

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF MARCH

TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 2184 OF 2024



Between:

Sri Gudiseva Nagendram, S/o. Rama Rao Aged 47 years, R/o. D.No. 20-520-1 Opp. St. Francis High School, Parasupet Machilipatnam, Krishna District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Irrigation and CAD Department, Secretariat Velagapudi, Amaravati, Guntur District
2. The Principal Secretary, Finance and Planning Department Government of Andhra Pradesh, Secretariat Velagapudi, Amaravati, Guntur District.
3. The Commissioner, CADA Machilipatnam, Krishna District
4. The Executive Engineer, Drainage Division Gudivada, 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 declaring the action of the respondents in not paying withheld amounts, GST amount, Further Security Deposit (FSD) amount and Earnest Money Deposit (EMD) amount by preparing final bills for the works executed by the petitioner i.e. O and M to Removal of weed growth in Budameru Major Drain from Km 0.000 to 19.200 and its in infalling Minor Drains for the year 2022-2023 under Agreement No.

38/2022-23, dated 18.06.2022 for the Estimated amount of Rs. 20,30,000/- as illegal, arbitrary, malafidy, against to the principles of natural justice, contrary to law and in violation of Article 14, 21 and 19(g) of the Constitution of India and consequently direct the respondents to pay the withheld amounts, GST amounts. Further Security Deposit (FSD) amounts and Earnest Money Deposit (EMD) amounts by preparing final bill in respect of the above work executed by the petitioner in the interest of justice.

**IA NO: 1 OF 2024**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to prepare final bill for the works executed by the petitioner i.e. O and M to Removal of weed growth in Budameru Major Drain from Km 0.000 to 19.200 and its in infalling Minor Drains for the year 2022-2023 under agreement No. 38/2022-23, dated 18.06.2022 for the Estimated amount of Rs. 20,30,000/-, pending disposal of the above writ petition in the interest of justice.

**Counsel for the Petitioner: SRI. K. N. KRISHNA KUMAR**

**Counsel for the Respondents No.1,3,4: GP FOR IRRIGATION AND CAD**

**Counsel for the Respondent No.2: GP FOR FINANCE AND PLANNING**

**The Court made the following: ORDER**

**THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION No.2184 of 2024**

**ORDER:**


1. The present petition is filed aggrieved by the action of the respondent in not releasing the refund of withheld amounts, GST amounts, Further Security Deposit and Earnest Money Deposit (EMD) amount.
2. Learned counsel for the petitioner submits that the petitioner has entered into various agreements with the respondents for the works in Krishna District and he completed the work as per the agreements. Execution of work was entered into measurement book prepared by the respondent authorities without noticing any defects. The amount for execution of work was paid to the petitioner, but the withheld amounts, GST amounts, Further Security Deposit and Earnest Money Deposit (EMD) amounts was not released even after completion of defect liability period. The petitioner has approached the respondents several times for reimbursement of the withheld amounts, GST amounts, Further Security Deposit and Earnest Money Deposit (EMD) amounts. As the respondents have failed to release the withheld amounts, GST amounts, Further Security Deposit and Earnest Money Deposit (EMD) amounts, the petitioner is seeking a direction to the respondent authorities for release of withheld amounts, GST amounts, Further Security Deposit and Earnest Money Deposit (EMD) amounts.



3. Learned Government Pleader submitted that the respondents are ready to pay the amounts due to the petitioner.
4. Heard the learned counsel for the petitioner and learned counsel for the respondents.
5. Keeping in view facts and circumstances of the case, submissions made by both learned counsel and on perusing the material placed on record, as there is no justification in withheld amounts, GST amounts, Further Security Deposit and Earnest Money Deposit (EMD) amounts, even after completion of defect liability period and completion of the work allotted by the respondents, this Court deems it appropriate to direct the respondents to release the withheld amounts, GST amounts, Further Security Deposit and Earnest Money Deposit (EMD) amount due to the petitioner for the last several months.
6. In the result, this Writ Petition is disposed of, directing the respondents to release the withheld amounts, GST amounts, Further Security Deposit and Earnest Money Deposit (EMD) amounts to the petitioner within a period of four (04) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.
7. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

**SD/- P VINOD KUMAR**  
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

  
**SECTION OFFICER**

To,

1. The Principal Secretary, Irrigation and CAD Department, State of Andhra Pradesh, Secretariat Velagapudi, Amaravati, Guntur District
2. The Principal Secretary, Finance and Planning Department Government of Andhra Pradesh, Secretariat Velagapudi, Amaravati, Guntur District.
3. The Commissioner, CADA Machilipatnam, Krishna District

4. The Executive Engineer, Drainage Division Gudivada, Krishna District.
5. One CC to SRI K. N. KRISHNA KUMAR Advocate [OPUC]
6. Two CCs to GP FOR IRRIGATION AND CAD, High Court of Andhra Pradesh. [OUT]
7. Two CCs to GP FOR FINANCE AND PLANNING, High Court of Andhra Pradesh. [OUT]
8. Three C.D. Copies

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MBT

PVK  
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HIGH COURT

NV,J

DATED:28/03/2024

ORDER

WP.No.2184 of 2024

26/11/24  
DR



DISPOSING OF THE WP

WITHOUT COSTS

14/06  
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