

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.1414 of 2023

Between:-

Raavi Subba Rao

....

Petitioner

And

The State of Andhra Pradesh,
represented by its Principal Secretary,
Water Resources Department, and others

....

Respondents

Counsel for the Petitioner : Mr.Narra Srinivasa Rao

Counsel for the Respondents : The G.P. for Irrigation & CAD
The G.P. for Finance & Planning

ORDER:

The present Writ Petition is filed seeking a direction to the respondents to release the final bill amount of Rs.14,20,165/- for execution of the works under O&M, Neeru–Chettu in Nagaram Mandal, Guntur District, presently Bapatla District, along with interest at 24% per annum from the date of execution of the work.

2. Learned Counsel for the petitioner states that the petitioner completed the above mentioned works within the stipulated time and the concerned officers inspected the same, conducted quality check also and thereafter relevant entries were made in the Measurement Books. Further that the respondents approved the final bill for

Rs.14,20,165/- in respect of the works executed by the petitioner, but the same were not paid despite the repeated requests made by the petitioner and in view of the delay on the part of the respondents in releasing the amount, the petitioner is facing severe financial crisis. Under the said circumstances, the present Writ Petition is filed.

3. A Counter Affidavit is filed by the 4th respondent. From a reading of which, it would appear that there is no dispute with regard to the work executed by the petitioner. However, it would appear that the payment is not made for want of LOC and sufficient budget. The relevant portion of the Counter Affidavit in this regard reads as follows:-

"5. ... Further it is submitted that due to non-release of L.O.C to the required extent, the work bills are pending. Hence, it is respectfully submitted that bills of the petitioner will be processed in CFMS immediately after release of LOC by the Government and based on seniority and availability of State budget provisions. Regular requisitions are being submitted to the Higher Authorities and also constant pursuance is being made for release of LOC. Soon after release of LOC these bills will be submitted to the Pay & Accounts Officer, Works & Accounts, Guntur for arranging payment."

4. Therefore, in view of the undisputed position with regard to the execution of work by the petitioner and non-payment of Bills in respect of the same, this Court being of the opinion that the respondents'

action in not releasing the amount is unjust, not tenable, however inclined to grant sometime to the respondents to make the payment.

5. Accordingly, the Writ Petition is disposed of, with a direction to the respondents to arrange to pay the amount, which is due and payable to the petitioner, in respect of the works-in-question, after effecting the statutory deductions, as expeditiously as possible, at any rate within a period of six (6) weeks from the date of receipt of copy of the order. It is needless to state that the petitioner may claim interest, through appropriate proceedings, if he is so advised. There shall be no order as to costs.

As a sequel, all pending applications shall stand closed.

JUSTICE NINALA JAYASURYA

Date: 20.07.2023

BLV