

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION No.1272 of 2022.

ORDER:-

Heard learned counsel for the petitioner and the learned counsels appearing for the respondents. Perused the material available on record.

2) The issue raised in the present writ petition is squarely covered by the order of this Court in **S.Srinivas Vs. State of Andhra Pradesh and others¹** in which this Court held as extracted herein under:

21) *In the considered opinion of this Court, withholding the amount for which the petitioner is legitimately entitled is nothing but depriving the petitioner. Due to illegal action of non-payment of the amounts promptly by clearing the bills submitted by the petitioner after execution of works, the petitioner could not feed and see the welfare of his family properly and he could not make payments to his employees/workers and he could not make payments to the material suppliers and he has to pay interests for the debts incurred by him for execution of works. Due to this situation, petitioner's respect and dignity in the society will be deteriorated. As such, the petitioner's right to life with respect and dignity will be deteriorated. As such, the petitioner's right to life with respect and dignity will be defeated which is violative of Article 21 of the Constitution of India.*

22) *As such this Court holds that withholding the amount, for which the petitioner is legally entitled, is illegal, arbitrary, and unjust and violative of Article 21 of the Constitution of India.*

24) *A larger bench of the Hon'ble Apex Court in Secretary, Irrigation Department, Government of*

¹ 2021 lawsuit(AP) 390

Orissa and others V G.C.Roy opined as extracted hereunder:

"A person deprived of the use of money to which he is legitimately entitled has right to be compensated for the deprivation, call it by any name. It may be called interest, compensation or damages".

25) *The High Court of Andhra Pradesh in J.Devendra Reddy V Kakatiya University and another 2 held that withholding of the amount payable to the petitioner for the contract works, constitutes patent arbitrariness on the part of the respondents.*

3. In view of the ratio laid down in the above rulings, this Writ Petition is allowed with the following directions:

- i) The respondents are directed to clear the bills submitted by the petitioner and release payments within four(4) weeks from today with interest at 12% p.a.
- ii) The interest shall be computed from the date of expiry of the one month from the date of submission of the bill by the petitioner to till the date of payment.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this case shall stand closed.

JUSTICE BATTU DEVANAND

Date : 04.02.2022

Note: Issue CC by tomorrow.

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