



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

[3329]

MONDAY ,THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 10565 OF 2022

Between:

1. The President,, DC No.1, Rep. by its President K Venkateshwarlu, S/o.K Veeranna, Aged about 58 years, Occ- Contractor, R/o. H.No.4-22, Allur, Vaddeman, Kurnool District, Pincode- 518432.

...PETITIONER(S)

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, WRD, K.C.Canal Division, Nandyal, 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 praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased 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.5,01,562/- vide M Book 2590 KNL (A), even after finalizing the bills, payable to the petitioner in relation to the works i.e., Repairs and Strengthening of the L/s bank from Km 22.100 to 23.00 of the KC main canal, Vide Agreement No.1298 /2017-18, dated 12.02.2018 is

questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of amounts of Rs.5,01,562/- vide M Book 2590 KNL (A) with interest @24 present per annum for the delayed amount to the petitioner in respect of execution of above-mentioned work forthwith and pass

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 Honble Court may please to direct the respondents to consider for payment of amount of Rs.5,01,562/- vide M Book 2590 KNL (A) with interest @24% per annum for the delayed amount to the petitioner in respect of execution of works i.e. Repairs and Strengthening of the L/s bank from Km 22.100 to 23.00 of the KC main canal, Vide Agreement No.1298 /2017-18, dated 12.02.2018, forthwith, pending disposal of the Writ Petition and pass

Counsel for the Petitioner(s):SRI. BATHALA RAMESH

**Counsel for the Respondents: GP FOR IRRIGATION COMM AREA
DEV**

The Court made the following:

1. Heard learned counsel for the petitioner(s) 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(s).
3. On the other hand, learned counsel for the petitioner(s) submits that the respondents paid the principal amount, but not paid the interest as claimed by the petitioner(s).
4. In view of the submissions made by the learned counsel for the petitioner(s) and learned Government Pleader that the principal amount

was already paid as claimed by the petitioner(s). The contention of the learned Government Pleader that the 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(s) to claim differential amount/withheld amount or interest amount, if any, by way of initiation of fresh/separate legal proceedings in accordance with law.

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

VENKATESWARLU NIMMAGADDA, J

BSP

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No. 10565 of 2022
Dated:12.02.2024

BSP