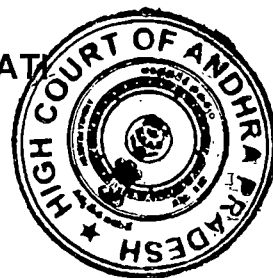


IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATHI
(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 9760 OF 2022



Between:

President, WUA, Peddamachanuru Tank, Marripadu Mandal, SPSR Nellore District, Rep. by its President T. Srinivasulu, S/o. Nagaraju, Aged about 46 years, Occ- Contractor, R/o. Chinna Machunuru, Marripadu, SPSR Nellore District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Special Chief Secretary, Department of Irrigation (Water Resources Department), Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Finance and Planning, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
3. The Superintendent Engineer, Irrigation Circle, Nellore, SPSR Nellore District.
4. The Executive Engineer, W.R.D., Irrigation Division, Atmakur, SPSR Nellore District.
5. The Chief Executive Officer, AP CFMS Office, 6th Floor, C-Block, Anjaneya Towers, Ibrahimpatnam, 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 of mandamus or any other appropriate writ or direction declaring the action of the Respondents in withholding the payment of net balance amount Rs.2,59,784/- vide CFMS number 2019-281391, even after finalizing the bills, payable to the petitioner in relation to the

works i.e., Bund strenthening of Peddamachanuru Tank in Peddamachunuru Village in Marripadu Mandal of SPSR Nellore District, Vide Agreement No.25 DN/2017-18, dated 20.06.2018 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of amounts of Rs.2,59,784/- vide CFMS number 2019-281391 with interest @ 24% per annum for the delayed amount to the petitioner in respect of execution of above-mentioned work forthwith.

IA NO: 1 OF 2022

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 consider for payment of amount of Rs.2,59,784/- vide CFMS number 2019-281391 with interest @24% per annum for the delayed amount to the petitioner in respect of execution of works i.e. Bund strenthening of Peddamachanuru Tank in Peddamachunuru Village in Marripadu Mandal of SPSR Nellore District, Vide Agreement No.25 DN /2017-18, dated 20.06.2018, forthwith.

IA NO: 2 OF 2022

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 extend the time limit for implementation of the interim orders dated 13-04-2022 in IA 1/2022 in WP. 9760/2022 for payment of amount for further period of four months from now onwards.

Counsel for the Petitioner	: Sri Bathala Ramesh
Counsel for the Respondents	: GP for Irrigation & GP for Finance and Planning

The Court made the following :

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.9760 of 2022

ORDER:

1. Heard learned counsel for the petitioner and learned Government Pleader for the respondents.
2. When the matter is taken up for hearing, learned Government Pleader for Finance and Planning, on oral instructions submitted that respondent authorities paid the total due amount claimed by the petitioner.
3. On the other hand, learned counsel for the petitioner submits that the respondents paid the principal amount, but not paid the interest as claimed by the petitioner and the contempt proceedings initiated in C.C.No.5069 of 2022 were also closed.
4. In view of the submissions made by the learned counsel for the petitioner and learned Government Pleader that the principal amount was already paid as claimed by the petitioner, contempt proceedings were closed and also the contention of the learned Government Pleader that the further claim of interest for delayed


payment can be agitated by way of initiation of separate/fresh legal proceedings is also valid and sustainable.

5. In view of the facts and circumstances and for the reasons stated above, the present Writ Petition is dismissed as infructuous, granting liberty to the petitioner to claim differential amount/withheld amount or interest amount, if any, by way of initiation of fresh/separate legal proceedings in accordance with law.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

SD/- M. RAMESH BABU
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to Sri Bathala Ramesh, Advocate [OPUC] ✓
2. Two CCs to Government Pleader for Irrigation & CAD, High Court of Andhra Pradesh. [OUT]
3. Two CCs to GP for Finance & Planning Department, High Court of Andhra Pradesh. [OUT]
4. Two CD Copies

CVSS

HIGH COURT

DATED:16/02/2024.

ORDER

WP.No.9760 of 2022



**DISMISSING THE W.P.
AS INFRUCTUOUS**