

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.24715 of 2017

ORDER:

This writ petition is filed seeking the following relief:

“.....to issue an order/direction or any appropriate writ more particularly one in the nature of Writ of Mandamus declaring the action of respondents herein in not taking possession of 33/11 KV Sub-Station at Nalgonda town and making the petitioner to suffer loss @ Rs.6,000/- per month for watch and ward of the site and not paying the final bills for the work executed under Agreement No.2/2015-16, Dt.29.05.2015 as illegal, unjust and consequently direct the respondents herein to take possession of the above site and pay Rs.30,90,899-91 ps. towards final bill with interest @ 18% pa from the date of actual due i.e from November, 2015 to till the date of realization and also to pay an amount of Rs.6,000/- per month from December, 2015 onwards towards the salary of watchman for watch and ward of the above site and to pass such other order as this Hon'ble Court deem fit and proper in the interest of justice.”

Heard Sri Jithender Rao Veeramalla, learned counsel appearing for the petitioner and Sri R.Vinod Reddy, learned Standing Counsel appearing for the respondents.

It is the case of the petitioner that the respondents had issued a tender notification on 6.2.2015 for construction of Control Room, Retaining Wall of Switch Yard, Culvert and other works. In pursuance of the same, he responded and participated in the bid and successfully stood as the highest bidder. Thereafter, an agreement was entered into between the petitioner and the respondents on 29.05.2015. Pursuant to

the said agreement, he successfully executed the work. However, since the respondents are not taking over the site, the petitioner is incurring the monthly expenses of the said site. Hence, he submitted a representation to the respondents seeking to pay the final bill amounts for the works executed by him *vide* agreement dated 29.5.2015. But, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for release of final bill amounts in pursuance of the agreement dated 29.5.2015.

Learned Standing Counsel appearing for the respondents contended that if there are any amounts due to the petitioner, they would pay the same after approval of the bills by the competent authority. The petitioner has no legal right to approach the Court and seek the relief of payment of final bills. There are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that this writ petition can be disposed of directing the petitioner to submit a representation afresh staking his claim for final

settlement of the bill in pursuance of the agreement dated 29.5.2015 within a period of two weeks from the date of receipt of a copy of this order. On receipt of such a representation, the respondents shall consider the same and pass appropriate orders in accordance with law. It is needless to say that if any amounts are to be paid by the respondents to the petitioner, the respondents shall pay the same in accordance with law.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 21.01.2020
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