

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

**TUESDAY, THE EIGHTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 18543 OF 2023



Between:

M/s. SRR INFRA, Rep.by its. Managing Partner, S. Ramachadrareddy, S/o. S. Lakshmanareddy, Aged about 55 years, Occ. contractor, D.No. 7-360, P.V. Road, Srikalahasti, Tirupati (Chittoor) District.

...PETITIONER

AND

1. The State Of Andhra Pradesh, Rep. by its Principal Secretary, Roads and Buildings Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Engineer -in-chief, (R & B), MDRS, Vijayawada, Krishna District.
3. The Superintending Engineer, R & B Circle, (Tirupati), Chittoor (Tirupati) District.
4. The Executive Engineer, R & B, (Tirupati), Chittoor (Tirupati) District.
5. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Finance and Planning, Secretariat Buildings, 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 of mandamus or any other appropriate writ or direction declaring the action of the Respondents in withholding the payment of amount of Rs.97,19,288/- (CFMS.No. 2022-2234363) even after finalizing the bills, payable to the petitioner in relation to the work i.e., 'Urgent repairs to Surface Damage from K.M.87/6 to 91/10 of Puthalapattu- naidupeta road in Chittoor District', vide agreement (L.S.) No.135/2021-22, dt.08.03.2022, is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of Rs.97,19,288/- (CFMS.No. 2022- 2234363) with interest @12percent per annum for the delayed amount to the petitioner in respect of execution of above-mentioned work forthwith.

IA NO: 1 OF 2023

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 in withholding the payment of amount of Rs.97,19,288/- (CFMS.No. 2022- 2234363) even after finalizing the bills, payable to the petitioner in relation to the work i.e. "Urgent repairs to Surface Damage from K.M.87/6 to 91/10 of Puthalapattu- naidupeta road in Chittoor District", vide agreement (L.S.) No.135/2021-22, dt.08.03.2022 forthwith, pending disposal of the Writ Petition.

Counsel for the Petitioner :SRI SURESH KUMAR REDDY KALAVA

Counsel for the Respondents 1 to 4: GP FOR ROADS & BUILDINGS

Counsel for the Respondent 5: GP FOR FINANCE & PLANNING

The Court made the following: ORDER

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.18543 of 2023

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

"... to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the Respondents in withholding the payment of amount of Rs.97,19,288/- (CFMS No.2022-2234363) even after finalizing the bills, payable to the petitioner in relation to the work i.e., "Urgent repairs to Surface Damage from K.M.87/6 to 91/10 of Puthalapattu-naidupeta road in Chittoor District", vide agreement (L.S.) No.135/2021-22, dated 08.03.2022 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of Rs.97,19,288/- (CFMS No.2022-2234363) with interest @12% per annum for the delayed amount to the petitioner in respect of execution of above mentioned work forthwith..."

2. At the time of hearing, the learned Government Pleader for Roads & Buildings has submitted a copy of instructions of the Executive Engineer, (R&B) Division, Tirupati vide Lr.No.WP No.18543 of 2023/Court cases/2023, dated 25.07.2023, wherein it is stated as follows:

"... that, the work Urgent Repairs to surface Damage from Km.87/6 to 91/10 of Puthalapattu - Naidupeta road in Chittoor District was administratively sanctioned with an estimate cost of Rs.100.00Lakhs vide Proc. No. UR-Chittoor-B/DCE(R)/EE(TEC)/DEE6/AEE2/2022 of the Engineer-In Chief (R&B), MDR, Vijayawada. The work was awarded to M/s SRR infra, Srikalahasti and concluded agreement with a stipulated time for completion of work for a period of 3 months from the date of

handing over site i.e., on 08.03.2022 vide Agment.No.135/2021-22. The work was completed in all respects within the stipulated period i.e., 07.06.2022.

Further, it is also submit that, the above work bill received from the Deputy Executive Engineer (R&B) Concerned and this office has made scrutiny and pass order in the measurement book for arranging payment to the contractor. Further this office has generated transaction ID No.2022-2234363 dated 18.01.2023 for Rs.1,06,52,213/- to the above work in CFMS Phase II portal for making payment to the petitioner and the said bill was also approved by the Pay and Accounts Officer (W&A), Tirupati and same was pending at RBI and the payment was not paid to the petitioner for the financial year 2022-23. After completion of the financial year 2022-23, the pending payment bills are automatically migrated to further financial year 2023-24. Accordingly, the above work bill Id No.2022-2234363 is migrated as CFMS Bill ID No.2023-217143 and the same is pending in RBI."

3. In view of the above instructions submitted by the learned Government Pleader for Roads & Buildings, since the bill amount claimed by the petitioners is an admitted bill, this Court feels it appropriate to dispose of the writ petition directing the respondents to release admitted bill amount to the petitioner within a period of three (3) months from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

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

SD/- SHAIK MOHD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Roads and Buildings Department, State Of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Engineer -in-chief, (R & B), MDRS, Vijayawada, Krishna District.
3. The Superintending Engineer, R & B Circle, (Tirupati), Chittoor (Tirupati) District.
4. The Executive Engineer, R & B, (Tirupati), Chittoor (Tirupati) District.
5. The Principal Secretary, Department of Finance and Planning, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
6. One CC to SRI SURESH KUMAR REDDY KALAVA Advocate [OPUC]
7. Two CCs to GP FOR ROADS & BUILDINGS ,High Court Of Andhra Pradesh. [OUT]
8. Two CCs to GP FOR FINANCE & PLANNING, High Court Of Andhra Pradesh. [OUT]

9. Two CD Copies

GSR

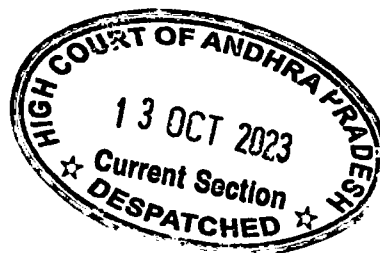
HIGH COURT

DATED:08/08/2023

ORDER

WP.No.18543 of 2023

12 copies
TP
15/9/2023



DISPOSED OF WP WITHOUT COSTS