

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.33294 OF 2012

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of the respondents for not paying the work bill amounts towards work done quantities, loss sustained by the petitioner for keeping machinery and men in idle and not handed over the place and not getting the clearance from Forest Department, as illegal and arbitrary and to direct the respondents to pay the work bill, loss, interest, damages etc immediately for the work of providing BT to the road from Busamamidi to Buradakota in East Godavari district, an estimated cost of Rs.230 lakhs executed partly and sustained loss due to the faults of the respondents, by the petitioner as per agreement dated 17.06.2011 vide CR agreement Number 48/ 2011.

Heard and perused the material available on record.

It is the case of the petitioner that he is a civil contractor, executing Government works by participating in the auctions that are conducted by the respondents and other departments. He was allotted the work of providing BT to the road from Basumamidi to Buradakota in East Godavari District. As per the agreement the petitioner has completed his obligations, but the respondents have not completed their obligations such as handing over the site in time, taking clearance from the forest department etc. The petitioner commenced his work and completed the work upto clearance level. The respondents are not paying the bill amount to the petitioner and stating that the bills are pending due to non-clearance from the forest department. The petitioner made several representations to the respondents for payment

of his bills. But, no action has been taken from the respondents. Hence, this writ petition.

Learned counsel for the petitioner mainly contended that the petitioner completed the work upto clearance level by spending the amount by advancing loans, and though he approached the respondents personally as well as by way of representations for payment of the bills, the respondents are not making payment of the bill amounts due to the petitioner.

Considering the circumstances of the case and the grievance of the petitioner, the respondents are directed to consider the representations made by the petitioner for payment of the bill amounts, and pass appropriate orders in accordance with law.

With the above directions, the Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

August 08, 2017
KTL

RAJA ELANGO, J