

THE HON'BLE DR.JUSTICE K. MANMADHA RAO

Writ Petition No.13891 of 2023

ORDER:-

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking the following relief:

“....pleased to issue an appropriate Writ Order or direction more particularly one in the nature of Writ of Mandamus declare the inaction on part of the respondents herein in not releasing the payments for the works i e Construction of Retaining Wall at Dumping yard in 9th Ward in Tiruvuru nagar Panchayat the final bill amount worth of Rs.13,30,046/- i.e., 1) Amount Rs.8,97,054/ Agreement No 61/2022-23 dated 10.02.2023 M Book No.10/2022-23, 2) Amount Rs.4,32,992/- Agreement No.62/2022-23 dated 10.02.2023 M Book No.14/2022-23 is illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondent authorities to release an amount of Rs.13,30,046/- with interest at 18 percent for the pending bills forthwith for the above said works executed by the petitioner”

2. Heard Sri P. Kameswara Rao, learned counsel appearing for the petitioners, learned Government Pleader for MA&UD appearing for Respondent Nos.1 and 5, learned Government Pleader for Finance appearing for Respondent Nos.2, 3 and 4 and Sri M. Manohar Reddy, learned Standing Counsel appearing for Respondent Nos.6 and 7. Perused the material on record.

3. The case of the petitioner is that the petitioner was entrusted with the work of construction of Retaining wall at Dumping Yard in 9th ward in Tiruvuru Nagar Panchayat vide Tender Notice dated 10.02.2023. The petitioner completed the said works within time as per the agreement and the respondents have entered the same in M Book Nos.10/2022-23 and 14/2022-23. The petitioner submitted raised bill for Rs.13,30,046/-, however, the same is not being paid. Aggrieved by the same, the petitioner filed the present writ petition.

4. Learned counsel for the petitioner submits that this matter is squarely covered by the order passed by this Court in W.P.No.4185 of 2023, dated 31.03.2023, and hence, requests this Court to pass similar order in this petition also. The operative portion of the said common order is as follows:

“Therefore, as the claim of the petitioner has been categorically admitted by the respondents, this writ petition is disposed of with a direction to respondent Nos.2 and 3 to allot the necessary budget to pay the due amount to the petitioner within eight (8) weeks from the date of this order. Thereafter, the 4th respondent is directed to upload the bills in CFMS portal within two (2) weeks from the date of release of the budget. After uploading the bills in CFMS portal by 4th respondent, respondent Nos.2 and 3 are directed to process the said bills and make the payment to the petitioner within four (4) weeks from the date of uploading the bills in CFMS portal. No costs.”

5. Learned Government Pleader appearing for the respondents reported no objection to dispose of the present writ petition on the same lines.

6. In view of the submission made by both the learned counsel and upon perusing the entire material available on record, this Court deems fit to dispose of the present writ petition in terms of the order dated 31.03.2023 passed by this Court in W.P.No.4185 of 2023.

7. Accordingly, the Writ Petition is disposed of, in terms of the order dated 31.03.2023 passed by this Court in W.P.No.4185 of 2023. There shall be no order as to costs.

8. The Registry is directed to enclose a copy of the order passed in W.P.No.4185 of 2023, dated 31.03.2023, to this order.

As a sequel, all the pending miscellaneous applications shall stand closed.

Dr. K. MANMADHA RAO, J

Date:27.07.2023

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Date: 27.07.2023

CSR