

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.19270 of 2023

Between:-

Manthana Subbaraju

.... Petitioner

And

The State of Andhra Pradesh,
Represented by its Principal Secretary,
Finance & Planning Department & 5 others

.... Respondents

Counsel for the Petitioner : Mr. Ramineni Sudheer

Counsel for the Respondents : Learned Government Pleader for
Irrigation & CAD (Water Resources
Department)

Learned Government Pleader for
Finance & Planning

ORDER:

The present Writ Petition is filed to declare the action of the respondents in withholding the payments due to the petitioner even after finalizing the bills payable to the petitioner in relation to the execution of the work under contract vide Agreement No.161KW/2018-19 dated 18.06.2018 for a sum of Rs. 8,44,721/- as illegal, arbitrary, etc., and for consequential direction to the respondents to pay the above said amount.

2. Heard learned Counsel for the petitioner. Also heard learned Assistant Government Pleader for Irrigation & CAD and the learned Assistant Government Pleader for Finance & Planning representing the respondents.

With their consent, the Writ Petition is being disposed of, at the admission stage.

3. Learned counsel for the petitioner states that the petitioner completed the above mentioned work to the satisfaction of the respondent authorities. He further submits that the bills in respect of the same have not been paid so far and in view of the delay on the part of the respondents in releasing the amount, the petitioner is facing financial crisis. Under the said circumstances, the present Writ Petition is filed.

4. Learned Assistant Government Pleader for Irrigation & CAD placed a copy of the brief instructions dated 30.08.2023 received from the 4th respondent for perusal of this Court, wherein it is *inter alia* mentioned that due to non-availability of funds, bills were not paid and they will be paid after release of funds by the Government.

5. Therefore, in view of the undisputed position with regard to the execution of the work by the petitioner and non-payment of bill in respect of the same, this Court, being of the opinion that the action of the respondents in not paying the bill amount to the petitioner is unjust, not tenable, however, is inclined to grant some time to the respondents to make the payment.

6. Accordingly, the Writ Petition is disposed of, with a direction to the respondents to arrange to pay the amount, which is due and payable to the

petitioner, in respect of the works-in-question, after effecting the statutory deductions, as expeditiously as possible, at any rate, within a period of four (4) weeks from the date of receipt of a copy of this Order.

There shall be no order as to costs. As a sequel, all pending applications shall stand closed.

JUSTICE NINALA JAYASURYA

Date: 30.08.2023

IS/GVK

167

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