

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.4071 of 2023

Between:-

M/s.Super Power, Rep.by its Proprietor,
Smt.Brunda Devi Pantham.

..... Petitioner

And

The State of Andhra Pradesh,
Represented by its Principal Secretary,
Social Welfare Department, Secretariat,
Velagapudi, Amaravathi, Guntur District & Others.

..... Respondents

Counsel for the Petitioner : Mr.Dasari S.V.V.S.V.Prasad

Counsel for the Respondents : G.P. for Social Welfare,
Mr.Kalisetti Apparao,
Standing Counsel for APBCCFCL,
G.P. for Finance & Planning

ORDER:

Heard learned counsel for the petitioner. Also heard learned Assistant Government Pleader for Social Welfare, learned Assistant Government Pleader for Finance & Planning and Mr.Kalisetti Apparao, learned Standing Counsel appearing for the respective respondents. With the consent of both sides, the Writ Petition is disposed of, at the stage of admission.

2. The present Writ Petition is filed to declare the action of the respondents in not releasing the amount of Rs.59,82,601/- for supplying the machineries/equipments by the petitioner as illegal,

arbitrary etc., and for a consequential direction to the respondents to pay the said amount to the petitioner and to pass such other orders.

3. The learned counsel for the petitioner submits that having received the machineries/equipment, the respondents have not cleared the bills, for which the petitioner is lawfully entitled, thereby resulting in serious prejudice and irreparable loss and hence the present Writ Petition is filed.

4. A Counter Affidavit is filed by the 3rd respondent. From a reading of which, it would appear that there is no dispute with regard to the machineries/equipment supplied by the petitioner. The relevant portion of the Counter Affidavit in this regard reads as follows:-

"5. It is humbly submitted that due to lack of budget the bill was not uploaded in CFMS Portal for Rs.58,76,052/- and the HOA was disabled. It is humbly submitted that soon after receipt of funds from the government, the bills for Rs.58,76,052/- will be paid."

5. Therefore, in view of the undisputed position with regard to machineries/equipment supplied by the petitioner and non-payment of Bills in respect of the same, this Court being of the opinion that the respondents' action in not releasing payment is unjust, not tenable, however inclined to grant sometime to the respondents to make the payment.

6. Accordingly, the Writ Petition is disposed of, with a direction to the respondents to arrange to make payment of the amount, which is due and payable to the petitioner, in respect of the machineries/equipment supplied, after effecting statutory deductions, as expeditiously as possible, at any rate, within a period of two (2) months from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, all pending applications shall stand closed.

JUSTICE NINALA JAYASURYA

Date: 20.12.2023

BLV

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BLV