

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
THE HON'BLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION No.6191 of 2023

Dated 30.01.2024

Between:-

M/s. Integrated Engineering.,
Rep. by its Partner
Chinna Yeddula Gangi Reddy

.... Petitioner

And

The State of Andhra Pradesh,
Represented by its Principal Secretary,
Rural Water Supply and Sanitation Department,
& 6 others

.... Respondents

Counsel for the Petitioner : Mr. Shaik Mohammed Ismail

Counsel for the Respondents : G.P. for Irrigation
G.P. for Finance & Planning
Mr. G. Venkata Reddy,
Standing Counsel for
Gram Panchayat

ORDER:

Heard learned counsel for the petitioner. Also heard learned Assistant Government Pleader for Irrigation and learned Assistant Government Pleader for Finance & Planning appearing for the respective respondents. With their consent, 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 making payment of the total amount of Rs.77,96,115/- for the subject matter works as per agreements dated 08.09.2020 and 13.08.2021 as illegal, arbitrary etc., and for a

consequential direction to the respondents to pay the said amount to the petitioner along with 24 % interest p.a.

3. The learned counsel for the petitioner submits that the petitioner completed the works-in-question to the satisfaction of the respondent authorities in all respects. He submits that despite the same, bills to which the petitioner is lawfully entitled were not released resulting in serious prejudice and irreparable loss and hence the present Writ Petition is filed.

4. At the time of considering the matter, the learned Assistant Government Pleader for Irrigation placed a copy of the written instructions dated 24.01.2024 received from the 6th respondent for perusal of this Court, wherein it is mentioned as follows:-

"1) Bill uploaded in CFMS vide T.No. 2022-939594. At the end of F.Y i.e., 31.03.2023 Bills returned by the Treasury to the DDO as per Art.39 & 50 of APFC Vol.I.

2) Bill uploaded in CFMS vide T.No.2022-940576. At the end of F.Y i.e., 31.03.2023 Bills returned by the Treasury to the DDO as per Art. 39 & 50 of APFC Vol.I."

5. Therefore, in view of the undisputed position with regard to the execution of works 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 some time 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 works executed, after effecting statutory deductions, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this order. It is needless to mention that the petitioner may raise its claim with regard to the interest component before appropriate Forum, if it desires.

There shall be no order as to costs. As a sequel, all pending applications shall stand closed.

JUSTICE NINALA JAYASURYA

Date: 30.01.2024
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