

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE TWENTY SECOND DAY OF OCTOBER  
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH



WRIT PETITION NO: 23576 OF 2021

Between:

D Ramanaiah, S/o D.Sreeramulu, Aged about 45 years, Occ: Contractor, D.No. 3/6A, Gandla Street, Papanaidupeta Village & Post, Yerpedu Mandal, Chittoor District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Municipal Administration & Urban Development, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Tirupathi Urban Development Authority, Rep., by its Vice Chairman, Tirupathi, Chittoor District.
3. The Executive Engineer, Tirupathi Urban Development Authority, Tirupathi.
4. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Finance & 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 balance amount Rs.29,24,831/-(Gross Amount Rs.36,56,041/-) and Net Amount of Rs.19,43,887/-(Gross Amount Rs.24,29,857/-) even after finalizing the bills, payable to the petitioner in relation to the works i.e., 1) Formation of BT Road from Rachepalem-Eswarapuram Road to ST Colony of Rachepalem in Puttur Municipality vide Agreement No.37/2018-19 2) Formation of BT Road from Rachepalem-Eswarapuram in Puttur Municipality vide Agreement No.38/2018-19 Dt.22.12.2018 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of amounts of Rs.29,24,831/-(Gross Amount Rs. 36,56,041/-) and Net Amount of Rs.19,43,887/-(Gross Amount Rs.24,29,857/-) with interest @12% per annum for the delayed amount to the petitioner in respect of execution of above-mentioned work forthwith.

**IA NO: 1 OF 2021**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to consider for payment of amount of Rs.29,24,831/-(Gross Amount Rs. 36,56,041/-) & Net Amount of Rs.19,43,887/-(Gross Amount Rs.24,29,857/-) with interest @12% per annum for the delayed amount to the petitioner in respect of execution of work i.e. "1) Formation of BT Road from Rachepalem-Eswarapuram Road to ST Colony of Rachepalem in Puttur Municipality vide Agreement No.37/2018-19 2) Formation of BT Road from Rachepalem-Eswarapuram in Puttur Municipality vide Agreement No.38/2018-19" Dt.22.12.2018, forthwith, pending disposal of WP 23576 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Polanki Anand Surya, Advocate for the Petitioner, GP for Municipal Administration for Respondent No.1, Sri P. Muni Reddy, Standing Counsel for Respondent Nos.2 & 3 and GP for Finance & Planning for Respondent No.4, the Court made the following;

**ORDER:**

"In the present writ petition, in implementation of various Central and State schemes, the respondents/concerned Municipalities have issued notifications inviting tenders for various works. Accordingly, the writ petitioner has participated in



the said tenders, entered into agreements with concerned Municipalities, on different dates and they have completed the works as per the terms of their agreement. Subsequently, concerned Municipal Authorities have inspected the works and prepared the final bills, the same were uploaded in the CFMS portal. After some time, said bills were cancelled without assigning any reasons. The concerned Municipal authorities have tried to upload once again the final bills, however, said portal was blocked. Despite repeated representations made by the writ petitioner, concerned Municipal authorities expressed their inability to process the bills. Hence, the present writ petition.

Learned Government Pleaders for Finance and for Municipal Administration produced memo, dated 16.07.2021, directing all the Commissioners to take necessary action, for payment of pending bills for completed works from the available general funds and also placed the G.O.Rt.No.4096, dated 03.09.2021, releasing Rupees 100 crores of additional funds/special funds in relaxation of treasury control, for payment of pending bills for the works completed, taken up under SCSP during the years 2018-19 and 2019-20.

The learned Government Pleaders requested time to process the bills, in view of the G.O.Rt.No.40963, dated 03.09.2021, and it is also submitted by the learned Government Pleaders that the authorities would consider and pay the bills, after uploading the same in CFMS portal. However, this Court did not consider the request made by the learned Government Pleaders.

Therefore, respondents 1 to 4, without taking up the technical objections, are directed to pay the bills, which are pending since a long time to the writ petitioner and to submit compliance report within four weeks.

Post after four weeks.

Office is directed to print the name of Government Pleader for Municipal Administration & Urban Development for R1, Standing counsel for R2 and R3, Government Pleader for Finance and Planning for R4, in the cause list."

SD/- K.J. RAJA BABU  
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Principal Secretary, Department of Municipal Administration & Urban Development, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Vice Chairman, Tirupathi Urban Development Authority, Tirupathi, Chittoor District.
3. The Executive Engineer, Tirupathi Urban Development Authority, Tirupathi.
4. The Principal Secretary, Department of Finance & Planning, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District. (1 to 4 by RPAD)
5. One CC to Sri. Polanki Anand Surya, Advocate [OPUC]
6. One CC to Sri. P.Muni Reddy, Standing Counsel [OPUC]
7. Two CCs to GP for Municipal Administration, High Court of AP. [OUT]
8. Two CCs to GP for Finance & Planning, High Court of AP. [OUT]
9. One spare copy.

MSB







**HIGH COURT**

**DR,J**

**DATED:22/10/2021**

**ORDER**

**POST AFTER FOUR WEEKS**

**WP.No.23576 of 2021**

**INTERIM DIRECTION**

