

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.19452 OF 2023

A.Srinivasa Rao, S/o Venkata Ramanaiah, Age
40 years, Puttupalli, Chejarla, SPSR Nellore
District.

... Petitioner

Versus

The State of Andhra Pradesh, represented by
its Principal Secretary, Department of
Municipal Administration & Urban
Development, Secretariat Building,
Velagapudi, Guntur District and seven others.

... Respondents

Counsel for the petitioner : Smt.M.Anusha

Counsel for respondents : GP for MA&UD,
Sri E.V.Jagannadha Rao
and Sri K.Suresh Kumar
Reddy, Standing Counsel for
Municipal Corporation

: ORDER :

The above writ petition is filed to declare the action of
the respondents in withholding the payment of
Rs.11,25,671/-, even after finalizing the bills payable to the
petitioner in relation to the works i.e. "*Formation of roads at*

housing sites (Sy.No.2001 to 2004) opp: Hindu Burial ground in Venkateswarapuram of Nellore Municipal Corporation” vide EE TS:DB2/243/2022-23, dated 14.07.2022, as illegal and arbitrary.

2. Heard Smt.M.Anusha, learned counsel for the petitioner, Sri P.Anand Surya, learned counsel representing Sri Suresh Kumar Reddy Kalava, learned Standing Counsel for Corporation appearing on behalf of the respondents 3 and 4 and Sri Sajid, learned counsel representing Sri E.V.Jagannadha Rao, learned Government Pleader for Housing Department appearing on behalf of the respondents 6 to 8.

3. Counter-affidavit was filed by the respondents 3 and 4 wherein it was contended that the 3rd respondent has already prepared bill and submitted to the Managing Director, Housing Department through District Head, Housing for release of pending bills to the petitioner under Non-OTS funds. Since the funds are not yet released, payments were not made to the petitioner.

4. Sri Sajid, learned counsel would submit that the bill was raised for Rs.10.00 lakhs for which the petitioner is entitled to and the amount will be paid after release of the funds from the Government. Learned counsel for the petitioner endorsed that the petitioner is entitled to Rs.10.00 lakhs.

5. Learned counsel appearing for the respondents 6 to 8 would submit that there is no dispute about execution and completion of the work by the petitioner.

6. As seen from the averments in the counter-affidavit, there is no dispute with regard to execution of work by the petitioner. In fact, 3rd respondent prepared bill for an amount of Rs.10.00 lakhs for the subject work *vide* proceedings No.656/Critical Infra Committee/AM(E)/2022, dated 19.07.2022. The only reason assigned for non-payment of bills to the petitioner is that funds were not released by the Managing Director, Housing Department.

7. Since there is no dispute about execution of work by the petitioner and in view of the submission of learned

counsel appearing on behalf of the respondents that the work was completed, the Writ Petition is disposed of directing the respondents to release an amount of Rs.10.00 lakhs to the petitioner for the works done by him as expeditiously as possible within a period of three (3) months from today on priority basis. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Date : 12.02.2024
KA

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.19452 OF 2023

Date : 12.02.2024
KA