

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)**

THURSDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 28674 OF 2023



Between:

1. M/S SLV Infra, D.No. 1-101, Purushottapatnam, Gannavaram Mandal, Krishna District. Rep.by its Managing Partner Tummala Venkateswara Rao.
2. Tummala Venkateswara Rao, S/ o. Srimannarayana, Aged 41 years, Occ. Contractor, R/o. D.No. 1-113, Purushottapatnam, Gannavaram Mandal, Krishna District.

...PETITIONER(S)

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary Roads and Buildings(R&B) Department Secretariat, Velagapudi, Amaravathi, Thullur Mandal, Guntur District.
2. State of Andhra Pradesh, Rep. by its Principal Secretary Finance Department, Secretariat, Velagapudi, Amaravathi, Thullur Mandal, Guntur District.
3. The Chief Engineer (R and B), Major District Roads, New R and B Building, M.G.Road, Opp. Indira Gandhi Municipal Stadium, Vij ayawada.
4. The Superintending Engineer, R 8s B Circle, Machilipatnam, Krishna District.
5. The Executive Engineer, R B Division, Machilipatnam, Krishna District.
6. The Director of works and Account Officer, Nidhi Bhavan, Mangalagiri IT Park, Behind APIIC Building, Mangalagiri, Guntur District.
7. The Pay and Accounts Officer, Works and Accounts Department, Machilipatnam, Krishna District.

...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 a Writ, Order, or Direction more particularly one in the nature of WRIT OF MANDAMUS or any other appropriate writ or direction declaring the action of the respondents in not releasing the payments for the works i.e., Urgent Repairs to Veeravalli- Kommuru Road from Km 0/0 to 4/0 in Krishna District (MDR) through the Agreement DR.No. 61/2022-23 dated 23-12-2022 for an amount of Rs. 21,85,713/- as illegal, arbitrary and violative of Art 14 and 21 of Constitution of India and consequently direct the respondent authorities to release

Rs. 21,85,713/- for the pending final bills forthwith for the above said works executed by the petitioner.

IA NO: 1 OF 2023

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 respondents to consider for payment of amount of Rs. 21,85,713/- for the pending final bills for the works executed by the petitioners i.e., Urgent Repairs to Veeravalli- Kommuru Road from Km 0/0 to 4/0 in Krishna District (MDR) through the Agreement DR.No. 61/2022-23 dated 23-12-2022 for an amount of Rs. 21,85,713/- forthwith, pending disposal of the main Writ Petition.

Counsel for the Petitioner(s): SRI. RAMBABU KOPPINEEDI

Counsel for the Respondents 1, 3 to 5 : GP FOR ROADS BUILDINGS

Counsel for the Respondents 2, 6 & 7 : GP FOR FINANCE & PLANNING

The Court made the following: ORDER

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.28674 of 2023

Between:-

M/s.S.L.V.Infra, D.No.1-101,
Rep.by its Managing Partner,
Tummala Venkateswara Rao,
Purushottapatnam,
Gannavaram Mandal,
Krishna District & another .

.... Petitioners

And

The State of Andhra Pradesh,
Represented by its Principal Secretary,
Roads & Buildings Department & Others.

.... Respondents

Counsel for the Petitioners : Mr.Rambabu Koppineedi

Counsel for the Respondents : G.P. for Roads & Buildings,
G.P. for Finance & Planning.

ORDER:

Heard learned counsel for the petitioners. Also heard learned Assistant Government Pleader for Roads & Buildings and learned Assistant Government Pleader for Finance & Planning appearing for the respective respondents. With the consent of both sides, the Writ Petition is disposed of, at the stage of admission.

2. The present Writ Petition is filed to declare the action of the respondents in not releasing the bill amount of Rs.21,85,713/- for execution of works by petitioners *vide* Agreement D.R.No.61/2022-23 dated 23.12.2022 as illegal, arbitrary etc., and for a consequential direction to pay the said amount to the petitioners and to pass such other orders.

3. The learned counsel for the petitioners submits that the petitioners completed the works-in-question to the satisfaction of the respondent authorities in all respects. He submits that despite the same, bills to which the petitioners are lawfully entitled were not released resulting in serious prejudice and irreparable loss and hence the present Writ Petition is filed.

4. At the time of considering the matter, the learned Assistant Government Pleader for Roads & Buildings placed a copy of the written instructions dated 28.11.2023 received from the 5th respondent for perusal of this Court, from a reading of which, it is clear that there is no dispute with regard to the non-payment of bills but the reason appears to be 'insufficient budget'.

5. Therefore, in view of the undisputed position with regard to the execution of works by the petitioners, amount claimed by the petitioners and non-payment of bills in respect of the same, this Court being of the opinion that the respondents' action in not releasing payment is unjust, not tenable, however inclined to grant some time to the respondents to make the payment.

6. Accordingly, the Writ Petition is disposed of, with a direction to the respondents to arrange to make payment of the amount, which is due and payable to the petitioners, in respect of the works executed, after effecting statutory deductions, as expeditiously as possible, at any rate, within a

period of eight (8) weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

As a sequel, all pending applications shall stand closed.

Sd/- . P.U.V. BHASKARA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

[Signature]
SECTION OFFICER

To,

1. The Principal Secretary Roads and Buildings(R&B) Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Thullur Mandal, Guntur District.
2. The Principal Secretary Finance Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Thullur Mandal, Guntur District.
3. The Chief Engineer (R and B), Major District Roads, New R and B Building, M.G.Road, Opp. Indira Gandhi Municipal Stadium, Vijayawada.
4. The Superintending Engineer, R & B Circle, Machilipatnam, Krishna District.
5. The Executive Engineer, R B Division, Machilipatnam, Krishna District.
6. The Director of works and Account Officer, Nidhi Bhavan, Mangalagiri IT Park, Behind APIIC Building, Mangalagiri, Guntur District.
7. The Pay and Accounts Officer, Works and Accounts Department, Machilipatnam, Krishna District.
8. One CC to SRI. RAMBABU KOPPINEEDI Advocate [OPUC]
9. Two CCs to GP for ROADS BUILDINGS, High Court of Andhra Pradesh.
[OUT]
10. Two CCs to GP for FINANCE & PLANNING, High Court of Andhra Pradesh.
[OUT]
11. Three CD Copies

Madhu

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AD for

HIGH COURT

DATED:30/11/2023

ORDER

WP.No.28674 of 2023

15 copies
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DISPOSING THE WP WITHOUT COSTS