

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.9717 of 2023

ORDER:

1. This writ petition under Article 226 of Constitution of India is filed to issue writ of mandamus, declaring the action of respondents in withholding payments of bill, payable to the petitioner in relation to the execution of work under the subject scheme, as illegal, arbitrary and contrary to the principles of natural justice.

2. It is the case of the petitioner that the petitioner has executed the work under the subject scheme, the respondents having been satisfied with the execution of works, prepared the bills, but the amount was not paid, for different reasons.

3. During hearing, learned Government Pleader for Irrigation placed on record, the written instructions passed by the Executive Engineer, Kavali, dated 17.08.2023 stating that due to lack of budget the bill was not uploaded in the CFMS portal. Soon after the release of the budget the bill will be paid to the petitioner.

4. In view of the instructions placed on record, the respondents are directed to clear the bill amounts of Rs.2,42,947/- 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, failing which the bill amounts will carry interest @ 12% per annum, till the actual payment of the amount to the petitioner.

5. With the above directions, the Writ Petition is disposed of, without touching the merits, as to the maintainability of the writ petition. There shall be no order as to costs.

6. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

17.11.2023

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