

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.15198 of 2023

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue a Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS or any other appropriate writ or direction declaring the action of the respondents in not releasing the payments for the works i.e.(a) Improvements to Khandavalli - K Khumudavalli road from Km 0.000 to 1.000 in West Godavari District and (b) Improvements to Vadali - Mukkamala road from Km 0.000 to 10.500 in West Godavari District through the Agreement CR.No.12/2022-23 dated 06.05.2022 for an amounts of Rs.6, 25,75,476/- (4th Part bill) as illegal, arbitrary and violative of Art 14 and 21 of Constitution of India and consequently direct the respondent authorities to release Rs.6,25,75,476/- for the pending final bills forthwith for the above said works executed by the petitioner and pass....”

2. It is the contention of the petitioners that even though the respondents admitted that the petitioners are entitled for payment of the aforesaid amount, no payment is made. The petitioners contend that such non-payment of money is clearly

illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to pay the aforesaid due amount with interest to the petitioners.

3. At the time of hearing, the learned Government Pleader for Roads & Buildings has submitted a copy of instructions of the Executive Engineer (I/c), (R & B) Division, Kovvur vide Lr.No.W.P.No.15198/2023/CRF Work K K Road-V-M Road/Maruthi/JTO-3/2023, dated 27.06.2023, wherein it is stated as follows:

“The Work i.e. a)Improvements to Khandavalli – K Khumudavalli Road from Km 0.000 to 1.00 in W.G. Dt & b) Improvements to Vadali – Mukkamala Road from Km 0.00 to 10.500 in W..G Dt. With estimated cost of 2200.00 lakhs was entrusted to M/s.Maruthi Constructions vide C.R. Agreement No.12/2022-23 dated 06.05.2022 with Tender Premium 4.425% excess over the estimate contract value and to complete the work within 18 months from the date of Agreement and the work is completed.

Further 4th and part bill received for Rs.6,12,29,783/- and net payable for Rs.5,56,04,525/- the bill is not proceeded in CFMS due to Non-Availability of budget under CRF Head of Account-5054-04-337-11-12-530/531VN. After allocation of budget under said head of account the bill will be processed in CFMS. But the agency has filed W.P. for 4th and part bill to a tune of Rs.6,25,75,476/- which is incorrect.

The Bill wise details are as follows:-

<i>Sl. No</i>	<i>CFMS ID</i>	<i>Type of Bill</i>	<i>Gross</i>	<i>Net</i>	<i>Remarks</i>
1.		<i>L.S.4th and Part bill</i>	<i>Rs.6,12,29,783 /-</i>	<i>Rs.5,56,04,525/-</i>	<i>Token Not Generated in CFMS due to NON Availability of Budget under CRIF HOA-5054-04-337-11-12-530-531VN</i>

4. This Court, in various orders, including the common order dated 05.10.2021 in W.P.No.10038 of 2021 and batch passed by a learned Single Judge of this Court 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. In view of the common order passed by this Court and after hearing the submissions of learned counsel on both sides, this Writ Petition is disposed of directing the respondents to release total amount of Rs.6,12,29,783/- (4th & part bill) as admitted in the Letter dated 27.06.2023 to the petitioners within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE V.SUJATHA

Date :11.07.2023

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