

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.12412 of 2023

Between:-

M/s.RKN Projects Private Ltd.,
Rep.by its Managing Director,
N.Ramesh Kumar.

.... Petitioner

And

The State of Andhra Pradesh,
Represented by its Special Chief Secretary,
Department of Irrigation
(Water Resources Department) & Others.

.... Respondents

Counsel for the Petitioner : Mr.Bathala Ramesh

Counsel for the Respondents : G.P. for Irrigation & CAD
G.P. for Finance & Planning

ORDER:

Heard learned counsel for the petitioner. Also heard learned Assistant Government Pleader for Irrigation & CAD and the learned Assistant Government Pleader for Finance & Planning appearing for the respective respondents. With the consent of both sides, the Writ Petition is disposed of, at the stage of admission.

2. The present Writ Petition is filed to declare the action of the respondents in not releasing the bill amount of Rs.47,94,497/- for execution of works by petitioner *vide* Agreement No.28 SE/2012-13 dated 06.03.2013 as illegal, arbitrary etc., and for a consequential direction to the respondents to pay the said amount along with interest @ 24% p.a., and to pass such other orders.

3. The learned counsel for the petitioner submits that the petitioner completed the works-in-question to the satisfaction of the respondent authorities in all respects. He submits that despite the same, bills to which the petitioner is

lawfully entitled were not released resulting in serious prejudice and irreparable loss and hence the present Writ Petition is filed.

4. At the time of considering the matter, the learned Assistant Government Pleader for Irrigation & CAD placed a copy of the written instructions dated 18.07.2023 received from the 4th respondent for perusal of this Court, wherein it is mentioned that bill will be submitted immediately after release of LOC.

5. Therefore, in view of the undisputed position with regard to the execution of works by the petitioner and non-payment of bills in respect of the same, this Court being of the opinion that the respondents' action in not releasing payment is unjust, not tenable, however inclined to grant some time to the respondents to make the payment.

6. Accordingly, the Writ Petition is disposed of, with a direction to the respondents to arrange to make payment of the amount, which is due and payable to the petitioner, in respect of the works executed, after effecting statutory deductions, as expeditiously as possible, at any rate, within a period of three (3) months from the date of receipt of a copy of this order. It is needless to mention that the petitioner may raise claim with regard to the interest component before appropriate Forum, if it is so advised. There shall be no order as to costs.

As a sequel, all pending applications shall stand closed.

JUSTICE NINALA JAYASURYA

Date: 18.10.2023
BLV

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