

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.19161 OF 2023

ORDER:

The petitioner had been awarded the contract of various works under the 'Neeru-Chettu' Scheme in Prakasam District. After execution of the said contract, a final bill was prepared for a sum of Rs.42,00,000/- as per the sanctioned orders. 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.

2. It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled for payment of the aforesaid sum of money, no payment is being made. The petitioner contends that such non-payment of money is clearly arbitrary and high-handed requiring the interference of this Court.

3. This Court, in various orders, including the judgment of a learned Single Judge of this Court dated 05.10.2021 in W.P.No.10038 of 2021 and batch 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.

4. On the other hand, learned Government Pleader for Irrigation while admitting about the claim of the petitioner placed on record instructions received from the Executive Engineer, Prakasam

district, dated 18.10.2023. He would submit that the payment was not proposed as the quality control certificate was not issued and the work was not verified by the verification teams. Soon after submission of the quality control certificate, bills will be paid to the petitioner.

5. In view of the aforesaid directions of this Court in various cases and after hearing the submissions of learned counsel for the petitioner, learned Government Pleader for Irrigation this Writ Petition is disposed of with a direction to the respondents to release the amount of Rs.42,00,000/- to the petitioner, subject to the condition of the petitioner submitting the quality control certificate to the respondents, along with the interest @ 6% per annum, in view of the judgment of the Hon'ble Division Bench of this Court in Writ Appeal No.724 of 2021 and batch dated 12.10.2023, within a period of six (06) weeks from the date of receipt of a copy of this order. It would also be open to the petitioner to agitate his claim for higher rate of interest, if any payable by the respondents, in an appropriate forum. There shall be no order as to costs.

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

VENKATESWARLU NIMMAGADDA, J

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