

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE No. W.P.No. 5906 of 2023

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
10.	04.08.2023	<p><u>GRKP, J</u></p> <p>Heard Sri Polanki Anand Surya, Ld. Counsel for the Writ Petitioner, Sri Katha Sudhakar, Ld. Assistant Government Pleader for Municipal Administration & Urban Development appearing on behalf of Respondent Nos.1 to 4 and Sri S.Nagaraju, Ld. Assistant Government Pleader for Finance and Planning appearing on behalf of the Respondent No.5.</p> <p>2. In compliance with the directions of this Court dated 12.07.2023, the Respondent No.4 has filed Counter-Affidavit dated 14.07.2023. The relevant portion of the Counter-Affidavit is usefully extracted hereunder:</p> <p>“13. “The balance work was entrusted to a contractor in March 2016 with a stipulation to complete by 30.5.17. However, the work was not completed as of November 2018. Work was executed after expiry of agreement period (i.e., by May 2017). No EoAT was granted. Value of work done as of January 2018 was Rs.2,18,46,165/- and thereafter there was no progress in the work. Liquidated damages were not imposed on the contractor for non-achievement of milestones as per agreement conditions.</p> <p>When the reasons for non-completion of work were called for, it was replied that the work was completed by March 2018. The final bill would be settled after approval of deviation of EoAT from higher</p>	<p>(Contd...)</p>

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		<p>authorities.”</p> <p>14. In this regard, replies have been submitted to the Accountant General, Andhra Pradesh, Vijayawada vide this office letter Nos I) Lr.no:574M/A19/Supdt/2019, dt.28.11.2019, II). Lr.no: 43M/A19/Supdt/2019, dt.08.02.2021, & III). Lr.no:559M/A19/Supdt/2021, dt.09.12.2021 as follows,</p> <p>15. “The balance work was entrusted to the firm M/S Sri Surya Rama Constructions, Peddapuram in March 2016. Even though being a difficult work, the contractor completed the entire balance work by December 2017. The beneficiaries have occupied the houses and utilizing the benefits of infrastructure created under this project. The EOAT was sanctioned upto 31.12.2017 vide memo.no: 224/T6/KKD/IHSDP/II/2015-21/1 dt.09.03.2021 of the Engineer-In-Chief, Tadepalli. The deviation statement incorporating the GST was approved by the Engineer-In-Chief, Tadepalli vide memo.no: 225/T6/KKD/IHSDP/II/2015-21/1/dt.28.06.2021.</p> <p>16. In this connection, it is to submit that, for any work with pending audit inspection paras, final bill cannot be paid to the contractor until dropping of pending audit inspection paras by the competent authority. Hence, the LS 3rd and final bill of the petitioner for the above work cannot be paid until dropping of audit para no VI(b) of 12/2018 by the Accountant General, Andhra Pradesh, Vijayawada.”</p> <p>3. The Paragraph No.14 of the Counter-Affidavit dated 14.07.2023 would indicate that the Official Respondents herein have submitted their replies to various queries made by the Accountant General Correspondence Letters by their replies dated 28.11.2019, 08.02.2021 and 09.12.2021. Insofar as, the execution of work by the Writ Petitioner is concerned, there does not</p>	(Contd...)
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		<p>seem to be any opposition to the fact that the Writ Petitioner has executed the work. Despite the fact that the Writ Petitioner, having executed the work even by March, 2018, as per the contents of this Affidavit, this Court is of the view that there is no reason as to why the Official Respondents have to withhold the payments due to the Writ Petitioner so far.</p> <p>4. Only reason that is shown by the Official Respondents herein is that the issue of payment is presently pending with the Accountant General, Andhra Pradesh. This ground does not seem to be tenable to this Court, since the Official Respondents have been corresponding with the Accountant General from 28.11.2019 and upto 09.12.2021. It seems that there is stoic silence and inaction on the part of the Accountant General since the last correspondence by the Official Respondents dated 09.12.2021.</p> <p>5. In this view of the matter, this Court deems it appropriate to implead the Accountant General, Andhra Pradesh.</p> <p>6. Sri S.Nagaraju, Ld. Assistant Government Pleader for Finance and Planning appearing on behalf of the Respondent No.5 is directed to convey the content of this Order forthwith to the respective Law Officer dealing</p>	(Contd...)
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		<p>with the issues of Accountant General. He shall also communicate a copy of this Order to the Department of Finance and Planning with a further direction that the Principal Secretary, Department of Finance and Planning to convey this Order to the Accountant General.</p> <p>7. The Accountant General shall file an Affidavit indicating the current status of the case pertaining to the Writ Petitioner within a period of two weeks from today.</p> <p>8. List the matter on 18.08.2023.</p> <p style="text-align: right;">_____ GRKP, J</p> <p>S D P</p>	
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