

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

WEDNESDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR



PRESENT

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 11038 OF 2022

Between:

President, WUA, Kodavalur Bit-1, Kodavalur Mandal, SPSR Nellore District,
Rep. by its President K Mallikarjuna Rao, S/o. Venkata Sheshaiah, Aged
about 52 years, Occ: Contractor, R/o. Damegunta, Kodavaluru (M), SPSR
Nellore District, Pincode. 524316.

...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., Nellore Central Division, Nellore,
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.3,31,981/- vide CFMS number 2019-278275,

Rs.5,69,829/- vide CFMS number 2019-279914 as Rs.5,68,126/- vide CFMS number 2019-279476, even after finalizing the bills, payable to the petitioner in relation to the works i.e., 1).Reconstruction of Pipe Culvert on Ura Kalava near Akula Venkateswarlu fields near Damegunta Village of Kodavalur Mandal of SPSR Nellore District, vide Agreement No.362 DN/NC / 2018-19, dated 18.09.2018, 2).Reconstruction of Pipe Culvert on Yeti Kalava near Pyderu Channel in Damegunta Village in Kodavalur Mandal of SPSR Nellore District, vide Agreement No.363 DN/NC/2018-19, dated 18.09.2018 and 3). Reconstruction of pipe Culverts on Maluboti Channel, Udamalu Kalava and Ura Kalava near Damegunta Village limits in Kodavalur Mandal of SPSR Nellore District, vide Agreement No.365 DN/NC/2018-19, dated 18.09.2018 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of amounts of Rs.3,31,981/- vide CFMS number 2019-278275, Rs.5,69,829/- vide CFMS number 2019-279914 and Rs.5,68,126/- vide CFMS number 2019-279476 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 writ petition, the High Court may be pleased to direct the respondents to consider for payment of amount of Rs.3,31,981/- vide CFMS number 2019-278275, Rs.5,69,829/- vide CFMS number 2019-279914 ea Rs.5,68,126/- vide CFMS number 2019-279476 with interest @24% per annum for the delayed amount to the petitioner in respect of execution of works i.e. 1).Reconstruction of Pipe Culvert on Ura Kalava near Akula Venkateswarlu fields near Damegunta Village of Kodavalur Mandal of SPSR Nellore District, vide Agreement No.362 DN/NC / 2018-19, dated 18.09.2018, 2).Reconstruction of Pipe Culvert on Yeti Kalava near Pyderu Channel in Damegunta Village in Kodavalur Mandal of SPSR Nellore District, vide Agreement No.363 DN/NC/2018-19, dated

18.09.2018 and 3). Reconstruction of pipe Culverts on Maluboti Channel, Udamalu Kalava and Ura Kalava near Damegunta Village limits in Kodavalur Mandal of SPSR Nellore District, vide Agreement No.365 DN/NC/2018-19, dated 18.09.2018, forthwith, pending disposal of the Writ Petition.

Counsel for the Petitioner : SRI BATHALA RAMESH

**Counsel for the Respondent Nos.1, 3 & 4 : GP FOR IRRIGATION &
COMMAND AREA DEVELOPMENT**

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

The Court made the following: ORDER



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

[3329]

WEDNESDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 11038/2022

Between:

President

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. BATHALA RAMESH

Counsel for the Respondent(S):

1. GP FOR IRRIGATION COMM AREA DEV

The Court made the following:

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.2594 of 2022** was 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. No costs.

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

//TRUE COPY//

SD/- U. SRIDEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri Bathala Ramesh, Advocate [OPUC]
2. Two CCs to GP for Irrigation & Command Area Development, High Court of Andhra Pradesh. [OUT]
3. Two CCs to GP for Finance & Planning, High Court of Andhra Pradesh. [OUT]
4. Three C.D. Copies.

Cnr

HIGH COURT

DATED:14/02/2024

ORDER

WP.No.11038 of 2022



**DISMISSING THE W.P. AS INFRUCTUOUS
WITHOUT COSTS**