



**GOVERNMENT OF KERALA**

**Abstract**

Local Self Government Department–Judgment in W.P(C)No:21448/16  
Complied with– Orders issued.

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**LOCAL SELF GOVERNMENT (DD) DEPARTMENT**

**GO(Rt.)No. 3002/16/LSGD**

**Dated, Thiruvananthapuram, 03-11-2016**

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Read: 1. Judgment dated 10.7.2014 of the Hon'ble High Court in W.P(c)No.

8038/2014 filed by Shri. V.V. Raju.

2. Judgment dated 24.06.2016 of the Hon'ble High Court in

W.P(c)No:21448/2016 filed by Shri. V.V. Raju.

**ORDER**

Shri. V.V. Raju was the convenor of the beneficiary committee which was entrusted with the construction of two roads under SGRY in Sulthan Bathery Block Panchayat in 2006. Although work was completed in time, payment was delayed and finally settled in 2015. Shri. Raju submitted a representation to Government claiming interest for the delayed payment. In the W.P.(C) No:21448/2016 filed by him in this matter, the Hon'ble High Court as per judgment read as 2<sup>nd</sup> paper above has directed Government to consider and pass orders on the representation after affording the petitioner an opportunity of hearing.

2. Accordingly the petitioner was heard on 30.09.2016 in the presence of the Secretary, Sulthan Bathery Block Panchayat. The allegation of the petitioner was that the payment was delayed intentionally and with ulterior motives. As he had completed the works by borrowing money from various sources, he was, in a financial crisis and

requested that interest for the delayed payment at the rate charged by commercial banks may be granted.

3. The Secretary, Block Panchayat submitted that the above said works were not included in the approved action plan of SGRY for the year 2005-06. The SGRY scheme was replaced with NREGS in 2006. As there was strict instruction from Government that payment in respect of SGRY works not included in the approved action plan should not be given, it was not possible for the Block Panchayat to make payment to the petitioner. Later the Block Panchayat had taken up the case of the petitioner with Government requesting for sanction to pay the bill amount to him. Government permitted the Block Panchayat to make payment from plan fund. Accordingly a project for this purpose was approved by the DPC for the year 2013-14 and an amount of Rs. 19 Lakh was paid to the petitioner on 9/9/2013. The petitioner had approached the Hon'ble High Court with the contention that an amount of Rs. 8,16,173/- was still due to him and in compliance with the judgment of the Hon'ble High Court read as 1<sup>st</sup> paper above an amount of Rs. 7,59,040/-, after deductions, was paid to him on 31/03/15.

4. Government have examined the matter in detail. The petitioner has no argument that he was not given the bill amount. The only issue is the delay in payment. The reasons for the delay as mentioned by the Secretary, Block Panchayat, Sulthan Bathery are found reasonable. As the works were not included in the Action Plan, payment could not have been effected by the Block Panchayat, especially since there was strict instruction from Government against admitting such bills. There is no valid ground for the petitioner to claim interest for the bill amount. Government cannot consider requests for payment of interest in cases where delay occurred in settling bills due to genuine reasons. Hence the request of the petitioner for payment of interest is rejected.

5. The judgement of the Hon'ble High Court read as 2<sup>nd</sup> paper above is thus complied with.

(By order of the Governor)  
**D.Santhosh**  
Deputy Secretary

To

1. The Advocate General, Kerala, Eranakulam (with C/L)
2. Sri.V.V.Raju, Vengantham House, Meenangady P.O., Wayanad
3. The Commissioner for Rural Development
4. The Secretary, Sulthan Bathery Block Panchayat
- ✓ 5. Director, IKM
6. Stock File/Office Copy

Forwarded/By Order

  
Section Officer