



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3329]

WEDNESDAY ,THE SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 20478/2023

Between:

M/s Rkn Projects Private Ltd,

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.BATHALA RAMESH

Counsel for the Respondent(S):

1.GP FOR IRRIGATION COMM AREA DEV

2.GP FOR FINANCE PLANNING

The Court made the following:

ORDER:

1. The petitioner had been awarded the contract of work(s) under the subject scheme in SPSR Nellore District. After execution of the said contract, a final bill was prepared for a sum of Rs.3,61,12,552/- 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 placed on record the counter-affidavit of the 4th respondent, wherein it is stated that the 4th respondent stopped the payment to the petitioner due to pending of Audit Para & Vigilance objections on the subject work as per the procedural rules. After dropping of the Audit Paras by the office of Principal Accountant General, apart from the Vigilance remarks by the Vigilance Department, appropriate action for payment of pending bill i.e., payment of recovered amount for the work will be taken.

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.3,61,12,552/- to the petitioner, 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 and due amount, 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.

06.03.2024
TPS

VENKATESWARLU NIMMAGADDA, J

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HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.20478 of 2023

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