

Supplementary List-I
Serial No. 164

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

WP(C) No. 3736/2025
CM No. 8528/2025

M/S CEE KAY Traders

.....Petitioner

Through: Mr. Ajay Vaid, Advocate &
Mr. Gagan Kohli, Advocate.

Vs

UT of J&K & Ors.

.....Respondents

Through: Mr. Raman Sharma, AAG.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(29.12.2025)

01. By virtue of a Sub-Contract Agreement dated **05.12.2021** made between the petitioner as a sub-contractor and Brij Gopal Construction Co. Pvt. Ltd., as principal contractor, the petitioner is said to have carried out the part of the construction work otherwise allotted to the principal contractor Brij Gopal Construction Co. Pvt. Ltd., by the Govt. of UT of J&K.

02. The petitioner was able to avail issuance of an Experience Certificate No. **SDJ/W/3013** in its own name from the Executive Engineer, Sewerage & Drainage Division (West), Jammu, which was immediately recalled by the same very Executive Engineer by virtue of his order No. **SDJ/w/6525-31** dated

16.12.2025 against which the petitioner has come to this Court with the writ petition leaving out the principal contractor Brij Gopal Construction Co. Pvt. Ltd., as if there was a privity of contract obtaining between the petitioner and the respondent No. 1 for entitling the petitioner to earn Experience Certificate from the respondent No. 1.

03. Be that as it may, the principal contractor Brij Gopal Construction Co. Pvt. Ltd., is not a party impleaded in the writ petition which by every count is a necessary party for the petitioner to come forth with the claim but nevertheless issue notice to the respondents named in the writ petition.

04. Mr. Raman Sharma, learned AAG accepts notice on behalf on behalf of the respondents to file response to the writ petition along with reply to the application-**CM No. 8528/2025**.

05. Reply in the matter from the end of the respondent Nos. 2 and 3 shall come individually, as the respondent No. 2 cannot be held to be holding brief for the Executive Engineer, Sewerage & Drainage Division (West), Jammu, who is said to have issued the Experience Certificate and then recalled the same acting at his own authority.

06. In addition, the petitioner's grievance is that for the work done by it, the payment is not being released by the respondents.

07. As this Court has already observed that the petitioner has no privity of contract with the respondents, in particular the respondent No. 1 to insist for release of any payment in its favour, even if in the past such payment had come to be made to the petitioner directly from the end of the respondents, but it is for the respondents to account for the said state of affairs through their reply.

08. List on **06.02.2026**.

(RAHUL BHARTI)
JUDGE

JAMMU
29.12.2025

Bunty

