

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

WRIT PETITION No.1361 OF 2023

JUDGMENT:-

By means of this writ petition filed under Article 226 of the Constitution of India, the petitioner prays for direction to the respondents to make the payment of the bill amount for the works undertaken by the petitioner, under the agreement with the respondents.

2. Learned counsel for the petitioner submits that the petitioner has completed the works as per the schedule and as per the terms of the agreement. The bills were submitted by the petitioner to the 3rd respondent and the same were forwarded to the 4th respondent. However, no steps are initiated to make payment to the petitioner for the works done. Hence, the present writ petition.

3. Sri P. Anand Surya, learned counsel representing Sri K. Suresh Kumar Reddy, learned Standing Counsel for the respondents 2 and 3 submits that the bills have been uploaded in CFMs portal.

4. Learned Government Pleader for Finance submits that in CFMs portal a bill No.2023-200580 is received in the Finance Department for an amount of

Rs.18,43,786/- pertains to present writ petition and it is waiting for fund clearance. It will be cleared at the earlier as per the procedure, after due verification.

5. Considering the prayer and the stand taken by the respondents, no fruitful purpose would be served in keeping the writ petition pending.

6. Consequently, without observing anything on the merits of the petitioner's claim, the writ petition is being disposed of finally with the following observations and directions:-

a) If the petitioner has performed the work under the agreement as aforesaid, the respondents shall verify the same and after due scrutiny, if the liability is not disputed or/and the liability for the amount claimed is not disputed. The 4th respondent - Principal Secretary, Finance Department, shall within a period of eight (08) weeks, release the amount, if payable, to the petitioner, as per the prescribed procedure and if there is no other legal impediment in making the payment.

b) So far as the petitioner's prayer for interest is concerned, as it would involve determination of various factors including questions of fact, in the exercise of writ jurisdiction, the Court is not entering into that aspect, but is granting liberty to the petitioner to approach the

appropriate forum, if so advised, clarifying that the grant of time to the respondents, as aforesaid, would not adversely affect the petitioner's claim for interest, if any, under law.

7. If there is dispute with respect to the liability or for any part of the amount claimed, the payment to the extent of admitted liability shall be made. With respect to the disputed liability, it will be open for the petitioner to take recourse to the appropriate remedy in appropriate Forum, as may be open and if so advised.

8. The writ petition is disposed of finally in the aforesaid terms. No order as to costs.

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

RAVI NATH TILHARI,J

Date:28.04.2023
Gk

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