



**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI**

FRIDAY, THE TENTH DAY OF MARCH  
TWO THOUSAND AND TWENTY THREE

**:PRESENT:**

**THE HONOURABLE SMT JUSTICE V.SUJATHA**

**IA No. 1 OF 2023**

**IN**

**WP NO: 5881 OF 2023**

**Between:**

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Transport R and B Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh,
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Finance Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh,
3. The Engineer-Chief R and B Department, Government of Andhra Pradesh, New State HOD Building, Labbipet, MG Road, Vijayawada, Krishna District.
4. The Chief Engineer-Chief R and B Department, Major District Roads (MDR), New State HOD Building, Labbipet, MG Road, Vijayawada, Krishna District.
5. The Superintending Engineer, (Roads & Buildings) Circle Kakinada, Beside Collector Office, Kakinada, East Godavari District, A.P.- 533003.

...Petitioners

(Petitioner in WP 5881 OF 2023  
on the file of High Court)

**AND**

1. Sri N Suryanarayana Reddy, S/o. Veerreddy, Aged about 62 years, Occ. Business, Ubalanka Village, Ravulapalem Mandal, East Godavari District, Andhra Pradesh- 533237
2. N.S.N. Reddy and Co, Represented by its Managing Partner, Sri N. Suryanarayana Reddy, S/o. Veerreddy, Aged about 62 years, having its registered office at Ubalanka Village, Ravulapalem Mandal, East Godavari District, Andhra Pradesh- 533237
3. The A.P. Micro and Small Enterprises Facilitation Council, At Vijayawada.

...Respondents

(Respondents in-do-)

**Counsel for the Petitioners : Sri C. Suman, learned Special Government Pleader appearing on behalf of the learned Government Pleader for Roads & Buildings**

**Counsel for the Respondents :---**

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 suspend the operation of the Award passed by the 3rd respondent in CASE NO. 21C/IFC/2020/1228 dated.29-06-2020 on the file of the Honourable A.P. Micro and Small Enterprises Facilitation Council at Vijayawada, Pending disposal of WP No. 5881 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

#### ORDER

"The present writ petition is filed challenging the award passed by the 3rd respondent in Case No.21C/IFC/2020/1228, dated 29.06.2020, on the file of the A.P. Micro and Small Enterprises Facilitation Council at Vijayawada.

Heard Sri C. Suman, learned Special Government Pleader appearing on behalf of the learned Government Pleader for Roads & Buildings.

During the course of argument, learned Special Government Pleader have argued that in pursuance of the award they have already paid the admitted amount of Rs.24,46,61,866/-, but, however, their grievance is only with regard to the interest portion awarded by the 3rd respondent.

Learned Special Government Pleader brought to the notice of this Court that the works allotted to the respondents does not involve any supply and cannot be treated as Work Contracts as ordered by the 3<sup>rd</sup> respondent in the said award, and also relied upon a judgment in W.P. No.27670 of 2021 and batch wherein this Court under similar circumstances by referring to various case laws held that the Act 27 of 2016 could not apply to the work contracts.

In view of the submissions made by the learned Special Government Pleader, this Court feels it appropriate to stay the award passed by the 3<sup>rd</sup> respondent in Case No.21C/IFC/2020/1228, dated 29.06.2020, on the file of the A.P. Micro and Small Enterprises Facilitation Council at Vijayawada, only to the extent of interest portion, for a period of eight (8) weeks."

Sd/- K. SRINIVASA RAJU  
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. Sri N Suryanarayana Reddy, S/o. Veerreddy, Aged about 62 years, Occ. Business, Ubalanka Village, Ravulapalem Mandal, East Godavari District, Andhra Pradesh- 533237
2. N.S.N. Reddy and Co, Represented by its Managing Partner, Sri N. Suryanarayana Reddy, S/o. Veerreddy, Aged about 62 years, having its registered office at Ubalanka Village, Ravulapalem Mandal, East Godavari District, Andhra Pradesh- 533237
3. The A.P. Micro and Small Enterprises Facilitation Council, At Vijayawada. ( 1 to 3 By RPAD)
4. Two CCs to GP for Roads & Buildings, High Court of AP [OUT]
5. One spare copy

RVK





**HIGH COURT**

**VS,J**

**DATED:10/03/2023**

**POST THE MATTER AFTER FOUR (4) WEEKS.**

**ORDER**

**IA No. 1 OF 2023**

**IN**

**WP NO: 5881 OF 2023**



**DIRECTION**