

THE HONORABLE JUSTICE NIMMAGADDA VENKATESHWARLU

Writ Petition No.1454of 2023

ORDER:

The writ petition is filed seeking the following relief:

“Writ, Order or Direction, more particularly one in the nature of Writ of Mandamys, declaring the action of the respondents and in nonpayment of dues Rs.23,51,657/- pertaining to the work of Establishment of New Rythu Bazar at Rayachoty of A.M.C, Rayachoty in Kadapa District. executed under Agreement dated 18.01.2020 even agter submission of bill is illegal, arbitrary and Violation of Art.14, Art.15, Art.19(1)(g), Art.21, Art.23 and Art.30A of Constitution of India and violation of clause and 68 & 69 of AP Standard Specifications and consequently direct the respondents to pay dues of Rs.23,51,657/- pertaining to the work of Establishment of New Rythu Bazar at Rayachoty of A.M.C, Rayachoty in Kadapa District along with 12% Interest from the date of expiry of one month from the date of submission of bill to till date of payment.”

2. The case of the petitioner in brief is that the petitioner was entrusted with the contract work i.e.,of Establishment of New Rythu Bazar at Rayachoty of A.M.C, Rayachoty in Kadapa District by the 4th Respondent and entered into agreement on 18.01.2020, for Rs.82,45,503.99/-. As per the terms and conditions of the above-said agreement the said work was completed within the stipulated time to the satisfaction of the respondents. From the total value of the tenderthe respondents herein are bound to pay the amount of Rs.23,51,637/-. The petitioner made number of representations for payment of the due amount, but no action has been taken for which the petitioner had suffered financial distress and burdened with heavy interest and penalties in addition to the said interest for the delayed payments. Aggrieved by the same, the petitioner filed the present writ petition.

3. Learned counsel for the petitioner submits that even though the respondents admitted that the petitioner 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 05-10-202, 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 need to be cleared by the respondents at the earliest.

5. The learned Government Pleader submits that the respondents-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 writ petition is disposed of with a direction to the respondents to complete the verification process within a period of four(4) 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 fo the verification within a period of six(6) weeks. It would also be open to the petitioner to agitate his/her/their claim for interest, if any payable by the respondents in an appropriate forum. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

NIMMAGADDA VENKATESHWARLU, J.

Date: 16-03-2023.
SRT

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