

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.6751 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, particularly in the nature of WRIT OF MANDAMUS, declaring the in action of the Respondents in finalizing the final bill in terms of Andhra Pradesh Standard Specifications and General Conditions of CR Agreement No.138/2011-12 dated 14.03.2012, despite closure of the contract on 15.02.2015 as arbitrary, illegal and consequently to direct the Respondents to finalise the final bill”

2. The brief facts of the case are that, the petitioner being a registered ‘Special Class Contractor’ with the Government of Andhra Pradesh and a Partnership firm registered with the Registrar of Firms, Hyderabad bearing No.952 of 2001 was engaged in the constructions of bridges, aqueducts and irrigation projects besides other infrastructure activities for more than four decades and in the said process, gained special expertise in construction of bridges and other infrastructure activities.

3. While so, the work relating to the construction of a High-Level Bridges Thammileru was awarded to the petitioner through Agreement No.138/2011-12 dated 14.03.2012 by the 3rd respondent for a contract sum of Rs.6,47,37,066/- with the original completion period of 24 months and the defect liability period was specified as 24 months from the date of completion under the said terms of the contract. As the petitioner has to make elaborate arrangements to complete the work within the stipulated period, the petitioner could not complete the work within the stipulated period, because of which the respondents have suo-moto decided to close the contract without any notice and knowledge to the petitioner.

4. The specific case of the petitioner is that, due to inordinate delay, for want of land acquisition, the work would not be completed in its entirety. The said reasons were brought to the notice of the concerned authorities, during the subsistence of the agreement itself on various occasions. Basing on which, the completion period was also extended up to 20.02.2015 without liquidated damages. Further, basing on the 3rd respondent letter dated 10.02.2015, the 2nd respondent vide Memo No.88/NABARD/RIDF-XVII-DCE(N)/DEE-II/AE-

4/2011, dated 02.03.2015 accepted the proposal for closer of the work at that stage.

5. The grievance of the petitioner is that, despite the closure of the contract more than eight (8) years ago, the respondents have failed to finalize the final bill for the work done to date and without finalizing the final bills, the petitioner is not able to realize the pending bills before the respondents.

6. Learned Government Pleader for Roads & Buildings has produced a copy of the instructions of the 4th respondent/Executive Engineer vide letter No.WP.6751/2023/A7/2023, dated 01.04.2023, wherein it is stated that, on preliminary verification of the records, some reports were submitted to the Government by the Higher authorities and there are some vigilance objections because of which there is some delay in finalizing the bills..

7. In this regard, as there is some delay in closing the final bills, the learned Government Pleader has raised an objection that the petitioner has to submit a representation to the respondents for closure of the said final bills.

8. In view of the same, instead of going into the merits of the case, this Court feels it appropriate to dispose of this writ

petition by directing the petitioner to submit a representation to the respondent Nos.3 and 4 within a period of four (4) weeks from the date of receipt of a copy of this order and on such representation, the respondent Nos.3 and 4 are directed to pass appropriate orders within a period of two (2) weeks thereafter.

9. Accordingly, 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 : 03.04.2023

Note:
C.C.by tomorrow
B/o
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