

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT
THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA



WRIT PETITION NO: 7150 OF 2022

Between:

C Balaswamy, S/o.C.Pakeeraiah, Aged about 60 years, Occ. Contractor, R/o.
A.Kodur Village, Bandiatmakur Mandal, Kurnool District.

...Petitioner

AND

1. The State of Andhra Pradesh, rep.by Principal Secretary, Irrigation and Water Resources Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Kurnool District, Kurnool.
3. The Superintendent of Engineer, Irrigation Circle, Kurnool, Kurnool District.
4. The Executive Engineer, Water Resources Department, M.I.Works Division, Nandyal, Kurnool District.
5. The Deputy Executive Engineer, M.I. Works Sub Division, Nandyal, Kurnool District.
6. The State of Andhra Pradesh, rep.by Principal Secretary, Finance Department, Secretariat, Velagapudi, Amaravathi, Guntur District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents herein in not releasing the admitted bill amount of Rs.8,09,575/- vide CFMS.No.2268908, Rs.8,12,201/- vide CFMS No.2269230, Rs.8,09,332 vide CFMS.No.2272373, Rs.7,98,338/- vide CFMS.No.2272083 and Rs.8,10,313/- vide CFMS.No.2271464 despite successful completion of the works executed by the petitioner in teirlis of different Agreements under Neeru Chettu Programme even after finalizing the bills and the same were generated in Comprehensive Financial Management System (CFMS), in spite of repeated requests is illegal, arbitrary, unreasonable and violative of Articles 14, 16 and 21 of Constitution of India and consequently direct the respondents herein forthwith to release and pay the aforesaid amounts along with interest @24percent p.a.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents herein forthwith to release and pay the admitted bill amount of Rs.8,09,575/- vide CFMS.No.2268908, Rs.8,12,201/- vide CFMS No.2269230, Rs.8,09,332 vide CFMS.No.2272373, Rs.7,98,338/- vide CFMS.No.2272083 and Rs.8,10,313/- vide CFMS.No.2271464 to the petitioner in respect of the works executed by the petitioner in terms of different Agreements under Neeru Chettu Programme, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI P DURGA PRASAD

Counsel for the Respondents 1, 3 to 5: GP FOR IRRIGATION AND CAD

Counsel for the Respondent No.2: GP FOR REVENUE

Counsel for the Respondent No.6: GP FOR FINANCE & PLANNING

The Court made the following order:

HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION No.7150 Of 2022****ORDER:-**

1. The petitioner seeks writ of mandamus to declare the action of the respondents in not releasing an amount of Rs.8,09,575/-, Rs.8,12,201/-, Rs.8,09,332/-, Rs.7,98,338/- & Rs.8,10,313/- even after execution of work, 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 works under neeru-chettu program in Kurnool District and successfully completed those work. The net amount payable to the petitioner was concluded at Rs.8,09,575/-, Rs.8,12,201/-, Rs.8,09,332/-, Rs.7,98,338/- & Rs.8,10,313/-. On completion of the agreed work, the respondent authorities did not pay the amount till date. Though the work was 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 work 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 24.03.2022, directing the respondents to pay the approved and final bill amounts 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 bill amounts of Rs.8,09,575/-, Rs.8,12,201/-, Rs.8,09,332/-, Rs.7,98,338/- & Rs.8,10,313/- 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.

**Sd/- SHAIK MOHD RAFI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Irrigation and Water Resources Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Kurnool District, Kurnool.
3. The Superintendent of Engineer, Irrigation Circle, Kurnool, Kurnool District.
4. The Executive Engineer, Water Resources Department, M.I. Works Division, Nandyal, Kurnool District.
5. The Deputy Executive Engineer, M.I. Works Sub Division, Nandyal, Kurnool District.
6. The Principal Secretary, Finance Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.
7. One CC to Sri P.Durga Prasad, Advocate [OPUC]
8. Two CCs to GP for Irrigation & CAD, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP for Finance & Planning, High Court of Andhra Pradesh. [OUT]
11. Two CD Copies

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A.P. Pawan

HIGH COURT

DATED:08/02/2024



ORDER

WP.No.7150 of 2022

16 copies
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**DISPOSING OF THE WP
WITHOUT COSTS**