

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

MONDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR



PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 16858 OF 2024

Between:

S Anil, S/o. S Sreeramulu, Aged about 37 years, Occ: Contractor, R/o. 4-49,
Kosuruvaripalem, Mopidevi, Krishna District, Pincode 521125

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary,
Department of Education, 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 Managing Director, Andhra Pradesh Education & Welfare
Infrastructure Development Corporation (APEWIDC), Vijayawada,
Krishna District.
4. The Chief Engineer, APEWIDC, Vijayawada, Krishna District.
5. The Superintending Engineer, APEWIDC, Guntur, Guntur District.


6. The Executive Engineer, APEWIDC, Machilipatnam, Krishna District.
7. 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 not releasing the payment of net balance amount Rs.28,40,277/- vide CFMS numbers 2023-2000442 & 2024-512507, even after finalizing the bills, payable to the petitioner in relation to the works i.e.. Providing Additional Infrastructure to ZP High School (Balance Work) at Pamarru (V) and (M) in Krishna District under NABARD RIDF XXV, vide Agreement No. Cir.Agt.No.33/2022-23, dated 25.03.2023 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of amounts of Rs.28,40,277/- vide CFMS numbers 2023-2000442 and 2024-512507 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 2024

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 consider for payment of amount of Rs.28,40,277/- vide CFMS numbers 2023-2000442 & 2024-512507 with interest @24% per annum for the delayed amount to the petitioner in respect of execution of works i.e. Providing Additional Infrastructure to ZP High School (Balance Work) at Pamarru (V) & (M) in Krishna District under NABARD RIDF XXV, vide Agreement No. Cir.Agt.No.33/2022-23, dated 25.03.2023, forthwith, pending disposal of the Writ Petition.


Counsel for the Petitioner(s): SRI BATHALA RAMESH

Counsel for the Respondent No.1 : GP FOR EDUCATION

Counsel for the Respondents 2 & 7 : GP FOR FINANCE & PLANNING

Counsel for the Respondents 3 to 6 : SRI K. KANAKA RAJU, SC FOR
APEWIDC

The Court made the following: ORDER



APHC010332542024



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

[3329]

WEDNESDAY ,THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 16858/2024

Between:

S Anil

...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 EDUCATION

2.GP FOR FINANCE PLANNING

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 16858 of 2024

ORDER

1. The petitioner had been awarded the contract of work(s) under the subject scheme in Guntur District. After execution of the said contract, a final bill was prepared for a sum of Rs.28,40,277/- as per the sanctioned orders. As the payment of the said amount has not been made by the respondents, the petitioner has approached this Court by way of this writ petition.
2. It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled for payment of the aforesaid sum of money, no payment is being made. The petitioner contends that such non-payment of money is clearly arbitrary and high-handed requiring the interference of this Court.
3. This Court, in various orders, including the judgment of a learned Single Judge of this Court dated 05.10.2021 in W.P.No.10038 of 2021 and batch had taken the view that such non-payment of dues is arbitrary and that such dues need to be cleared by the respondents at the earliest.
4. On the other hand, learned Government Pleader while admitting about the claim of the petitioner placed on record

instructions received from the Executive Engineer, APEWIDC, Krishna, Machilipatnam. He would submit that soon after receipt of the funds, payment will be made to the petitioner.

5. In view of the aforesaid directions of this Court in various cases and after hearing the submissions of learned counsel for the petitioner and the learned Government Pleader, this Writ Petition is disposed of with a direction to respondent Nos.1 to 4 to release the amount of Rs.28,40,277/- to the petitioner, along with the interest @ 6% per annum, in view of the judgment of the Hon'ble Division Bench of this Court in Writ Appeal No.724 of 2021 and batch dated 12.10.2023, within a period of two(2) months from the date of receipt of a copy of this order. It would also be open to the petitioner to agitate his claim for higher rate of interest, if any payable by the respondents, in an appropriate forum. There shall be no order as to costs.

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


//TRUE COPY//

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Department of Education, 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.

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3. The Managing Director, Andhra Pradesh Education & Welfare Infrastructure Development Corporation (APEWIDC), Vijayawada, Krishna District.
 4. The Chief Engineer, APEWIDC, Vijayawada, Krishna District.
 5. One CC to SRI BATHALA RAMESH Advocate [OPUC]
 6. Two CCs to GP for EDUCATION, High Court of Andhra Pradesh. [OUT]
 7. Two CCs to GP for FINANCE & PLANNING, High Court of Andhra Pradesh. [OUT]
 8. One CC to SRI K. KANAKA RAJU, SC for APEWIDC [OPUC]
 9. Three CD Copies

Madhu

HIGH COURT

DATED:05/08/2024

ORDER

WP.No.16858 of 2024



DISPOSING THE WP WITHOUT COSTS