

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

THURSDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI



WRIT PETITION NO: 18379 OF 2023

Between:

M. Srinivasa Reddy, S/o.late M. Ramachandra Reddy, Aged about 52 years,
Occ. Contractor, R/o.H.No.5-6-/11, M.R.Palli, Sri Krishna Nagar, Tirupati,
Chittoor District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by Principal Secretary, Home Department, Secretariat Buildings, Velagapudi, Amaravathi
2. Andhra Pradesh Police Housing Corporation Limited, Rep. by its VC and Managing Director, 6th Floor, AP Police Head Quarters, Adjacent AP Police Head Quarters, Mangalagiri, Guntur District.
3. The Executive Engineer, Andhra Pradesh Police Housing Corporation Limited, Kadapa, Kadapa District.
4. The Deputy Executive Engineer, Andhra Pradesh Police Housing Corporation Limited, Tirupati, Chittoor District.
5. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Finance and Planning, Secretariat Buildings, Velagapudi, Amaravathi, Guntur 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 amount of Rs.27,88,011/- even after finalizing the bills payable to the petitioner in relation to the works i.e., .Construction of Disha Police Station Building at M.R.Palle, Tirupathi of Tirupathi Urban District. vide agreement Bond No.MD/LS/TW 11/24/2022-23 dt.24.08.2022, is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment amount of Rs.27,88,011/- with interest @24percent per annum for the delayed amount to the petitioner in respect of execution 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 consider for payment of amount of Rs.27,88,011/- with interest @24percent per annum for the delayed amount to the petitioner in respect of execution of work i.e. .Construction of Disha Police Station Building at M.R.Palle, Tirupathi of Tirupathi Urban District. vide agreement Bond No.MD/LS/TW-II/24/2022-23 dt.24.08.2022, pending disposal of the Writ Petition.

Counsel for the Petitioner :SRI SURESH KUMAR REDDY KALAVA

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent No.5: GP FOR FINANCE & PLANNING

Counsel for the Respondents Nos.2 to 4: SRI K.E.VENKATA REDDY, SC FOR APSPH

The Court made the following: ORDER

HON'BLE SRI JUSTICE RAVI CHEEMALAPATI**WRIT PETITION No. 18379 of 2023****ORDER:**

The present Writ Petition is filed by the petitioner under Article 226 of the Constitution of India, seeking the following relief:

".....issue a writ of Mandamus or any other appropriate writ or direction declaring the action of the respondents in withholding the payment of amount of Rs.27,88,011/- even after finalizing the bills payable to the petitioner in relation to the works i.e. "construction of Disha Police Station Building at M.R.Palle, Tirupathi of Tirupathi Urban District" vide agreement bond No. MD/LS/TW-II/24/2022-23, dt.24.08.2022 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of the amount of Rs.27,88,011/- with interest @24% per annum....."

2. Heard Sri *Suresh Kumar Reddy Kalava*, learned counsel for the petitioner, learned Assistant Government Pleaders for Home and Finance & Planning and the learned Standing Counsel for Andhra Pradesh Police Housing Corporation Limited.

3. The learned Assistant Government Pleaders for Home and Finance & Planning and the learned Standing Counsel for Andhra Pradesh Police Housing Corporation Limited, by placing the written instructions dated 14.08.2023 on record have collectively submitted that the issue regarding sanction of budget for the subject work is pending with the Finance Department and soon after release of the budget, the legally

entitled amount would be paid to the petitioner. The learned Assistant Government Pleader for Finance & Planning sought three (03) months time for payment.

4. To the said submission, learned counsel for the petitioner reported no objection.

5. Taking into consideration the submissions of learned counsel for both sides, this Writ Petition is disposed of, at the admission stage.

6. Accordingly, the respondents are directed to release the admitted/ legally entitled net amount to the petitioner at the earliest, and at any rate, within a period of three (03) months from the date of receipt of copy of this order. It would be open to the petitioner to agitate his claim for interest, if any, payable by the respondents, if he is so advised, in an appropriate forum. There shall be no order as to costs.

As sequel thereto, miscellaneous petition, if any, pending shall stand closed. Interim orders, if any, shall stand vacated.

SD/- K. TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

[Signature]
SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi
2. The VC and Managing Director, Andhra Pradesh Police Housing Corporation Limited, 6th Floor, AP Police Head Quarters, Adjacent AP Police Head Quarters, Mangalagiri, Guntur District.
3. The Executive Engineer, Andhra Pradesh Police Housing Corporation Limited, Kadapa, Kadapa District.
4. The Deputy Executive Engineer, Andhra Pradesh Police Housing Corporation Limited, Tirupati, Chittoor District.
5. The Principal Secretary, Department of Finance and Planning, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District
6. One CC to SRI SURESH KUMAR REDDY KALAVA Advocate [OPUC]
7. Two CCs to GP FOR HOME, High Court Of Andhra Pradesh. [OUT]
8. Two CCs to GP FOR FINANCE, High Court Of Andhra Pradesh. [OUT]
9. One CC to SRI K.C.VENKATA REDDY, SC FOR APSPH Advocate [OPUC]
10. Three CD Copies

GSR
[Signature]

HIGH COURT

DATED:31/08/2023

ORDER

WP.No.18379 of 2023

14 copies
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20/10/23

DISPOSING OF THE WP WITHOUT COSTS

