

**IN THE HIGH COURT OF JUDICATURE OF ANDHRAPRADESH
AT HYDERABAD**

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HONOURABLE SRI JUSTICE SAMUDRALA GOVINDARAJULU

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WRIT PETITION No.8968 of 2012

DATE:30.03.2012

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Between:

M/s.V.Prabhakar Reddy-
Coramandel Presterete (Petitioner) Ltd.

..... Petitioner

And

State of Andhra Pradesh, rep. by its
Principal Secretary to Govt., Irrigation & CAD & 4 others

..... Respondents

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HONOURABLE SRI JUSTICE SAMUDRALA GOVINDARAJULU

WRIT PETITION No.8968 of 2012

ORDER:

Subject matter of this writ petition is recovery of 2% of contract price towards maintenance charges over and above 5% retention amount in respect of the contract works entrusted to the petitioners herein. This subject matter is covered by previous pronouncements of this Court dated 23.07.2008 in W.P.No.12979 of 2008 and W.P.No.13034 of 2008 as well as order dated 16.07.2010 in W.P.No.27235 of 2008 and also order dated 24.02.2012 in W.P.No.34586 of 2011 and W.P.No.34592 of 2011.

There is no dispute about the said fact.

2. In the result, the Writ Petition is allowed declaring that the respondents are not entitled to retain any amounts from running bills of the petitioner-contractor over and above 5% of the retention amount as warranted by and in terms of Clause- 47 of the Conditions of Contract set out in Part-A Volume 1 of the contract between the parties and that deduction of 2% amount towards maintenance charges over and above 5% recovered in Clause 47 cannot be retained by the respondents.

SAMUDRALA GOVINDARAJULU, J

Dated 30th March, 2012

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