

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.40794 OF 2015**

**ORDER:**

Heard Sri B.Mayur Reddy, learned counsel appearing on behalf of Sri A.Sumanth, learned counsel for the petitioner, Sri Md.Kaleem Pasha, learned Standing counsel for the 2<sup>nd</sup> respondent and Sri G.Bhaskar, learned Standing counsel for respondent Nos.3 and 4.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus, declaring the inaction in failing to consider the notice issued to the 2<sup>nd</sup> respondent notice dated 5.12.14 and the reminder notice dated 4.12.2015 for release of an amount of Rs.1,07,72,967/- (One Crore Seven Lakhs Seventy Two Thousands Nine Hundred and Sixty Seven Rupees only) as illegal, unjust, contrary to law, violative of Articles 14 and 19 of the Constitution of India and consequentially direction may be issued to the 2<sup>nd</sup> Respondent to consider the notice dated 5.12.14 and the reminder notice dated 4.12.15 and with a direction to the 2<sup>nd</sup> Respondent to release Rs.1,07,72,967/-.....”

It has been contended by the petitioner that he stood as a successful bidder in the tender process for supply of furniture and kitchen utensils to the 2<sup>nd</sup> respondent and accordingly the 2<sup>nd</sup> respondent awarded the contract to him for supply of above said articles which are ultimately intended to be used by the respondents 3 and 4. As per the work order dated 02.02.2012, he has supplied the material to respondents 3 and 4. The grievance of the petitioner is that though petitioner has supplied

material as per the work order, the respondents are not releasing final bills in favour of the petitioner.

Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to process the final bills of the petitioner and release the same in favour of the petitioner in terms of the work order dated 02.02.2012. Learned counsel further contends that though the 2<sup>nd</sup> respondent had admitted the fact that the petitioner has discharged his part of contract in pursuance of the work order dated 02.02.2012 successfully, the 2<sup>nd</sup> respondent is not in a position to clear the bills of the petitioner as the respondents 3 and 4 are not releasing the final bills of the petitioner.

Learned counsel appearing for the 2<sup>nd</sup> respondent had also not disputed the above said facts.

Learned Standing counsel appearing for respondents 3 and 4 contends that the case of the petitioner would be considered after verification of the records and further contends that if the 2<sup>nd</sup> respondent processes the indent for payment of final bills for the material supplied by the petitioner, the respondents 3 and 4 would consider the same and act accordingly.

This Court, having considered the rival submissions of the learned counsel appearing for respective parties is of the considered view that pursuant to the material supplied by the petitioner, respondents 3 and 4 shall ensure that they would process final bills enabling the 2<sup>nd</sup> respondent to clear final bills

of the petitioner. The whole exercise as indicated above shall be accomplished within a period of two months from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of.  
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

Date: 26-02-2020  
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