

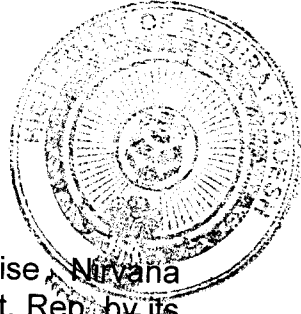
**IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI
(Special Original Jurisdiction)**

[3208]

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

:PRESENT:

**THE HONOURABLE SRI JUSTICE D RAMESH
WRIT PETITION NO: 19089 OF 2021**



Between:

1. M/S SOMU CONSTRUCTIONS, D.No. 80-20-9/15, Dhigh Rise, Nirvana Apartments, Jayasree Gardens, Ravulapalem, East Godavari District. Rep. by its Managing Partner Medapati Ramakrishna Reddy.
2. Medapati Ramakrishna Reddy, , S/o. Subbi Reddy, aged 59 years, R/o. D.No. 3-166, Near Satya Saibaba Mandir, Ubalanka Village, Ravulapalem Mandal, East Godavari District.

Petitioners

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 and Director of Municipal Administration, Sri Krishna Enclave, Gorantla, Guntur, Guntur District.
6. The Palacole Municipality, Rep. by its Commissioner, Palacole, West Godavari District.
7. The Municipal Engineer, Palacole Municipality, Palacole, West Godavari District.
8. The Assistant Executive Engineer, The Palacole Municipality, Palacole, 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., i) to providing CC Road from D.No. 27A-1-30 To Krishna Nagar Junction to Talluri Subbarao House to Municipal Limits (Pedapeta Approach Road) in Palacole Municipality, ii) providing CC Drain from Krishna Nagar Junction to Damayaparthi Kodu (Pedapeta Out Fall Drain) in Palacole Municipality through the Agreement No. 366/2018-19 dated 31-12-2018 for an amount of Rs. 1,75,45,808/- , iii) Providing CC Road and CC Drain from Tamiri Nageswara Rao House to Pariherla Chandranaidu in Fishermen Colony in 18th Ward in Palacole Municipality though the Agreement No. 166/2017-18 dated 14-09-2016 for an amount of Rs.1,63,402/-, iv) Providing CC Roads in Internal Roads of Goods shed 1st Cross Main Road in 28th Ward in Palacole Municipality though the Agreement No. 91/2017-18 dated 05-08-2017 for an amount of Rs.5,40,065/- and v) Providing CC Road from Slaughter House near DalaNarasayya Ex. Counciler House to Near Padala Venkata Swamy House to Chitrai Cheruvugattu Vai Chachagari House Road in 18th ward in Palacole Municipality though the Agreement No. 92/2017-18 dated 05-08-2017 for an amount of Rs.5,71,976/- as illegal, arbitrary and violative of Art 14 and 21 of Constitution of India and consequently direct the respondent authorities to release Rs. 1,88,21,251/- with interest at 18 percent 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 petition, the High Court may be pleased to direct respondents to consider for payment of amount of Rs. 1,88,21,251/- with interest @ 18 % for the pending bills for the works executed by the petitioner i) to providing CC Road from D.No. 27A-1-30 To Krishna Nagar Junction to Talluri Subbarao House to Municipal Limits (Pedapeta Approach Road) in Palacole Municipality, ii) providing CC Drain from Krishna Nagar Junction to Damayaparthi Kodu (Pedapeta Out Fall Drain) in Palacole Municipality through the Agreement No. 366/2018-19 dated 31-12-2018 for an amount of Rs. 1,75,45,808/- , iii) Providing CC Road and CC Drain from Tamiri Nageswara Rao House to Pariherla Chandranaidu in Fishermen Colony in 18th Ward in Palacole Municipality through the Agreement No. 166/2017-18 dated 14-09-2016 for an amount of Rs.1,63,402/-, iv) Providing CC Roads in Internal Roads of Goods shed 1st Cross Main Road in 28th Ward in Palacole Municipality through the Agreement No. 91/2017-18 dated 05-08-2017 for an amount of Rs.5,40,065/- and v) Providing CC Road from Slaughter House near Dala Narasayya Ex. Counciler House to Near Padala Venkata Swamy House to Chitrai Cheruvugattu Vai Chachagari House Road in 18th ward in Palacole Municipality through the Agreement No. 92/2017-18 dated 05-08-2017 for an amount of Rs.5,71,976/- forthwith, pending disposal of the Writ Petition No.19089 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, learned GP for Municipal Administration & Urban Development for Respondent Nos.1 & 5, learned GP for Finance for Respondent Nos.2 to 4 and of Sri.M.Manohar Reddy, learned 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 Pleader 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/-SHAIK MOHAMMED RAFI
ASSISTANT REGISTRAR
For ASSISTANT REGISTRAR

//TRUE COPY//

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 and Director of Municipal Administration, Sri Krishna Enclave, Gorantla, Guntur, Guntur District.
6. The Commissioner, Palacole Municipality, Palacole, West Godavari District.
7. The Municipal Engineer, Palacole Municipality, Palacole, West Godavari District.
8. The Assistant Executive Engineer, The Palacole Municipality, Palacole, West Godavari District. (1 to 8 by RPAD)
9. One CC to SRI.RAMBABU KOPPINEEDI Advocate [OPUC]
10. Two CCs to GP for Municipal Administration & Urban Development, High Court Of Andhra Pradesh. [OUT]
11. Two CCs to GP for Finance, High Court Of Andhra Pradesh. [OUT]
12. One CC to Sri.M.Manohar Reddy, Standing Counsel (OPUC)
13. One spare copy

SRL

HIGH COURT

DRJ

DATED:23/10/2021

NOTE: POST AFTER FOUR WEEKS

ORDER

WP.No.19089 of 2021

DIRECTION

