

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION No.4645 Of 2022****ORDER:-**

1. The petitioner seeks writ of mandamus to declare the action of the respondents in non-payment of amount due for the last three years even after finalizing the bills, payable to the petitioner after successful completion of the execution of works i.e., Desilting the Pedda Vagu of Anasagaram Village in Nandigam mandal of Krishna District under Agreement No.07/NC/2018-19 dated 08.05.2018 for “Neeru-Chettu” programme duly approved by the respondents, as illegal, arbitrary and violative of principles of natural justice and for a consequential direction.

2. The petitioner’s case is that, the petitioner has undertaken certain repair works in Krishna District and successfully completed those works. On completion of the agreed works, the respondent authorities did not pay the amount till date. Though the works were completed long back and the default liability period of two years was also completed, still, the respondent authorities have not returned the amount. Hence, the writ petition is preferred seeking a direction to the respondents to pay the amount with interest.

3. Heard. No counter is filed by the respondents.

4. As can be seen, the petitioner’s case is a pitiable one. The petitioner has successfully completed the agreed works to the satisfaction of the authorities. However, the bill amount was withheld and not returned, most importantly, without any reason.

5. Though this Court passed an interim order on 22.02.2022, directing the respondents to pay the approved and final bill amount due to the petitioner, within a period of six (06) weeks, the same was not paid. It is imperative for public authorities to recognize their responsibility and promptly fulfil contractual obligations by paying the agreed-upon amounts to contractors. Failing to do so not only jeopardizes future contractor engagement but also undermines the quality of work delivered. In the present case, the withholding of the bill amount lacks justification. Therefore, it is only fair for the petitioner to receive the payment owed to them, along with interest.

6. Hence, writ petition is disposed of, directing the respondent authorities to pay the bill amount covered under Agreement No.07/NC/2018-19 dated 08.05.2018 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.

7. It would also be open to the petitioner to agitate his claim differential amount/higher rate of interest, if any payable by the respondents, in an appropriate forum. There shall be no order as to costs.

8. Consequently, miscellaneous applications pending, if any, shall stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

Date: 02.02.2024
BSK/ANS