

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

WP(C) No. 2451/2021
CM No. 8502/2021
c/w
CCP(S) No. 59/2023

Banarasi Lal Sharma

.....Petitioner

Through: Mr. Jasbir Singh Jasrotia, Advocate and
Mr. Vansh Sharma, Advocate

Vs

UT of J&K & Ors.

.....Respondent

Through: Ms. Monika Thakur, Advocate vice
Mr. S.S. Nanda, Sr. AAG for R- 1 to 4
Mr. Anuj Sawhney, Advocate for R-5

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(04.11.2025)

- 01.** The Assistant Commissioner Development, Jammu by virtue of a communication No. ACDJ/2016-17/KM/14558-62 dated 03.10.2016 addressed to the General Manager, National Cooperative Consumer Federation of India Ltd., Jammu (NCCF) had placed a supply order for key material i.e. crates for construction of works. The supply order was made on the basis of a requisition from the Office of Block Development Officer, Nagrota.
- 02.** The communication expressly stated that payment against the supply to be made from the end of Block Development Officer on the receipt of the supply after fulfilling all codal formalities and verification report from the committee constituted in terms of the Director, Rural Development Department, Jammu's order.

- 03.** The supply was to be made within ten days from the date of issuance of supply order which being 03.10.2016.
- 04.** In addition, the Block Development Officer, Nagrota by virtue of a communication No. BDO/Acctts/Nag/2017-18/1396-97 dated 25.03.2017 addressed to Manager, National Cooperative Consumer Federation of India Ltd., Jammu, placed a supply order for the material of Gabbion 300 numbers.
- 05.** With respect to the above said two supply orders, it is the petitioner who, in turn, had made supplies to the National Cooperative Consumer Federation of India Ltd., Jammu against properly generated invoices. The two supplies so made by the petitioner and delivered to the respondent No. 4-Block Development Officer, Nagrota was for a value of Rs. 31,30,747/-.
- 06.** The National Cooperative Consumer Federation of India Ltd., Jammu, through its Branch Manager, by virtue of a communication No. NCCF/JMU/BUSS/2020-21/226-230 dated 21.08.2020 addressed to the Director, Rural Development Department, Jammu solicited the release of money for the purpose of payment to the suppliers and supplies as identified in the communication.
- 07.** In the light of the aforesaid communication of National Cooperative Consumer Federation of India Ltd., Jammu addressed to the Director, Rural Development Department, Jammu with a copy addressed to the Block Development Officer/s concerned and also to the Assistant Commissioner, Development, Jammu / Samba / Kathua / Rajouri for necessary action, it cannot lie in the mouth of the Block Development Officer, Nagrota to come up with an affidavit submitted in the case pursuant to an order dated

25.11.2024 that Block Development Officer, Nagrota, did not receive any material from the petitioner and also there is no entry in the stock register with respect to supply made.

- 08.** It is admitted in the affidavit that the supply order was made in the name of the General Manager, National Cooperative Consumer Federation of India Ltd., Jammu from whom the supply order had been made to the respective vendors/suppliers.
- 09.** From the tone and tenor of the affidavit submitted by the Block Development Officer, Nagrota, this Court is being meant to be suggested for the sake of acceptance of fact that the petitioner is nobody to lay any claim whatsoever for the supply not made to the Block Development Officer, Nagrota.
- 10.** If that is so, then this Court is left wondering what for the General Manager National Cooperative Consumer Federation of India Ltd., Jammu was addressing his communication No. NCCF/JMU/BUSS/2020-21/226-230 dated 21.08.2020 to the Director, Rural Development Department, mentioning the payment balance by reference to Block Development Officer, Nagrota.
- 11.** In light of the evasive affidavit so submitted by the Block Development Office, Nagrota, this Court is constrained to direct the personal appearance of the Director, Rural Development Department, Jammu to explain the state of functioning of the Department in which the supply orders made and received are being trashed by the Block Development Officer in the manner as it has been done in the affidavit.

- 12.** This Court has no iota of doubt that before coming up with filing of the affidavit, the Block Development Officer, Nagrota had least bothered to make any consultation or reference to and with the Office of the Director Rural Development Department, Jammu or for that matter with the Assistant Commissioner Development, Jammu as well as also to his/her own office record in terms whereof the supply order No. BDO/Acctts/Nag/2017-18/1396-97 dated 25.03.2017 for 300 numbers of Gabbion 6x1.5x1.5 was requisitioned.
- 13.** If the material so asked for was not received as per the supply order, was the supply cancelled by the Office of Block Development Officer, Nagrota ought to have been explained in the affidavit by the Block Development Officer, Nagrota which has not been done.
- 14.** Therefore, this Court is constrained to get the Director Rural Development Department, Jammu, appear in person and explain the state of functioning of the Department which includes the Block Development Officer, Nagrota's state of functioning and maintenance of record.
- 15.** List on **26.11.2025**.
- 16.** A copy of this order be provided to Mr. Ravinder Gupta, learned Additional Advocate General for notice and compliance.

(RAHUL BHARTI)
JUDGE

JAMMU
04.11.2025
SUNIL