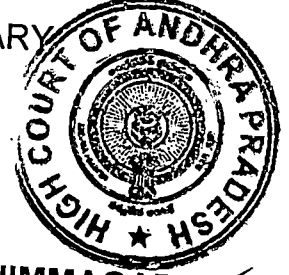


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

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



THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 10428 OF 2022

Between:

K Narayana, S/o. K Naga Chandraiah, Aged about 51 years, Occ.
Contractor, R/o. 3-106-E, Yerraguntla, Dhone, Kurnool District, Pincode.
518222

...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, Kurnool, Kurnool District.
4. The Executive Engineer, M.I.Works Division, Kurnool, Kurnool 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 is filed 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.7,10,310/- vide CFMS number 2019-283326, even after finalizing the bills, payable to the petitioner in relation to the works i.e., Construction of check dam No.1 across Pedda Vanka near Yerraguntla (V) Dhone (M) Kurnool District, Vide Agreement No.2112 /2018-19, dated 24.12.2018 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of amounts of Rs.7,10,310/- vide CFMS number 2019-283326 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 is filed 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 consider for payment of amount of Rs.7,10,310/- vide CFMS number 2019-283326 with interest @24% per annum for the delayed amount to the petitioner in respect of execution of works i.e. Construction of check dam No.1 across Pedda Vanka near Yerraguntla (V) Dhone (M) Kurnool District, Vide Agreement No.2112/2018-19, dated 24.12.2018, forthwith, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI. BATHALA RAMESH

Counsel for the Respondent Nos. 1, 3 &4: GP FOR IRR AND CAD (AP)

**Counsel for the Respondent Nos. 2&5: GP FOR FINANCE AND
PLANNING**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITON No.10428 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.3781 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.

//TRUE COPY//

SD/- V.SAVITHRI GOWRI
ASSISTANT REGISTRAR
NS
SECTION OFFICER

To,

1. One CC to SRI. BATHALA RAMESH Advocate [OPUC]
2. Two CCs to GP FOR IRRI AND CAD (AP), High Court Of Andhra Pradesh. [OUT]
3. Two CCs to GP FOR FINANCE AND PLANNING, High Court of Andhra Pradesh. [OUT]
4. Three CD Copies

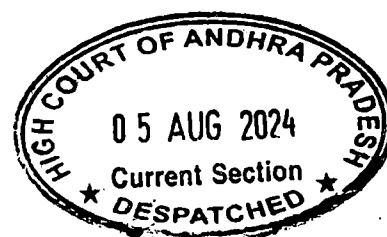
csb

HIGH COURT

csb

DATED:16/02/2024

ORDER



WP.No.10428 of 2022

**DISMISSING THE WP AS INFRUCTUOUS
WITHOUT COSTS**