

**THE HON'BLE DR. JUSTICE K. MANMADHA RAO**

**WRIT PETITION NO.37306 OF 2022**

**ORDER:**

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking the following relief:

*“.....to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents for withholding the admitted amount even though Generated CFMS Rs.13,68,829/- (Thirteen Lakhs Sixty Eight Thousand Eight Hundred Twenty Nine Rupees Only) is illegal, arbitrary and violation of Article 14, 19 and 21 of Constitution of India and consequently direct the Respondents to pay Rs.13,68,829/- (Thirteen Lakhs Sixty Eight Thousand Eight Hundred Twenty Nine Rupees Only) with interest.”*

2. Heard Mr. Dasari S.V.V.S.V.Prasad, learned counsel for the petitioner; learned Government Pleader for Agriculture, appearing for the respondents 1 and 2, and learned Government Pleader for Finance and Planning, appearing for the 3<sup>rd</sup> respondent.

3. Brief facts of the case of the petitioner is that the petitioner's firm supplied machineries like Mini Tractors (Captain), etc., to the farmers as per the directions issued by the respondents from time to time under the scheme of SMAM, RKVY, RYTHV, SDP and PMKVY, for which, the Government has to pay the amount. But, the respondent authorities withheld the subsidy amount of Rs.13,68,829/-, which the petitioner's firm is entitled to. The

respondents did not initiate any action to pay the same to the petitioner, which is illegal and arbitrary. Hence the writ petition came to be filed.

4. Learned counsel for the petitioner submits that even though respondents admitted that the petitioner's firm is entitled for payment of the aforesaid sum of money, no payment is being made and such non-payment of money is clearly arbitrary and high-handed and thereby requires interference by this court. He further submits that having approved the bills with CFMS token numbers, non-payment of bill amount is arbitrary and illegal.

5. This court, in various orders, including the judgment of a learned single Judge of this court, dated 05.10.2021 in W.P.No.10038 of 2021 and batch had taken the view that such non-payment of dues is arbitrary and that such dues needs to be cleared by the respondents at the earliest.

6. The learned Government Pleader submits that the respondents- authorities are verifying the claims of the petitioner and would be in a position to make payments only after such verification is being completed.

7. In view of the aforesaid directions of this court in various cases and after hearing both sides, this Court is inclined to dispose

of the writ petition with a direction to the respondents to complete the verification process within a period of four (4) weeks from the date of receipt of a copy of this order and thereafter to pay the amounts due to the petitioner depending upon the outcome of the verification within a period of six (6) weeks. It would also be open to the petitioner to agitate their claim for interest, if any payable by the respondents in an appropriate forum. No costs.

8. In view of the foregoing discussion, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

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**DR.K. MANMADHA RAO, J**

Date: 13.12.2022

HS

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