

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.1807 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 of mandamus or any other appropriate writ or direction declaring the action of the Respondents in withholding the payment of amount Rs.22,46,336/- (CFMS No.2022-2094975), Rs.17,19,638/- (CFMS No.2022-2129978) and Rs.9,62,717/- (CFMS No.2022-2095083) even after finalizing the bills, payable to the petitioner in relation to the works i.e. “Improvements to Pudipatlabyalu-Rangampeta Road from KM 0/0 to 34/480 in Chittoor District (Working Reach from KM 28/3 to 31/3” vide agreement (L.S) No.52/2018-19, dt.14.09.2018, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of amount of Rs.22,46,336/- (CFMS No.2022-2094975), Rs.17,19,638/- (CFMS No.2022-2129978) and Rs.9,62,717/- (CFMS No.2022-2095083) total an amount of Rs.49,28,691/- with interest @24%t per annum for the delayed amount to the petitioner in respect of execution of above-mentioned work forthwith and pass such other order or further orders”

2. The writ petitioner had been awarded the contract of execution of work i.e. Improvements to Pudipatlabyalu-Rangampeta Road from KM 0/0 to 34/480 in Chittoor District (Working Reach from KM 28/3 to 31/3, under agreement (L.S) No.52/2018-19, dt.14.09.2018,. After execution of the said

contract, a final bill for Rs.49,28,691/- had been prepared on the basis of the Measurement Book. As the payment of the said amount has not been made by the respondents, the petitioner has approached this Court by way of this writ petition.

3. It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled for payment of the aforesaid amount, no payment is made. The petitioner contends 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 petitioner.

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 for the petitioner, learned Government Pleader for Roads and Buildings and learned counsel appearing for the respondents, this Writ Petition is disposed of directing the respondents to release the amount of

Rs.49,28,691/- to the petitioner within a period of three (3) months from the date of receipt of a copy of this order. It is open to the petitioner to agitate his claim for interest, if any payable by the respondents, in an appropriate forum. There shall be no order as to costs. Miscellaneous petitions, if any pending, in this case, shall stand closed.

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 : 15.02.2023

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