

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.36718 of 2022

ORDER:

1. The petitioner had been awarded various contract works in SPSR Nellore District. After execution of the said contract, a final bill was prepared for a sum of Rs.4,72,380/- as per the sanctioned orders. As the payment of the said amount has not been made by the respondents, the petitioner has approached this Court by way of this writ petition.

2. It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled for payment of the aforesaid sum of money, no payment is being made. The petitioner contends that such non-payment of money is clearly arbitrary and high-handed requiring the interference of this Court.

3. 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 need to be cleared by the respondents at the earliest.

4. On the other hand, learned Government Pleader for Irrigation while admitting about the claim of the petitioner placed on record instructions received from the Executive Engineer, Nellore Central Division, Nellore, dated 16.06.2023. He would submit that, since the budget was not released by the Government, the bills were not paid to the petitioner. Soon

after release of the budget/LOC by the Government, the bills will be paid to the petitioner.

5. In view of the aforesaid directions of this Court in various cases and after hearing the submissions of learned counsel for the petitioner, learned Government Pleader for Irrigation this Writ Petition is disposed of with a direction to the respondents to release the amount of Rs.4,72,380/- to the petitioner along with the interest @ 6% per annum, in view of the judgment of the Hon'ble Division Bench of this Court in Writ Appeal No.724 of 2021 and batch dated 12.10.2023, within a period of six (06) weeks from the date of receipt of a copy of this order. It would also be open to the petitioner to agitate his claim for higher rate of interest, if any payable by the respondents, in an appropriate forum. There shall be no order as to costs.

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

VENKATESWARLU NIMMAGADDA, J

22.02.2024
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HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

W.P.No.36718 of 2022
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