

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

W.P.Nos.1772 & 1869 of 2023

COMMON ORDER:

Heard learned counsel for the petitioners and the learned counsel appearing for the respondents in all writ petitions. Perused the material available on record.

2) The issue raised in the present writ petitions is squarely covered by the order of this Court in **Rayapureddy Srinivasa Rao and others vs. Government of Andhra Pradesh, rep. by its Principal Secretary to Government and others¹** and batch in which the writ petitions are allowed with the following directions:

- i) The Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/ 2020, dated 12.05.2021 issued by the Respondent No.1 are set aside to the extent of deduction of 21.02% for DCC works and 6.333% for MCC works while making payment to the petitioner.
- ii) The respondents are directed to clear the bills submitted by the petitioner and to release payment forthwith, in case no payment is made till date.
- iii) In case, any part payment is made as on date, the remaining amount shall be paid to the petitioner forthwith.
- iv) The respondents shall pay interest @ 12% per annum within a period of four (4) weeks from the date of receipt of a copy of this order.

¹ 2021 SCC OnLine AP 3084

- v) The interest shall be computed from the date of expiry of one month from the date of submission of the bill by the petitioner to till the date of final payment.

3) Against the above said order, several writ appeals are filed and in one of the writ appeals (i.e.) W.A.No.724 of 2021, a Division Bench of this Court has passed an interim order, dated 18.11.2021 as extracted hereunder:

"The direction of the learned Single Judge regarding payment of interest to the respondent no.1 as also setting aside the provision in Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No. 1388361/ RD.II/A1/2020, dated 12.05.2021 relating to deduction of 21.02% for DCC works and 6.333% for MCC works, while making payment, shall remained stayed.

On a query of the Court, learned Advocate 6 General submitted that the direction of the learned Single Judge as far as payment of the principal amount of the bills raised by the original writ petitioner, in terms of the order of the Division Bench in **Krishna District Grama Panchayathi Sarpanchla Sangam (supra)**, shall be made within four weeks, if already not done.

The matter be listed for hearing in due course.

It is clarified that the appellants shall comply with the rest of the directions issued by the learned Single Judge in the judgment under appeal."

4) Subsequently, a Division Bench of this Court headed by the Hon'ble Chief Justice while hearing the Writ Appeal Nos.740 and 741 of 2021, having considered the order passed in W.A.No.724 of 2021, the following order is passed:

“Considering the facts and circumstances of the case and having regard to the interim order passed by the Coordinate Bench, we direct that the said interim order shall apply for the present writ appeals also, however, with a condition that the appellants shall pay the principal amount of the bill raised by the original writ petitioners, within a period of four weeks, failing which the present interim order shall stand vacated without reference to the bench.”

5) The respective counsels appearing for the petitioners and respondents in all writ petitions have consented to dispose of these writ petitions by following the order, dated 24.11.2021, passed by a Division Bench of this Court in W.A.Nos.740 and 741 of 2021.

6) The learned counsel appearing for the petitioners in all these writ petitions sought permission of this Court to grant liberty to renew their claim with regard to the interest part after disposal of the writ appeals.

7) The learned counsel for the petitioners requested the Court to clarify the applicability of the Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/2020, dated 12.05.2021.

8) The learned Government Pleader for Panchayat submitted that the said Memos are issued for the works executed

under "Mahatma Gandhi National Rural Employment Guarantee Scheme".

9) It is made clear that the Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/2020, dated 12.05.2021 are applicable to the works executed under "Mahatma Gandhi National Rural Employment Guarantee Scheme" only.

10) Accordingly, these writ petitions are disposed of with the following directions:

1. The Respondents in all the writ petitions shall pay the principal amount of the bill raised by all the respective writ petitioners within a period of six (6) weeks.
2. All the writ petitioners are at liberty to renew/raise/agitate their rights with regard to interest aspect, etc., after disposal of the writ appeals.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

R. RAGHUNANDAN RAO, J.

10-02-2023
BSM.

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