

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3094 OF 2015

ORDER:

The case of the petitioner, is that the 2nd respondent herein as a part of maintenance of internal roads of Sircilla Town, i.e., 1) laying of C.C.road from Nalla Pochamma temple to Gundlapally Bhumaiah House in Gandhinagar, 2) Laying of C.C. Road from H.No.7-3-47, Kamuni Ramulu House to H.No.7-3-59 in Subhash Nagar in Ward No.11 & 13 of Sircilla Municipality under Non-plan grant 2012-2013, invited tenders, through notice vide CTN No.E1/Srci/e-proc/2/2012-13 dated 06.04.2013. In response to above notice, the petitioner-society participated along with others and emerged as successful bidder and he was allotted the work and issued work order on 16.05.2013. Accordingly, petitioner entered into an agreement with the 2nd respondent on 16.05.2013. The petitioner executed the work under the supervision of respondents 2 and 4 and completed the road laying work on 25.08.2014 as per the specifications and design given by the engineers of the Sircilla Municipality. Thereafter, writ petition No.27390 of 2013 was filed by the other bidder who participated along with the petitioner, alleging not to pay any amounts to the petitioners and subsequently, the said writ petition was dismissed as withdrawn on 28.08.2014.

It is further stated that the 4th respondent recorded the work done by the petitioner in measurement book and thereafter petitioner made several representations for payment of the bid amount, but no action is being taken. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed regarding the issuance of tender and allotment of work to the petitioner and also execution of the work. But, since the work was found to be substandard, the same was referred to quality control and also the physical measurement of the work done by the petitioner society, the Department proposes to make payment with allowing 70% part rate @ Rs.2,951.61/m³ on M15 mix rate of actual price, i.e. Rs.4,216.59/m³, but the

said amount is not paid in view of pendency of writ petition No.29730 of 2013.

However, as the petitioner’s representation is pending since 26.10.2013 and in view of the statement made in the counter affidavit, now the petitioner wants to state that payment can be made as per the averments in the counter affidavit.

In view of the same, the second respondent is directed to consider the representation of the petitioner dated 26.10.2013 by taking the statement made in the counter affidavit into consideration, and dispose of the same within four weeks from the date of receipt of copy of this order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition shall stand dismissed.

A.RAJASHEKER REDDY, J

23.03.2015

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THE HON’BLE SRI JUSTICE A.RAJASHEKER REDDY

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