

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.19959 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 in withholding the balance payment Rs.71,91,239/- (Rupees Seventy One Lakhs Ninety One thousand two hundred and thirty nine only), even after finalizing the bills payable to the petitioner firm in relation to the work i.e., for providing urgent Repairs to Bukkarayasamudram - Muchukuntapalli road from Km 15/6 to 18/6 Bukkarayasamudram Mandal of Ananthapuram District is illegal, arbitrary and violative of Articles 14, 19, 21 and 300-A of Constitution of India and consequently direct the respondents to consider for payment Rs.71,91,239/- (Rupees Seventy One Lakhs Ninety One thousand two hundred and thirty nine only) of balance amount for the delayed amount to the petitioner firm in respect of execution of above mentioned work forthwith....”

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, Anantapuramu, vide Letter No.WP.No.01/SUPDT/Court case/2022-23, dated 04.08.2023, wherein it is stated as follows:

“...the issue pertains to payment of work bill for the work “Urgent repairs to Bukkarayasamudram - Muchukuntapalli road from km 16/6 to 18/6 in Anantapuramu District”. The work was sanctioned for Rs.75.00 lakhs and work was entrusted to M/s

Thirumala Constructions, Anantapuramu at T.P. 4.99% excess over estimate contract value with a stipulation to complete the entire work by 26.10.2023 and the work was completed as on 07.05.2023.

In this regard, LSI & Final bill was also submitted to Pay and Accounts Officer bill for Rs.78,38,104/- (Gross) & Rs.71,86,275/- (net) duly passed by the Executive Engineer, (R&B) Division, Anantapuramu and bill was uploaded in CFMS Phase-II vide CFMS ID No.2023-726556 on 01.06.2023.

The bill has been processed by PAO, Anantapuramu and waiting for fund clearance at RBI.”

3. In view of the above instructions submitted by the learned Government Pleader for Roads & Buildings, this Court feels it appropriate to dispose of the writ petition directing the respondents to release the admitted amount of Rs.71,86,275/- as per their written instructions 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 : 22.08.2023

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