

THE HON'BLE SRI JUSTICE D.RAMESH

WRIT PETITION No. 11534 of 2023

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of the respondents in not releasing the amount of Rs.5,43,420/- for supplying the machineries/equipments to the respondent authorities by the petitioner even though admitted amounts is illegal, arbitrary and consequently direct the respondents to pay admitted amount of Rs.5,43,420/- with cumulative interest and to pass such other order or orders as may deem fit.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader appearing for respondents.

3. Learned counsel for the petitioner submits that even though respondents admitted that the petitioner's firm is entitled for payment of the aforesaid sum of money, no payment is being made and such non-payment of money is clearly arbitrary and high-handed and thereby requires interference by this Court. He further submits that having approved the bills with CFMS token numbers, non-payment of bill amount is arbitrary and illegal.

4. This Court, in various orders, including the judgment of a learned single Judge of this Court, dated 05.10.2021 in W.P.No.10038 of 2021 and batch had taken the view that such non-payment of dues is arbitrary and that such dues needs to be cleared by the respondents at the earliest.

5. Learned Government Pleader submits that the respondent-authorities are verifying the claims of the petitioner and would be in a position to make payments only after such verification is being completed.

6. In view of the aforesaid directions of this Court in various cases and after hearing both sides, this Court is inclined to dispose of the writ petition with a direction to the respondents to complete the verification process within a period of six (06) weeks from the date of receipt of a copy of this order and thereafter to pay the amounts due to the petitioner depending upon the outcome of the verification within a period of eight (08) weeks. It would also be open to petitioner to agitate its claim for interest, if any, payable by the respondents in an appropriate forum.

7. Accordingly, the writ petition is disposed of. No costs.

As a sequel miscellaneous applications, pending, if any,
shall also stand closed.

Date: 20.6.2023
RD

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Dated 20.6.2023

RD