**Once the work has been executed to the satisfaction, it is not open to the Government functionaries to withhold the payment: High Court of J&K and Ladakh**

When the only plea taken by government functionaries is that it is awaiting release of the payment by the Government so that the same could be released in favour of the petitioner. It becomes a case of admitted liability. Once the work has been executed by the petitioner to the satisfaction of respondents, it is not open to the respondents to withhold the payment as held by the **High Court of J&K and Ladakh** through a learned bench of **Justice Sanjay Dhar** in the case of **M/S Al-Qaimoon Constructions Vs Commr/Secretary & Ors.**

It was averred in the petition that in response to NIT No.24/PHED/Bijbehara of 2019-20 dated 13.12.2019 through e-tendering process, the petitioner offered its bids and thereafter, vide allotment order No.PHB/7911-79 dated 18.01.2020, the work for construction of 0.75 lac Gallons RCC dome type clear water sump for water supply scheme, Shoul Sarsona was allotted in favour of the petitioner. The cost of the work was Rs37.11 lacs. It was averred that after successful completion of the allotted work, the same was checked and measured by the respondents and a bill in the amount of Rs.28,76,000/ was raised by the petitioner before respondent No.5. After verification and authentication of this bill, net amount of Rs.24,37,410/ was found payable in favour of the petitioner. According to the petitioner, this amount has remained unpaid though the same is not being disputed by the respondents.

Reply on behalf of respondents was filed. In their reply, respondents admitted that the work in question was allotted in favour of the petitioner in terms of allotment order dated 18.01.2020. It was also admitted by respondents that after completion of work, petitioner had submitted bills which have been passed for an amount of Rs.24,37,410/. However, it was submitted that the response of the Government regarding release of payment of the petitioner was still awaited and as and when the Government will issue orders for release of the payment, the same will be released in accordance with rules in favour of the petitioner.

After hearing both the parties and a perusal of the facts, the Hon’ble High Court stated that *“From the response of the respondents, it is clear that they have not raised any dispute as regards their liability to pay the amount of Rs.24,37,410/ to the petitioner. The allotment of work and its execution by the petitioner has also been admitted. The amount claimed by the petitioner from the respondents is also not in dispute and it is also not in dispute that the work has been physically verified by the Government. The only plea taken by respondents in their reply is that they are awaiting release of payment from the Government so that the same is released in favour of the petitioner. Thus, it is a case of admitted liability by the respondents. Once the work has been executed by the petitioner to the satisfaction of respondents, it is not open to the respondents to withhold the payment. If the respondents were short of funds, they should not have gone ahead with the allotment of work and withheld the payment of the petitioner. The inaction on the part of respondents has definitely caused a lot of harassment and inconvenience to the petitioner. Such an attitude on the part of Government functionaries cannot be countenanced. The petitioner cannot be made to wait for years together for his legitimate dues.”*

**Judgment Reviewed by – Aryan Bajaj**