PWD (R&B), Circle North Jammu.**
- 05. Executive Engineer, PWD (R&B),
Tawi Bridge/Medical College Division, Jammu.**
- 06. Director Health Services Jammu.**

..... Respondent(s)

Through: Mr. Ravinder Gupta, AAG.

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

**ORDER
(01.04.2026)**

- 01.** Petitioner, through the medium of this petition, seeks direction upon the respondents to release the outstanding admitted amount of ₹19,88,294/- i.e., ₹6,83,400/- towards mechanical work and ₹13,04,894/-, towards

electric work in his favour, with further direction to the respondents to return/release the security deposit of ₹1,11,06,000/-, as the petitioner has successfully completed the allotted work of the respondents, to their entire satisfaction.

- 02.** Learned counsel for the petitioner submits that respondent No. 3 had issued E-NIT No. MCD-52 of 2018-19 dated 02.08.2018 inviting tenders for the work of construction of 'Bone & Joint Hospital' at Bakshi Nagar, Jammu at an estimated cost of ₹4232.00 lacs, with bid submission period from 03.08.2018 to 16.08.2018 and the petitioner, being fully eligible and technically qualified, participated in the tender process and was declared L-1 (lowest bidder). Consequently, the work was allotted vide Order No. CEJ/G/15502-04, dated 19.12.2018 for a contract value of ₹38,18,91,545/-, after execution of an agreement between the parties in December, 2018.
- 03.** Learned counsel for the petitioner further submits that the petitioner commenced and executed the work in terms of the contract. However, during execution, the work was adversely impacted due to the outbreak of the COVID-19 pandemic, resulting in nationwide lockdowns, suspension of construction activity, labour shortages, and disruption of supply chains, which were beyond the control of the petitioner. Despite such impediments, the petitioner completed the entire project on 20.04.2023 in accordance with specifications and to the satisfaction of the respondents.

- 04.** It is contended that although the respondents have released payments of running account bills from time to time, they have failed to release the admitted dues of final bill of mechanical work: ₹6,83,400/-, final bill of electrical work: ₹13,04,894/- and refund of security deposit: ₹1,11,06,000/-, total amount due is ₹1,30,94,294/-.
- 05.** It is submitted that the aforesaid amounts are admitted and undisputed, and are not subject to any adjudication, inquiry, or recovery proceedings. It is also submitted that no defect liability or penalty has been imposed upon the petitioner, nor has any adverse communication been issued by the respondents. Despite several representations and even serving a legal notice, the respondents have failed to release the admitted dues, prejudicial to the financial interests of the petitioner.
- 06.** Learned counsel for the petitioner submits that the petitioner shall be satisfied in case the petition is disposed of, at this state with a direction to the respondents to consider the release of the afore-stated admitted liability.
- 07.** Learned counsel for the respondents submits that the respondents shall not be averse to the consideration of the release of admitted and due liabilities in favour of the petitioner, in accordance with rules/regulations and in terms of contract.
- 08.** In view of the pleadings and submissions made by the learned counsel for the parties, this petition is disposed of at this motion stage with a direction to the respondents to consider to make payment of the admitted liability, subject to verification to the petitioner in terms of the contract

and rules/regulations within a period of six months from the date, a certified copy of this order is made available to them.

09. Disposed of along with connected application(s).

**(M A CHOWDHARY)
JUDGE**

Jammu
01.04.2026
Renu

