

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO



WRIT PETITION NO: 4226 OF 2022

Between:

M/S Bhagam Constructions Pvt.Ltd., Rep.By its Director J.K.Chaitanya,
S/o. RamaRao, Aged about years, Occ- Contractor, D.No.54-14/ 1-9 /5,
Bharathi Nagar, Vijayawada,Krishna District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Municipal Administration, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner and Director of Municipal Administration,, Padmini Enclave,5th lane,4/7, Mahatma Gandhi Inner Ring Rd, Annapurna Nagar,Guntur,Andhra Pradesh 5522034
3. The Vijayawada Municipal Corporation,, Rep.by its Commissioner,Vijayawada, Krishna District.
4. The Superintending Engineer, Municipal Corporation,Vijayawada, Krishna District.
5. The Executive Engineer-1, Municipal Corporation, Vijayawada.
6. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Finance and Planning, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District

Respondents

WHEREAS the Petitioner above named through his/her Advocate POLANKI ANAND SURYA presented this 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 of mandamus or any other appropriate writ or direction declaring the action of the Respondents in withholding the payment of an amount of Rs.97,15,000/- (vide CFMS No.2021- 1570200) even after finalizing the bills, payable to the petitioner in relation to the work i.e., Construction of BT Road from Joji Nagar Donka road junction to Ambedkar road junction in Division No.29 (14th Finance Commission Grant 2018-19 Basic Grant 2nd Installment), vide Agreement No.76/2020-21, Dt.29.07.2020 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of Rs.97,15,000/- (vide CFMS No.2021-1570200) with interest @12 percent per annum for the delayed amount to the petitioner in respect of execution of above-mentioned work forthwith.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Polanki Anand Surya, Advocate for the Petitioner, GP for Municipal Administration who takes notice for on behalf of Respondent Nos.1 & 2 and of Sri M. Manohar Reddy, Standing Counsel who takes notice on behalf of Respondent Nos.3 to 5, GP for Finance & Planning for Respondent No.6, directed issue of notice to the Respondent Nos.3 to 5 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Commissioner, Vijayawada Municipal Corporation, Vijayawada, Krishna District.
2. The Superintending Engineer, Municipal Corporation,Vijayawada, Krishna District.
3. The Executive Engineer-1, Municipal Corporation, Vijayawada.

Are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

The Court made the following: ORDER:

Issue notice to respondent Nos.3,4 and 5.

Sri M. Manohar Reddy takes notice for respondent Nos.3, 4 and 5. Learned Government Pleader for Municipal Administration takes notice for respondent Nos.1 and 2. Learned Government Pleader for Finance takes notice for respondent No.6.

Registry is directed to print the name of Sri M. Manohar Reddy in the cause list.

Post this matter after ten (10) days.

Sd/- K.J. RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Commissioner, Vijayawada Municipal Corporation, Vijayawada, Krishna District.
2. The Superintending Engineer, Municipal Corporation, Vijayawada, Krishna District.
3. The Executive Engineer-1, Municipal Corporation, Vijayawada.
(1 to 3 by RPAD- along with a copy of petition and affidavit)
4. One CC to Sri Polanki Anand Surya, Advocate [OPUC]
5. Two CCs to GP for Municipal Administration, High Court of Andhra Pradesh.
[OUT]
6. One CC to Sri M. Manohar Reddy, Standing Counsel (OPUC)
7. The Section Officer, Posting Section (Non-Service) Section, High Court of A.P at Amaravati
8. Two CC to GP for Finance & Planning, High Court of A.P at Amaravati (OUT)
9. One spare copy

TVR

HIGH COURT

TRR

DATED:18/02/2022

NOTICE BEFORE ADMISSION

WP.No.4226 of 2022

POST AFTER TEN DAYS

