

THE HON'BLE SMT JUSTICE V. SUJATHA

Writ Petition No.18421 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 1 to 5 in not processing final bill payment of Rs 20 54 348/ rupees twenty lakhs fifty four thousand three forty eight for the work executed ie urgent repairs to New RandB Inspection Bungalow near NTR beach Kakinada Kakinada District under H O A 20590410507270272 against LS agreement No /202223 Dt 03122022 inspite the completion of the work on Dt 31 012023 and not uploading the bills to CFMS portal inspite of several requests as illegal arbitrary violative and contrary to the principles of natural justice and consequetnly direct the respondents 1 to 5 to process the bills for uploading and for release of payment of Rs 20 54 348/ rupees twenty lakhs fifty four thousand three forty eight together with interest 24percent p a and grant”

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 1st and final bill has been scrutinized and passed order for Gross amount of Rs.20,54,348/- and net amount of Rs.19,21,891/-. The said bill was uploaded by maker in CFMS phase-II and generated CFMS ID No.2023-1065659. But above bill could not be moved from maker login to Checker login, and displaying an error that :Insufficient funds at HOD level. Bills already generated by other DDOs.

In this connection, it is submitted that, a letter addressed to Chief Engineer (R & B) Buildings & RSW, Vijayawada, to release the funds for an amount of Rs.80.99 lakhs (Total 10 works including the above work) under the Head of Account 2059-01-053-00-04-270/272VN vide this office letter No.A3/Buildings Work/ Funds requirement/2023 dated 05.06.2023. The funds to a tune of Rs.80.99 lakhs are to be released under the above Head of Account by Head of the department. Soon after release of funds, the payment of petitioner’s bill to a tune of Rs. 20,54,438/- will be arranged.”

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.20,54,348/- 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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