

APHC010337522024



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

[3311]

MONDAY ,THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MS JUSTICE B S BHANUMATHI

WRIT PETITION NO: 17236/2024

Between:

M/s.sudhakar Infratech Private Limited.,

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.VENKAT CHALLA

Counsel for the Respondent(S):

1.GP FOR IRRI AND CAD

2.GP FOR FINANCE PLANNING

The Court made the following:

ORDER:

This writ petition is filed seeking the following relief:

“to issue an appropriate Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in withholding the part I and II payments of pending amounts of Rs. 4,48,90,383/- (Four Crore Forty Eight Lakhs Ninety Thousand Three Hundred and Eighty Three only) even after finalizing the bills payable to the petitioner in relation to the works i.e., ”Somasila Project-Kavali Canal (BPR Canal)-improvements to Bezawada papi Reddy Canal from KM.52.293 To KM.67.605 For phase II By Widening of bed easening of side slopes” Irrigation circle Department and pass...”

2. It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled to the aforesaid amount, no payment is made. The petitioner contends that such non-payment of money is clearly arbitrary and high-handed requiring the interference of this Court.

3. On the other hand, learned Government Pleader for Irrigation, while admitting about the claim of the petitioner, placed on record instructions received from the Executive Engineer, S.P.Division No.2, Nellore, vide Letter No.EE/SP2/NLR/DB/Court Cases, dated 08.08.2024. He submitted that LS 1 & part Bill 2024 is approved and waiting for fund clearance and LS 2& part Bill is not uploaded due to lack of budget and waiting for budget release order and prayed to pass appropriate orders.

4. It is pertinent to mention that the petitioner claimed Rs.4,48,90,383/- whereas in the written instructions the gross amount payable to the petitioner

is shown as LS 1 & part Bill 2024 – 163446 is Rs.442.47/- and LS 2& Part Bill 2024 is Rs. 63.14 lakhs. As such, in view of the claim made by the petitioner, the Order is limited to the amount claimed by the petitioner, But this Order does not disentitle the petitioner for higher amount, if he so entitle.

5. In view of the submissions of the learned counsel for the petitioner the learned Government Pleader for Irrigation, this Writ Petition is allowed with a direction to the respondents to release the amount of **Rs.4,48,90,383/-** to the petitioner, along with the interest as per the entitlement vide the judgment of the Division Bench of this Court in Writ Appeal No.724 of 2021 and batch of cases dated 12.10.2023, within a period of two(02) months from the date of receipt of a copy of this order. However, if the petitioner is entitled to any higher amount, the same shall also be paid as per the entitlement.

6. It is open to the petitioner to agitate the claim for higher rate of interest, if any, payable by the respondents, before an appropriate forum. There shall be no order as to costs.

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

JUSTICE B.S. BHANUMATHI

Date: 23.09.2024
RMD

249

THE HONOURABLE MS JUSTICE B S BHANUMATHI

WRIT PETITION NO:17236 of 2024

Date: 23.09.2024
RMD

HIGH COURT OF ANDHRA PRADESH
MAIN CASE NO : W.P.No.17236of 2024
PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
02.	23.09.2024	<p><u>BSB, J</u></p> <p>The Writ Petition is allowed.</p> <p>(vide separate order)</p> <p><u>B.S.BHANUMATHI,J</u></p> <p>RMD</p>	

--	--	--	--