

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.34703 of 2012

Date: 03-08-2015

Between:

Kalyani Enterprises, Sivapuram, represented by its
Proprietor, Narsipatnam, Visakhapatnam District

.... Petitioner

AND

The Narsipatnam Municipality, represented by its
Commissioner, Narsipatnam, Visakhapatnam District
And 3 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.34703 of 2012

ORDER:

The writ petition is filed for a mandamus declaring the action of the respondent authorities in not paying the amount of Rs.9,76,729/- to the petitioner as illegal and arbitrary and for a consequential direction to the respondent to pay the said amount to the petitioner forthwith.

The case of the petitioner is that the petitioner unit is authorized panchayat suppliers supplying electrical and other material to Narsipatnam Gram

Panchayat since long time basing on the work orders issued by the respective Gram Panchayats without any complaints whatsoever and the said Gram Panchayats are paying the amounts. The petitioner unit supplied electrical street lighting material to Narsipatnam Gram Panchayat in the year 2009-2010, 2010-2011 and 2011-2012 as per the resolutions passed by the Gram Panchayat and also basing on the work orders issued by the said Panchayat and the authorities concerned have issued receipts acknowledging the receipt of material, which was supplied by the petitioner and the 1st respondent-Gram Panchayat has paid part of the amounts and have to pay the balance amount of Rs.9,76,729/- to the petitioner. When the petitioner approached the 1st respondent authorities and made several representations to pay the due amount, the authorities did not pay the said amount without any reasons. On 10-12-2011, the petitioner made a representation through registered post to the Panchayat Secretary, Narsipatnam Gram Panchayat as well as Special Officer, Narsipatnam Gram Panchayat requesting them to pay the due amount, but the 1st respondent authorities, having received the said representation, did not pay any amount without any reasons. Thereafter, the 1st respondent-Gram Panchayat was constituted as Narsipatnam Municipality i.e. Grade-III Municipality covering the erstwhile Narsipatnam Grampanchayat, Baligattam and Pedaboddepalli Gram Panchayats vide G.O.Ms.No.571 Municipal Administration & Urban Development (Elec.I) Department, dated 28-12-2011. Thereafter, after establishment of Narsipatnam Municipality, the petitioner made a representation on 19-07-2012 to the respondents 1 and 2 by way of registered post along with all documents requesting to pay the due amount, but the respondents 1 and 2, having received the said notice, did not pay the amount. Aggrieved by the same, the present writ petition has been filed.

The 1st respondent-Municipality filed its counter denying the allegations of the petitioner and contending that after proper verification of the available records regarding payment of Kalyani Enterprises, it was found that the Gram Panchayat have issued supply orders basing on the Panchayat Board resolutions and bills only, and there was no stock register and distribution of materials estimations and that the bills pertains to the previous Panchayat Secretary during the period 2009 to 2011 and in view of administrative reasons, the Panchayat Secretary has paid Rs.27.50 lakhs for the bills 2011-12 in the

month of December, 2011, before up-gradation of Panchayat into Municipality, but they have not paid previous pending bills and have paid for present year bills only. It is stated that the Municipality has addressed to the concerned previous Executive Officers, vide Lr.Roc.No.4/2012/C1, dated 31-05-2013 to submit proper record for payment of genuine bills within the procedure laid down as per the existing rules in this regard and after submission of connected record by the then Executive Officers and after verification, any amount found due to the petitioner will be paid in phase manner for want of funds since it is newly constituted ULB.

Having regard to the facts and circumstances of the case, since it is stated that the petitioner has already made a representation on 19-07-2012 to the newly established 1st respondent-Municipality and since it is stated by the 1st respondent-Municipality in the counter that after verification of the connected records, any due amount will be paid to the petitioner, the 1st respondent-Municipality is directed to consider the representation of the petitioner dated 19-07-2012 and pass appropriate orders thereon regarding payment of due amount, if any, payable to the petitioner in accordance with law, as expeditiously as possible, preferably within a period of eight (8) weeks from the date of receipt of the 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 shall stand closed.

A. RAJASHEKER REDDY, J

Date: 03-08-2015

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