

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.19602 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 an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents in paying the bill amount of Rs.12,19,280/- (Rupees Twelve Lakhs Nineteen Thousand Two Hundred and Eighty) to the petitioner in respect of execution of the work relating to Agreement No.113/2015-16 Dated 23.01.2016 as illegal, arbitrary and violation of principles of natural justice and violation of Article 14, 19(1) (g) of Constitution of India and consequently direct the respondents to pay the said amount of Rs.12,19,280/- (Rupees Twelve Lakhs Nineteen Thousand Two Hundred and Eighty) to the petitioner with interest @ 18% per annum from 20.11.2020 till the date of payment...”

2. At the time of hearing, the learned Government Pleader for Roads & Buildings has submitted a copy of instructions of the Executive Engineer, (R&B) Division, Nellore, vide Letter No.WP.No.19602/2023/Supdt/2023, dated 31.07.2023, wherein it is stated as follows:

“...the petitioner was executed and completed the work by 28.02.2019. The LS 1st and part bill was paid to the petitioner for Rs.22,64,810/- and the LS 2nd and Final bill for Rs.13,64,992/- was received the Office of the Executive Engineer (R&B) Nellore from the Deputy Executive Engineer (R&B) Nellore on 22.01.2020 and submitted to the APAAO II WA Nellore on 18.02.2020 and the

APAO II WA Nellore was approved the bill on 17.03.2020 vide CFMS Bill No.201-2592575, dated 17.03.2020.

The said CFMS Bill No.2019-2592575 was not paid during the financial year 2019-20 and migrated to the CFMS Bill ID No.2021-2018258, dated 24.12.2021. Again the said bill was not paid on the financial year 2021.22 and the bill was again Migrated to the CFMS Bill ID No.2022-328070, dated 22.06.2022. The said bill was not paid during the financial year 2022-23 and migrated to the CFMS Bill ID No.2023-242767 and the same is waiting for fund clearance at RBI. After fund clearance of the bill, the same will be credited to the petitioner's Account immediately. .”

3. In view of the above instructions submitted by the learned Government Pleader for Roads & Buildings, since the bill amount claimed by the petitioner is an admitted bill, this Court feels it appropriate to dispose of the writ petition directing the respondents to release amount of Rs.12,19,280/- to the petitioner within a period of three (3) months from the date of receipt of a copy of this order.

4. With the above direction, 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.

JUSTICE V.SUJATHA

Date : 18.08.2023

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