

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

WEDNESDAY, THE SIXTH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY THREE

**PRESENT**

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**



**WRIT PETITION NO: 10943 OF 2023**

**Between:**

K Sai Reddy, S/o. Jaya Rami Reddy, Aged about 30 years, Occ Contractor, R/o. Venkatapuram (V), Banaganapalli (M), Kurnool 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, Kurnool, Kurnool District.
4. The Executive Engineer, W.R.D., M.I.Works Division, Nandyal, Kurnool 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 not releasing the refund of 7.5% of With held Amounts and Earnest Money Deposit amounts with a totaling of Rs.5,02,315/- (WHA@7.5%) and Rs.1,59,320/- (EMD) vide M Book Nos.5511, 5495, 5474, 4564, 6188, 5513, 6187 and 6186, even after completion of defect liability period, refund payable to the petitioner in relation to the works vide Agreement Nos. 1528/2018-19, dt.01.06.2018, 1518/2018-19, dt.01.06.2018, 1510/2018-19, dt.01.06.2018, 1477/2018-19, dt.01.06.2018, 1514/2018-19, dt.01.06.2018, 1516/2018-19, dt.01.06.2018, 1513/2018-19, dt.01.06.2018 and 1511/2018-19, dt.01.06.2018 is questioned, as the same is illegal, arbitrary and consequently direct the respondents refund of 7.5% of With held Amounts and Earnest Money Deposit amounts with a totaling of Rs.5,02,315/- (WHA@7.5%) and Rs.1,59,320/- (EMD) vide M Book Nos.5511, 5495, 5474, 4564, 6188, 5513, 6187 and 6186 with interest @24% per annum for the delayed amount to the petitioner in respect of above-mentioned work forthwith.

**IA NO: 1 OF 2023**

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 release the refund of 7.5% of With held Amounts and Earnest Money Deposit amounts with a totaling of Rs.5,02,315/- (WHA@7.5%) and Rs.1,59,320/- (EMD) vide M Book Nos.5511, 5495, 5474, 4564, 6188, 5513, 6187 and 6186, with interest @24% per annum for the delayed amount to the petitioner in respect of works vide Agreement Nos. 1528/2018-19, dt.01.06.2018, 1518/2018-19, dt.01.06.2018, 1510/2018-19, dt.01.06.2018, 1477/2018-19, dt.01.06.2018, 1514/2018-19, dt.01.06.2018, 1516/2018-19, dt.01.06.2018, 1513/2018-19, dt.01.06.2018 ab 1511/2018-19, dt.01.06.2018, forthwith, pending disposal of the Writ Petition.

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

**Counsel for the Respondents 1, 3 & 4 : GP FOR IRRIGATION COMM AREA DEV**

**Counsel for the Respondent No.2 : GP FOR FINANCE & PLANNING**

**The Court made the following: ORDER**

**THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION No.10943 of 2023**

**ORDER:**

1. The present petition is filed aggrieved by the action of the respondent in not releasing the refund of 2.5% of Earnest Money Deposit (EMD) and 7.5% of withheld amount totaling to Rs.6,61,635/-.
2. Learned counsel for the petitioner submits that the petitioner has entered into various agreements with the respondents for the works in Kurnool District and he completed the work as per the agreements. Execution of work was entered into measurement book prepared by the respondent authorities without noticing any defects. The amount for execution of work was paid to the petitioner, but the earnest money deposit and withheld amount was not released even after completion of defect liability period. The petitioner has approached the respondents several times for reimbursement of the earnest money deposit and withheld amount. As the respondents have failed to release the earnest money deposit and withheld amount, the petitioner is seeking a direction to the respondent authorities for release of earnest money deposit and withheld amount.
3. Heard the learned counsel for the petitioner and learned counsel for the respondents.
4. Learned Government Pleader submitted that the respondents are ready to pay the amounts due to the petitioner.



5. Keeping in view facts and circumstances of the case, submissions made by both learned counsel and on perusing the material placed on record, as there is no justification in withholding the earnest money deposit and withheld amount, even after completion of defect liability period and completion of the work allotted by the respondents, this Court deems it appropriate to direct the respondents to release the earnest money deposit and withheld amount due to the petitioner for the last several months.

6. In the result, this Writ Petition is disposed of, directing the respondents to release the earnest money deposit and withheld amount of Rs.6,61,635/- to the petitioner within a period of four (04) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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**Sd/- G.HELIA NAIDU**  
**ASSISTANT REGISTRAR**  
  
**SECTION OFFICER**

To,

1. The Special Chief Secretary, Department of Irrigation (Water Resources Department), State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Principal Secretary, Department of Finance and Planning, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
3. The Superintendent Engineer, Irrigation Circle, Kurnool, Kurnool District.
4. The Executive Engineer, W.R.D., M.I.Works Division, Nandyal, Kurnool District.
5. One CC to SRI. BATHALA RAMESH Advocate [OPUC]
6. Two CCs to GP for IRRIGATION COMM AREA DEV, High Court of Andhra Pradesh. [OUT]
7. Two CCs to GP for FINANCE & PLANNING, High Court of Andhra Pradesh. [OUT]
8. Three CD Copies

Madhu



**HIGH COURT**

**DATED:06/12/2023**

**ORDER**

**WP.No.10943 of 2023**

120 copies  
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**DISPOSING THE WP WITHOUT COSTS**

