



Sr. No. 159

2026:JKLHC-JMU:1341

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

WP(C) No.1226/2026

Pronounced on:04.05.2026

Uploaded on: 06.05.2026

Udhey Singh Puri, Age 70 years
S/o Sh. Joginder Singh
R/o 127 Panjtirithi, Jammu

.....Petitioner(s)

Through: Ms. Arsha Sharma, Advocate

Vs

1. Union Territory of Jammu and Kashmir
through its Principal Commission/Secretary,
Jal Shakti Department, Civil Secretariat,
Jammu.
2. Chief Engineer, Jal Shakti, Irrigation and
Flood Control Department, Jammu
3. Superintending Engineer
Hydraulic Circle, Jammu
4. Executive Engineer
Flood Control Division, Jammu

Through: Mr. Ravinder Gupta, AAG

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

ORDER

04.05.2026

1. By this petition, the petitioner herein is seeking a direction upon the respondents to release the outstanding liability duly admitted by the respondents with respect to the contract works executed by the petitioner. It is prayed that the respondents be directed to release the outstanding payment of Rs.2,50,716/- along with interest @ 12% per annum from the date of completion of the work.



2. The petitioner is stated to be a Class B Contractor and have successfully completed number of contracts with the official respondents and private parties. Vide allotment No.346-53 dated 25.04.2015, the petitioner was allotted the work for construction of “*construction work to residential land near Tawi Vihar Colony Sidhra along L/B of River Tawi near the house of Sh. Khurshid Ganai by way of 36 M long crate revetment and 1 No 18 m long stud*”. However, same could not be executed due to heavy rain on 30.04.2015. The hardships faced by the petitioner in execution of the allotted work were duly intimated to respondent Nos. 2 and 4, whereafter respondent along with Junior Engineer concerned and other filed staff visited the site. Even respondent No.2 had also visited the site and instructed the petitioner for construction of “temporary road for carriage of material to site” as the work was of urgent nature. The petitioner is stated to have completed the allotted work by first constructing temporary road for carriage of material to site, as per on spot directions issued to him by the authorities. The cost for construction of temporary road for carriage of material to site, was estimated at Rs.2.52 lac. After completion of the work, completion report was duly submitted, which was duly acknowledged by the official respondents, measurement book also stands prepared and duly verified by the official respondents with respect to the works aforementioned.
3. It is further stated that vide communication dated 07.07.2015 addressed by respondent No.4 to respondent No.2, for grant of post facto approval of the aforesaid work, which was duly granted vide No.IFCJ/DB/25136-37 dated 20.02.2016 . Respondents are stated to have released payment in favour of the petitioner for construction of flood protection work executed



by the petitioner, however, amount with respect to the construction of temporary approach road has not been released, till date and the outstanding amount of Rs.2.51 lac has not been released. by the respondents till date. It is also stated that the liability has been admitted by the respondents, which is so reflected in various inter-se communications of the respondents, copies whereof are placed on record. According to the petitioner, several requests have been made to the respondents for release of the outstanding amount.

4. Petitioner herein is aggrieved of the inaction of the respondents for causing delay in releasing the payment due to him for execution of the works duly allotted by the respondents and, as such, is seeking direction upon respondents to release the outstanding amount of Rs. 2.51 lac.
5. Learned counsel for the petitioner submits that petitioner would feel satisfied if the respondents are directed to consider the case of the petitioner for release of the outstanding amount in his favour.
6. Ms. Monika Kohli, learned Sr. AAG, on the other hands, would submit that the claim projected by the petitioner is time barred, however, she is not averse to the proposition made by the learned counsel for the petitioner.
7. Be that as it may, having regard to the submission made by learned counsel for the petitioner, the instant writ petition is disposed of at its threshold, with a direction to the respondents to consider the claim, after due verification of the bills of the petitioner, as projected in the writ petition, provided there is no legal impediment therefor, and take a decision thereon by passing a speaking order, within a period of two months from the date a certified copy of this order is made available to the



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respondents, under rules. The decision so taken by the respondents shall be conveyed to the petitioner.

(Moksha Khajuria Kazmi)
Judge

Jammu
04.05.2026
Vinod, PS

Whether the order is reportable: No

