

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

TUESDAY, THE TWENTY THIRD DAY OF JUNE TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION NO: 9885 OF 2020



Between:

APSPDCL Electrical Contractors Welfare Association, R/o.18-1-293D, Bhavaninagar, Tirupathi - 517 501, Rep. by its General Secretary, P.Ananda Rao S/o.P.Madhusudhana Rao, Aged about 62 years, R/o.Jayapuram, Koduru Mandal, Krishna District.

Petitioner

AND

1. Andhra Pradesh Central Power Distribution Corporation Limited, Rep. by its Chairman and Managing Director, Beside Government Polytechnic, Opp. Ramesh Hospital, Vijayawada 520 007.
2. Chief General Manager (O & M), Andhra Pradesh Central Power Distribution Corporation Limited, Vijayawada.
3. Superintendent Engineer (Operations), Andhra Pradesh Central Power Distribution Corporation Limited, Opp. Raithu Bazar, PWD Grounds, Vijayawada - 5.
4. Superintendent Engineer (Operations), Andhra Pradesh Central Power Distribution Corporation Limited, Vidyuth Bhavan, Sangadigunta Main Road, Guntur - 522 001.
5. Superintendent Engineer (Operations), Andhra Pradesh Central Power Distribution Corporation Limited, Capital Regional Development Authority Circle, Yerrabalem Village, Amaravathi, Guntur District.
6. Superintendent Engineer (Operations), Andhra Pradesh Central Power Distribution Corporation Limited, 1st line Main Road, Ramnagar, Ongole - 523 001.
7. Executive Engineer (Operation) CRDA Division, APCPDCL, Yerrabalem Village, Guntur District.
8. Executive Engineer (Operation), APCPDCL, Town-1 Division, '0' Line, Nallacheruvu, Guntur.
9. Executive Engineer (Operation), APCPDCL, Near Chandravanka Vagu, Macherla, Guntur District.
10. Executive Engineer (Operation), APCPDCL, Barampet, Narsaraopet Post, Guntur District.
11. Executive Engineer (Operation), APCPDCL, Opp. Market Yard, Guntur Road, Chenchupet, Tenali, Guntur District.
12. Executive Engineer (Operation), APCPDCL, Vidyuth Bhavan, Sangadigunta, Guntur District.
13. Executive Engineer (Operation), APCPDCL, Near 132/33 KV SS Chirala Raod, Bapatla Post, Guntur District.
14. Executive Engineer (Operation), APCPDCL, 2nd Line, Ramnagar, Near Nellore Bus Stand, Ongole, Prakasam District.
15. Executive Engineer (Operation), APCPDCL, Near V.R.S and Y.R.N.College, Vadrevu Road, Vetapalem Mandal, Prakasam District.
16. Executive Engineer (Operation), APCPDCL, Dwaraka Nagar, Singaraikonda Road, Addanki Post, Prakasam District.
17. Executive Engineer (Operation), APCPDCL, Vippagunta Road, Near Fish Market, Kandukuru Post, Prakasam District.
18. Executive Engineer (Operation), APCPDCL, Opp. RTC Depot, Kanigiri, Prakasam District.

19. Executive Engineer (Operation), APCPDCL, Tharlubadu Road, Markapuram, Prakasam Distrit.
20. Executive Engineer (Operation), APCPDCL, Town Division, Central Office Compound, Opp. PWD Ground, Vijayawada.
21. Executive Engineer (Operation), APCPDCL, Gunadala Division, Central Office Compound, Opp. PWD Ground, Vijayawada.
22. Executive Engineer (Operation), APCPDCL, D.No.1-12, ST Colony, Kakani Nagar, Opp. MPP School, 17th Ward, Vuyyuru, Krishna District.
23. Executive Engineer (Operation), APCPDCL, Eluru Road, Gudivada, Krishna District.
24. Executive Engineer (Operation), APCPDCL, Near Pampula Cheruvu, Vijayawada Road, Machilipatnam, Krishna District.
25. Executive Engineer (Operation), APCPDCL, Rural Division VJA, Iswarya Ground, Near Kerala Hotel, Ibrahimpatnam, Krishna District.
26. Executive Engineer (Operation), APCPDCL, Hanuman Junction Road, Nuzvidu, 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 Memo No. No.GM/O & M/EE/Dy.EE/AEE/O & M COML/F.E.No.216869/20, dt. 30-5-2020 issued by the Chief General Manager (O & M), APCPDCL, Vijayawada for entrusting the works on nomination basis for manning and maintenance of 33/11 KV Sub-Stations is wholly illegal, arbitrary, and violative of Articles 14, 19 and 21 of Constitution of India and consequently declare that the respondents are not entitled to issue contracts on nomination basis, and also to declare that the members of the association are entitled for receiving payments/administrative charges for the works executed upto the extended period of contract;

IA NO: 1 OF 2020

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 Memo No. CGM/O&M/EE/Dy.EE/AEE/O&M COML/F.E.No.216869/20, dt.30-5-2020 issued by the Chief General Manager (O&M), APCPDCL, Vijayawada with a direction the respondents to pay the charges to the contractors for the works done upto May 2020, pending disposal of W.P.No.9885 of 2020, on the file of the High Court.


The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI.RAVI KONDAVEETI Advocate for the petitioner and of Sri.Y.Nagi Reddy, learned Standing Counsel for Respondents, the Court made the following.

ORDER:

Heard arguments of learned counsel for petitioner and learned counsel for respondents in part.

At this juncture, learned counsel for respondents sought time for filing rejoinder to the effect that the entrustment of the work on nomination basis is confined only for three months i.e., April, May and June, 2020 onwards. Let the needful be done by the respondents.

List the matter on 25.06.2020.

Sd/- A. Surya Prakasa Rao
DEPUTY REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. The Chairman and Managing Director, Andhra Pradesh Central Power Distribution Corporation Limited, Beside Government Polytechnic, Opp. Ramesh Hospital, Vijayawada 520 007.
2. Chief General Manager (O & M), Andhra Pradesh Central Power Distribution Corporation Limited, Vijayawada.
3. Superintendent Engineer (Operations), Andhra Pradesh Central Power Distribution Corporation Limited, Opp. Raithu Bazar, PWD Grounds, Vijayawada - 5.
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25. The Executive Engineer (Operation), APCPDCL, Rural Division VJA, Iswarya Ground, Near Kerala Hotel, Ibrahimpattam, Krishna District.
26. The Executive Engineer (Operation), APCPDCL, Hanuman Junction Road, Nuzvidu, Krishna District. (1 TO 26 by RPAD)
27. One CC to SRI.RAVI KONDAVEETI Advocate [OPUC]
28. One CC to SRI.Y.NAGI REDDY, STANDING COUNSEL [OPUC]
29. One spare copy

HIGH COURT

UDPRJ

DATED:23/06/2020

NOTE: LIST THE MATTER ON 25.06.2020

ORDER

WP.No.9885 of 2020

DIRECTION

