

THE HON'BLE SMT JUSTICE V. SUJATHA

Writ Petition No.18291 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, declaring the action of the respondents and in nonpayment of dues Rs 10 92 86 641/ pertaining to the work of Widening and Strengthening of MandadiKothapullareddy Gudem road from km 0 000 to 19 050 in Guntur District executed under Agreement No 14/202122 even after submission of bill which is illegal arbitrary and Violation of Art 14 Art 15 Art 191g Art 21 Art 23 and Art 300A of Constitution of India and violation of clause and 68 AND 69 of AP Standard Specifications and consequently direct the respondents to pay dues of Rs 10 92 86 641/pertaining to the workWidening and Strengthening of MandadiKothapullareddyGudem road from km 0 000 to 19 050 in Guntur District executed under Agreement No 14/202122 along with 12 PERCENT Interest from the date of expiry of one month from the date of submission of bill to till the date of payment and pass”

2. 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 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 petitioner.

3. At the time of hearing, the learned Government Pleader for Roads & Buildings has submitted a copy of instructions of the Executive Engineer (R & B), Narasaraopet, vide Lr.No.Supdt/Court Case /UBS/NRT/2023, dated 21.07.2023, wherein it is stated as under:

“The work “Widening and Strengthening of Mqandadi-Kothapullareddy Gudem road from km 0.000 to 19.050” was entrusted to M/s. R & R Infra Tech India Pvt. Ltd., Visakhapatnam vide CR Agt. No.14/2021-2022 Dt. 12.08.2021 and the firm has started and completed the work and L.S. 1st and part bill was paid on 08.09.2022 and L.S. 2nd and final bill gross amount Rs.10,92,86,641/- and cheque amount of Rs.9,74,98,544/- pass order was made by this office on 16.06.2023 and onward submission to the Assistant Pay and Accounts Office, Narasaraopet is pending due to non-availability of necessary budget release order from the head office. Soon after release of the funds the work will be submitted to the Assistant Pay and Accounts Office, Narasaraopet for making payment.”

4. In view of the same, the learned Government Pleader requested time to release the funds to the petitioner.

5. 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.

6. 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.10,92,86,641/- 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.

7. 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.

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07.08.2023
PSA

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