

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

SATURDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 18851 OF 2021



Between:

Mylabathula Vasantha Rao, S/o. Sundara Rao, aged 53 years, Occ: Contractor-III, R/o. D.No.19-2-48, Javadalapeta, Narasapuram, West Godavari District.

...Petitioner

AND

1. State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration Department, Secretariat, Velagapudi, Amaravathi, Thullur Mandal, Guntur District.
2. State of Andhra Pradesh, Rep. by its Principal Secretary, Finance Department, Secretariat, Velagapudi, Amaravathi, Thullur Mandal, Guntur District.
3. The Director, Finance Department, Velagapudi, Amaravathi.
4. The Director of Works and Account Officer, Anjaneya Towers, Ibrahimpatnam, Krishna District.
5. The Commissioner & Director of Municipal Administration, Sri Krishna Enclave, Gorantla, Guntur, Guntur District.
6. The Narasapur Municipality, Rep. by its Commissioner, Narasapuram, West Godavari District.
7. The Deputy Executive Engineer, The Narasapur Municipality, Narasapuram, West Godavari District.
8. The Assistant Executive Engineer, The Narasapur Municipality, Narasapuram, West Godavari 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, Order, or Direction more particularly one in the nature of WRIT OF MANDAMUS or any other appropriate writ or direction declaring the action of the respondents in not releasing the payments for the works i.e., Providing CC Road from Kappala Sunitha house to Repaka Santam house and Marlapudi Nutrine Babu house in 23rd Ward in Narasapur Municipality through the Agreement No. 287/2018-19 dated 19-12-2018 for an amount of Rs. 3,90,726/-as illegal, arbitrary and violative of Arts 14 and 21 of Constitution of India and consequently direct the respondent authorities to release Rs.3,90,726/-with interest at 18% for the pending bills forthwith for the above said works executed by the petitioner.

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 respondents to consider for payment of amount of Rs. 3,90,726/-with interest @ 18 % for the pending bills for the works executed by the petitioner i.e., Providing CC Road from Kappala Sunitha house to Repaka Santam house and Marlapudi Nutrine Babu house in 23rd Ward in Narasapur Municipality through the Agreement No. 287/2018-19 dated 19-12-2018 for an amount of Rs. 3,90,726/-forthwith, pending disposal of WP 18851 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 Rambabu Koppineedi, Advocate for the Petitioner, GP for Municipal Administration for the Respondent Nos.1 & 5, GP for Finance & Planning for Respondent Nos.2 to 4 and Sri M. Manohar Reddy, Standing Counsel for Respondent Nos.6 to 8, 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, 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."

SD/- CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Thullur Mandal, Guntur District.
2. The Principal Secretary, Finance Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Thullur Mandal, Guntur District.
3. The Director, Finance Department, Velagapudi, Amaravathi.
4. The Director of Works and Account Officer, Anjaneya Towers, Ibrahimpatnam, Krishna District.
5. The Commissioner & Director of Municipal Administration, Sri Krishna Enclave, Gorantla, Guntur, Guntur District.
6. The Commissioner, Narasapur Municipality, Narasapuram, West Godavari Dist.
7. The Deputy Executive Engineer, The Narasapur Municipality, Narasapuram, West Godavari District.
8. The Deputy Executive Engineer, The Narasapur Municipality, Narasapuram, West Godavari District. **(1 to 8 by RPAD)**
9. One CC to Sri M Manohar Reddy, Standing Counsel [OPUC]
10. One CC to Sri. Rambabu Koppineedi, Advocate [OPUC]
11. Two CCs to GP for Municipal Administration, High Court of AP. [OUT]
12. Two CCs to GP for Finance & Planning, High Court of AP. [OUT]
13. One spare copy.

MSB

HIGH COURT

DR,J

DATED:23/10/2021

ORDER

POST AFTER FOUR WEEKS

WP.No.18851 of 2021

INTERIM DIRECTION

