

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION NO: 22414 OF 2018

Between:

G. Venkateshwar Reddy, Special Class Contractor, # 2-9-222 Vikas Nagar,
Hanamkonda, Warangal District. Rep by GPA Holder L. Radhika,

AND

...PETITIONER

1. State of Telangana, Rep by its Principal Secretary, I&CAD Department,
Secretariat Buildings, Hyderabad.
2. The Chief Engineer, Minor Irrigation, Godavari Basin Hyderabad.
3. The Superintending Engineer, I and CAD, Irrigation Circle, Khammam.
4. The Executive Engineer, IB Division, Khammam.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any appropriate writ, order or direction, one more particularly in the nature of Writ of Mandamus;

- i) declare the action of the respondents more particularly the 1st respondent in applying old SSR rates to the works being undertaken by the petitioner respect of "Construction of Anicut across Wyra river near Jalamudi Village, Madhira Mandal, Khammam District" vide agreement LS AB No.24/2011-12 dated 11.11.2011" beyond the Agreement period as illegal, arbitrary and volatile of Articles 14, 19 (1)(g) and 21 of the Constitution of India and consequently direct the Respondents to apply the revised respective SSR rates of 2016-17 for the works undertaken by the Petitioners beyond the Agreement period and forthwith remit the same along with interest @ 18% per annum;
- ii) declaring the 4.50% less Tender Premium allotted by the Respondent Authorities beyond the agreement period as illegal, arbitrary and unconstitutional and direct the Respondents to pay the Petitioner without deduction in Tender Premium along with interest @ 18% per annum from the date of agreement till the date of actual receipt of payment;
- iii) direct the Respondents herein to remit damages towards to loss of opportunities for the delays caused by the Respondents @ 18% of the total contract value;
- iv) Direct the Respondent Authorities to return the Earnest Money Deposits and the Future Security Deposits of 5% on the Contract Value which have been deducted from the running bills along with interest @ 18% per annum;

IA NO: 1 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to forthwith remit the amounts retained towards tender discount @ 4.50% less than the Tender Premium for the works executed beyond the agreement period and return the Earnest Money Deposits and the Future Security Deposits of 5% on the Contract Value which have been deducted from the running bills along with interest @ 18% per annum pending disposal of the instant Writ Petition.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to allow the Petitioner herein to withdrawn the instant proceedings with liberty to approach the competent court of jurisdiction for claiming said amounts.

Counsel for the Petitioner: SRI. RUSHEEK REDDY K.V.

Counsel for the Respondents:

GP FOR IRRIGATION & COMMAND AREA DEVELOPMENT

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.22414 OF 2018

ORDER:

Learned counsel for the petitioner sought to withdraw the writ petition with liberty to approach the competent court of jurisdiction for claiming the amounts.

2. Permission is granted.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting liberty as sought for.

Miscellaneous petitions pending, if any, shall stand closed.

There shall be no order as to costs.

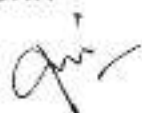
SD/-CH.VENKATESWARULU
ASSISTANT REGISTRAR
SECTION OFFICER

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To,

1. One CC to Sri Rusheek Reddy K.V., Advocate [OPUC]
2. Two CCs to the GP for Irrigation & Command Area Development, High Court for the State of Telangana at Hyderabad. (OUT)
3. Two CD Copies

CHR



HIGH COURT

DATED:31/08/2020



ORDER

W.P.No.22414 of 2018

DISMISSING THE WRIT PETITION
AS WITHDRAWN
WITHOUT COSTS

^{ssv}
5 copies
Dt- 4/9/2020