Sr. No. 17

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 3170/2026
CM No. 7002/2026

Javaid Iqbal …..Petitioner(s)

Through: Mr. Tariq Mugal, Advocate

Vs

UT of J&K and others ….. Respondent(s)

Through: Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Advocate

Coram: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER
05.10.2026

1. The petitioner has invoked the extraordinary jurisdiction of this Court under the Article 226 of the Constitution of India seeking quashing of order dated 18.07.2026, passed by respondent No. 5, Executive Engineer, Rural Engineering Wing, Doda, whereby, the Competent Authority has decided to debar the petitioner from participating in any tendering process/work execution under this Department for a period of one year with immediate effect and also forfeiting of CDR in accordance with applicable rules and regulations.

2. The facts in brief are that vide allotment order dated 06.08.2025, the petitioner was allotted the construction work of CSC at Khan Mohalla, Ward No. 01, Panchayat Sanwara, Block Chilly Pingal, Doda. However, he was required to execute the work within a stipulated time but due to alleged dispute in respect of land over which the construction has to be carried out, the requisite work could not be completed within stipulated period, which led to the passing of the impugned order.

3. At this stage, Mr. Raman Sharma, learned AAG has taken a preliminary objection with regard to maintainability of the writ petition on the ground that the allotment order itself contains an Arbitration Clause and in this view of the matter once efficacious and alternative remedy available to the petitioner, this petition is not maintainable.

4. There is no quarrel to the settled proposition of law that once in a contractual dispute there is an Arbitration Clause, the parties are required to resort to the alternate remedy of the Arbitration and the writ is not the efficacious remedy.

5. However, keeping in view the nature of controversy involved, this writ petition is entertained for the limited purpose that despite the petitioner has responded to the impugned order but till date no action has been taken so far.

6. Therefore, this writ petition is taken on board and disposed of with the direction to the respondents to consider the representation dated 02.09.2026 and proceed in the matter in accordance with law and in case the grievance of the petitioner still remained un-redressed, he shall be at liberty to take recourse to the arbitration clause in terms of the allotment order dated 06.08.2025. Let this exercise be completed within a period of four weeks, from the date a certified copy of this order is made available.

7. ***Disposed of***.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

(Shahzad Azeem)
Judge

Jammu
05.10.2026
Mahavir