

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF APRIL  
TWO THOUSAND AND NINE

PRESENT  
**THE HON'BLE MR JUSTICE N.V. RAMANA**  
**WRIT PETITION NO : 8404 of 2009**

Between:

Smt. B. Sanjeevamma W/o. Late B. Balaiah  
Legal Heir of Late B. Balaiah Engineers & Contractors, Hospital  
Road,  
Ongole, Prakasam District.

**..... PETITIONER**

AND

- 1 State of A.P. Rep. by its Chief Engineer  
R & B, C R N; and M D - A.P. Road Development Corp., Erramanzil,  
Hyderabad.
- 2 The Superintending Engineer (R & B) Nellore Circle  
Nellore.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondents to make payments to the Petitioner as per the Award of the Technical Expert dated 27-01-2005 which has become final as illegal and arbitrary and consequently direct the Respondents to make payments as per the Award of the Technical Expert dated 27-01-2005.

**Counsel for the Petitioner:MR.M.SUBRAHMANYAM**

**Counsel for the Respondent No.: GP FOR ROADS & BUILDINGS**

**The Court made the following :**

**ORDER:**

This writ petition is filed to declare the action of the respondents in not making payments to him as per the award of the Technical Expert dated 27.1.2005 as arbitrary and illegal and consequently to direct the respondents to make payments to him as per the award, which has become final.

The case of the petitioner is that her husband late B.Balaiah entered into an agreement on 21.9.1999 with the 1<sup>st</sup> respondent for execution of the work of "Heavy periodic maintenance and making up of deficiencies of Erpedu-Chenur road from km.25/121 to km 61/295 in Nellore District" and the said work was prolonged beyond the period of agreement on account of certain defaults and delays on the part of the respondents. However, the said work was completed on 31.1.2002. Thereafter her husband received the amounts under protest and submitted the claim letter for compensation on account of the occurrence of compensatory events. Since he was not paid the compensation, the matter was referred to the Technical Expert/Adjudicator named in the agreement on 24.7.2004. The Technical Expert, after hearing both the parties, passed an award on 27.1.2005 who vide award dated 27.1.2005. Questioning the said award, the respondents filed O.S.No.227 of 2005 on the file of the Chief Judge, City Civil Court at Hyderabad. The grievance of the petitioner is that the said suit filed by the respondents has been dismissed and in spite of the award of the Technical Expert becoming final, the respondents are not paying the amounts due to her late husband and hence this writ petition.

Heard the learned counsel for the petitioner and the learned

Government Pleader for Roads and Buildings and at their request the writ petition is taken up for final disposal at the admission stage itself.

It is submitted by the learned counsel for the petitioner that in similar circumstances, this Court in W.P.No.1544 of 2008 dated 21.4.2008 disposed of the writ petition directing the respondents therein to pay the amounts due to the petitioner in terms of the award of the Arbitrator/Technical Expert within three months and this fact has not been disputed by the learned Government Pleader. However, he sought four months time to pay the amount as per the award of the Technical Expert.

In the circumstances, following the judgment of this Court in W.P.No.1544 of 2008 dated 21.4.2008, this writ petition is also disposed of directing the respondents to comply with the award of the Technical Expert dated 27.1.2005, which has become final and pay the amounts to the petitioner within four months from the date of receipt of a copy of this order.

**N.V.RAMANA,J**

**DT.30.4.2009**

msv