

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.34391 OF 2015

DATED:5-11-2015

Between:

Meka Nagamani Rao ... Petitioner

And

The State of A.P., rep. by its Principal Secretary

for Finance, Planning (XVIII) Department

A.P. Secretariat, Hyderabad

and others ... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. Ch. Srinivas

COUNSEL FOR RESPONDENT NOs.1 & 6: G.P. for Finance & Planning

COUNSEL FOR RESPONDENT NOs.2, 3 and 4: G.P. for Municipal

Administration

COUNSEL FOR RESPONDENT NO.5 : Mr. Nimmagadda

Venkateswarlu

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a mandamus to declare the action of the respondents in not releasing the balance amount of Rs.45,650/- in spite of completion of work by the petitioner, as illegal and arbitrary.

The petitioner averred that respondent No.4 has taken up various works under

Special Development Fund in Machilipatnam constituency. One such work pertains to provision of C.C. Road to Kalakhanpet Harijanawada Cross Road near Vuppudu Mill in 26th Ward with an estimated contract value of Rs.1,41,000/-. That in response to E-Procurement Notice No.6(9)MMC/SBF/2012-13, dt.14.5.2012, the petitioner submitted his E-Tender through online for Rs.1,19,928.38 ps., that as the petitioner has emerged as the lowest bidder, respondent No.5 has issued proceedings informing the former that his tender has been accepted and requiring him to pay deposit of Rs.3,210/- and enter into an agreement within seven days and that accordingly the petitioner has paid the deposit and entered into an agreement on 16.11.2012. The petitioner further averred that he has completed the works and respondent No.5 being satisfied with the work, issued utilization certificate and also completion certificate and kept the road for usage for public on 10.3.2014. That vide his letter dt.9.3.2014 respondent No.5 has requested respondent No.4 for release of grants adjustment to pay the balance amount to the petitioner and that on submission of the bills, respondent No.6 has returned the same with an endorsement that the Finance Department has stopped the special development fund until further orders. Along with the writ affidavit, the petitioner filed a check slip signed by the Municipal Engineer, showing the value of the work executed, and the balance payment to be made to the petitioner as Rs.45,650/-.

At the hearing, learned Government Pleader appearing for Municipal Administration, and Finance & Planning Departments did not dispute the above facts.

Mr. Nimmagadda Venkateswarlu, learned Standing Counsel for respondent No.5, has fairly admitted that the petitioner has executed the work in question.

In the light of the above facts, respondent No.5 is directed to ensure that balance payment of Rs.45,650/- is made to the petitioner within two months from the date of receipt of this order, failing which the petitioner shall be paid interest at the rate of 24% per annum after expiry of one month from the date when the amount has fallen due.

The writ petition is accordingly disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.44209 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

05-11-2015

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