

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.22917 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 1 to 4 in withholding the final payment of Rs.51,81,600/- (Rupees Fifty One Lakhs Eighty One Thousand Six Hundred Hundred Only) and Rs.1,25,550/- (Rupees One Lakhs Twenty Five Thousand Five Hundred Fifty Only) totaling to Rs.53,07,150/- (Rupees Fifty Three Lakhs Seven Thousand And One Hundred Fifty Only) towards final payment in respect of the material i.e. fishing nets supplied by the petitioner under 13 supply orders issued by the 3rd respondent Dt. 09.01.2018, Dt. 28.07.2018, Dt. 21.12.2018, Dt. 30.01.2019, Dt. 01.02.2019 (2), Dt. 22.02.2019(3), Dt. 14.03.2019, Dt. 01.05.2019 (2) and Dt. 04.06.2019, towards final payment in spite of the bills were uploaded and approved since the year 2020 in the CFMS portal as illegal, arbitrary violative and contrary to the principles of natural justice and consequently direct the respondents to pay the total outstanding due amounts of Rs.53,07,150/- (Rupees Fifty Three Lakhs Seven Thousand And One Hundred Fifty Only) together with interest 12% from the respective due date till actual payment.....”.

2. Brief facts of the case are that the petitioner is a Central Government Employees Consumer Cooperative Society Limited, popularly known as Kendriya Bhandar which was set up in the year 1963 and registered with Central Registrar of Cooperative Societies, Government of India as a Multi State Consumer Cooperative Society in September, 2000. The petitioner and the respondent Nos.1 to 3 entered into agreement, in which the petitioner was entrusted with a work to supply fishing nets to the

beneficiaries of the scheme announced by the Government of Andhra Pradesh. As the work entrusted to the petitioner is done, the respondents paid an amount of Rs.51,81,600/- (Rupees Fifty One Lakhs Eighty One Thousand Six Hundred Hundred Only) but the Grievance of the petitioner is that petitioner's firm is entitled for a further amount of Rs.1,25,550/-. Hence, the present writ petition.

3. Counter affidavit has been filed by the respondent No.3 wherein it is stated that the respondent No.3 prepared bills for an amount of Rs.51,81,600/- through CFMS and the said bills were not cleared and the bills were closed due to end of financial year and the respondent No.3 already requested the District Collector/Chief Planning Officer, Vizianagaram and is awaiting for releasing of funds for clearing the pending bills to the petitioner's firm.

4. In view of the same, 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 admitted amount to the petitioner within a period of Six (06) weeks from the date of receipt of a copy of this order and the petitioner is at liberty to claim any dues if the petitioner is entitled for any further amount.

5. 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 :17.11.2023

SRT

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