

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No. 17170 of 2022

ORDER:

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Panchayat Raj and Rural Development, learned Assistant Government Pleader for Finance and Planning, learned Assistant Government Pleader for Revenue and learned Standing Counsel for Gram Panchayat 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 ***Rayapureddy Srinivasa Rao and others vs. Government of Andhra Pradesh, rep. by its Principal Secretary to Government and others and batch¹*** in which the writ petitions were allowed with the following directions:

- i) *The Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/ 2020, dated 12.05.2021 issued by the Respondent No.1 are set aside to the extent of deduction of 21.02% for DCC works and 6.333% for MCC works while making payment to the petitioner.*
- ii) *The respondents are directed to clear the bills submitted by the petitioner and to release payment forthwith, in case no payment is made till date.*

¹ 2021 SCC Online AP 3084

iii) In case, any part payment is made as on date, the remaining amount shall be paid to the petitioner forthwith.

iv) The respondents shall pay interest @ 12% per annum within a period of four (4) weeks from the date of receipt of a copy of this order.

v) The interest shall be computed from the date of expiry of one month from the date of submission of the bill by the petitioner to till the date of final payment.

3) Against the above said order, several writ appeals are filed and in one of the writ appeals (i.e.) W.A.No.724 of 2021, a Division Bench of this Court has passed an interim order, dated 18.11.2021 as extracted hereunder:

“The direction of the learned Single Judge regarding payment of interest to the respondent no.1 as also setting aside the provision in Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No. 1388361/ RD.II/A1/2020, dated 12.05.2021 relating to deduction of 21.02% for DCC works and 6.333% for MCC works, while making payment, shall remained stayed.

*On a query of the Court, learned Advocate General submitted that the direction of the learned Single Judge as far as payment of the principal amount of the bills raised by the original writ petitioner, in terms of the order of the Division Bench in **Krishna District Grama Panchayathi Sarpanchla Sangam (supra)**, shall be made within four weeks, if already not done.*

The matter be listed for hearing in due course.

It is clarified that the appellants shall comply with the rest of the directions issued by

the learned Single Judge in the judgment under appeal.”

4) Subsequently, a Division Bench of this Court headed by the Hon’ble Chief Justice while hearing the Writ Appeal Nos.740 and 741 of 2021, having considered the order passed in W.A.No.724 of 2021, the following order is passed:

“Considering the facts and circumstances of the case and having regard to the interim order passed by the Coordinate Bench, we direct that the said interim order shall apply for the present writ appeals also, however, with a condition that the appellants shall pay the principal amount of the bill raised by the original writ petitioners, within a period of four weeks, failing which the present interim order shall stand vacated without reference to the bench.”

5) The respective counsels appearing for the petitioner and the respondents have consented to dispose of the writ petition by following the order, dated 24.11.2021, passed by a Division Bench of this Court in W.A.Nos.740 and 741 of 2021.

6) The learned counsel for the petitioner requested the Court to clarify the applicability of the Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/2020, dated 12.05.2021.

7) The learned Assistant Government Pleader for Panchayat Raj submitted that the said Memos are issued

for the works executed under “Mahatma Gandhi National Rural Employment Guarantee Scheme”.

8) It is made clear that the Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/2020, dated 12.05.2021 are applicable to the works executed under “Mahatma Gandhi National Rural Employment Guarantee Scheme” only.

9) Accordingly, the Writ Petition is disposed of with a direction to the respondents to pay the principal amount of the bills raised by the writ petitioner within a period of six (6) weeks from the date of receipt of a copy of this order. If the respondents fail to pay the amount within the stipulated time, the petitioner is entitled for interest @ 12% p.a. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

06.07.2022
BSP

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