THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 16379/2025

ORDER:

1. The petitioner had been awarded the contract of work(s) under the subject scheme in East Godavari District. After execution of the said contract, a final bill was prepared for a sum of Rs.22,42,134/- 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 Rs.22,42,134/-, 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 Panchayat Raj, while admitting about the claim of the petitioner, placed on record written instructions received from the Executive Engineer vide Letter U.O.

No.624/APSHCL/E&P/Critical infra/2024, General/ Court cases, dated 08.10.2025, wherein it is stated that as follows:-

> *(i) The Commissioner, PR&RD will send necessary proposals to the MD, APSHCL for transfer of required funds.*
>
> *(ii) The MD, APSHCL, will send proposals to the Housing Department*
>
> *(iii) The Housing Department will send to the Finance Department for release of BRO by the Finance Department.*
>
> *(vi) After, release of BRO by the Finance Department, the Housing Department will make accorded administration sanction.*
>
> *(v) After, according administration sanction by the Housing Department, the Managing Director, APSHCL will send proceedings to the Commissioner, Weaker Section Housing who will distribute budget to the Commissioner, PR&RD (DDO code: 27032207001)*
>
> *(vi) Further, the Commissioner, PR&RD, will adjust funds to respective PD, Further, DWMA and uploading of bills in Nidhi Portal and submit the compliance report to the Hon'ble Court through the Government Pleader concerned*

5. In view of the facts and circumstances submitted in the affidavit, and the directions of this Court in various cases and after hearing the submissions of learned counsel for the petitioner, this Writ Petition is disposed of with a direction to the respondents to release the amount of Rs.22,42,134/- to the petitioner.

6. As far as interest component is concerned, if there is any subsisting clause in the agreement/work order envisaging payment or non-payment of interest upon any amount which is due and payable, the same is binding upon both the parties. In the absence of any clause with regard to interest component in the agreement, the respondents are directed to release the amount along with the interest @ 6% per annum on delayed payment, 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 if not paid, within a period of four (04) months 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 and due amount, 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

23.10.2025
klk

689

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 16379 OF 2025

23.10.2025

klk