



**IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI**

**MONDAY, THE THIRTY FIRST DAY OF JANUARY**

**TWO THOUSAND AND TWENTY TWO**

**:PRESENT:**

**THE HONOURABLE THE CHIEF JUSTICE SRI PRASHANT KUMAR MISHRA  
AND  
THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**WRIT APPEAL NO: 100 OF 2022**

(Writ Appeal under Clause 15 of the Letters Patent, filed against the order made in W.P.No.18928 of 2021 & batch, dated 05.10.2021, on the file of the High Court).

**Between:**

1. The Government of Andhra Pradesh, Rep by its Principal Secretary, Panchayat and Rural Development Department, Secretariat buildings, Amaravati.
2. The Commissioner of Panchayat Raj and Rural Development, Government of Andhra Pradesh, Amaravati
3. The District Collector of East Godavari district, Kakinada
4. The Superintendent Engineer, Panchayat Raj Circle Office, Kakinada, East Godavari District.
5. The Executive Engineer, Panchayat Raj Division, Amalapuram, East Godavari District.

**Appellants/Respondents – 1 to 5**

**AND**

1. Bathineedi Ramarao, S/o Venkataratanam, aged about 75 years, Contractor R/o 317 Razole, E G dt.

**..... Respondent/Writ Petitioner**

2. The Government of Andhra Pradesh, Rep by its Principal Secretary, Finance Department, Secretariat buildings, Amaravati
3. The Union of India, Rep by its Secretary, Central Secretariat, Secretariat buildings, New Delhi India.
4. The Razole Gram Panchayat, Rep by its Secretary, Razole village, Razole Mandal E G Dt

**..... Respondents/Respondents 6 to 8**

**IA NO: 1 OF 2022**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to suspend the operation of the order, dated 05.10.2021, passed in W.P.No.18928 of 2021 & batch, pending disposal of W.A.No.100 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri.I.Koti Reddy, Standing Counsel for the appellant and of Sri.Bokka Satyanarayana, learned Counsel for Respondent No.1, learned Government Pleader for Finance & Planning for Respondent No.2, Sri.N.Harinath, Assistant Solicitor General, for Respondent No.3 and of Sri.I.Koti.Reddy, Standing Counsel, for Respondent No.4, the Court made the following.

**ORDER:**

**Heard the learned Government Pleader for Panchayat Raj & Rural Development, appearing for the appellants.**

It is brought to the notice of this Court that in similar matters, i.e., in W.A.Nos.740 and 741 of 2021, this Court, following the earlier interim order dated 18.11.2021 passed by a Coordinate Bench in W.A.No.724 of 2021, has passed interim order dated 24.11.2021, the operative portion of which reads as under:

***"In one of the Writ Appeals i.e., W.A. No.724 of 2021, the Coordinate Bench has passed interim order staying the operation of the order of the single Judge, in so far as it concerns payment of interest to the writ petitioners as also regarding setting aside the provision in Memo No. 1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/ 2020, dated 12.05.2021 relating to deduction of 21.02% for DCC works and 6.333% for MCC works, at the same time, recording submissions made by the learned Advocate General that the direction of the learned single Judge as far as payment of the principal amount of the bills raised by the writ petitioners, in terms of the orders of the Division Bench dated 02.11.2021 in W.P. (PIL) No.166 of 2019 in Krishna District Grama Panchayathi Sarpanchla Sangam v. The State of Andhra Pradesh and others, Krishna District, shall be complied with within four weeks, if not already done.***

***Considering the facts and circumstances of the case and having regard to the interim order passed by the Coordinate Bench, we direct that the said interim order shall apply for the present writ appeals also, however, with a condition that the appellants shall pay the principal amount of the bill raised by the original writ petitioners, within a period of four weeks, failing which the present interim order shall stand vacated without reference to the bench."***

The issue involved being one and the same, there shall be an interim order in the present appeal also in terms of the interim orders passed in the connected appeals as noted above.

Accordingly, the direction of the learned single Judge regarding payment of interest to respondent No.1/writ petitioner as also setting aside the provision in Memo No.1263069/RD.II/A1/2020 dated 05.11.2020 and Memo No.1388361/RD.II/A1/2020 dated 12.05.2021 relating to deduction of 21.02% for DCC works and 6.333% for MCC works, while making payment, shall remain stayed. However, the appellants shall pay the principal amount of the bills raised by respondent No.1/writ petitioner within a period of four weeks, failing which this interim order shall stand vacated without reference to the Bench.

Post this case along with W.A.No.724 of 2021.

Sd/- M. SRINIVAS  
ASSISANT REGISTRAR

//TRUE COPY//

  
SECTION OFFICER

To,

1. Bathineedi Ramarao, S/o Venkataratanam, Contractor, R/o 317, Razole E G District.
2. The Principal Secretary, Finance Department, Government of Andhra Pradesh, Secretariat buildings Amaravati
3. The Secretary, Union of India, Central Secretariat, Secretariat buildings New Delhi India.

4. The Secretary, Razole Gram Panchayat, Razole village, Razole Mandal E G Dt.  
(1 to 4 by RPAD)
5. One CC to GP for Panchayat Raj & Rural Development, High Court of  
A.P.[OUT]
6. One CC to GP for Finance & Planning, High Court of A.P.[OUT]
7. One CC to Sri.Bokka Satyanarayana, Advocate [OPUC]
8. One CC to Sri.I. Koti Reddy, Standing Counsel (OPUC)
9. One CC to Sri.N.Harinath, Assistant Solicitor General (OPUC)
10. One spare copy

SRL

**HIGH COURT**

**HCJ & MSMJ**

**DATED:31.01.2022**

**NOTE: POST THIS CASE ALONG WITH W.A.NO.724 OF 2021 & BATCH.**

**ORDER**

**WA.No.100 of 2022**

**DIRECTION**

