

**The Hon'ble Sri Justice C.V.Nagarjuna Reddy**

–  
**Writ Petition Nos.24567 and 24571 of 2012**

–  
**Dated: 08.08.2012**

Between:

M/s.Sri Avantika – Sai Venkata (JV) a joint venture company.

... Petitioner

and

The Government of Andhra Pradesh,  
Rep.by its Principal Secretary to the Government,  
Irrigation & CAD Department,  
Secretariat Building, Hyderabad,  
And others.

... Respondents

Counsel for the petitioner : Sri Ashok Reddy Kanathala

Counsel for respondent Nos.1, 3 and 4: AGP for Irrigation & CAD

**The Court made the following :**

**Common order:**

These two writ petitions are filed to declare the recovery of 0.25% of bill amounts towards National Academy of Construction in pursuance of G.O.Ms.No.98, Irrigation & CAD (PW-COD) Department, dated 05.07.2000, as illegal and arbitrary.

At the hearing Sri Ashok Reddy Kanathala, learned counsel for the petitioner, has not disputed that as a Division Bench of this Court in its judgment, dated 21.07.2010, in W.A.No.2117 of 2005 and batch, held that in the absence of any clause in the agreement authorizing deduction of any amount towards National Academy of Construction, it is not permissible for the respondents to deduct any amounts for that purpose from the bills of the contractors. The said judgment has obtained finality with the dismissal of S.L.P by the Supreme Court on 07.01.2012.

The petitioner in the affidavits has specifically pleaded that the agreements entered into by petitioner with respondent Nos.1 to 4 do not contain any clause authorizing the respondents to deduct any amounts from the bills towards National Academy of Construction.

In this view of the matter, and following the ratio in the above mentioned Division Bench judgment, the Writ Petitions are allowed.

As a sequel to the disposal of the writ petitions, W.P.M.P.No.31339 of 2012 in W.P.No.24567 of 2012 and W.P.M.P.No.31343 of 2012 in W.P.No.24571 of 2012 are disposed of.

---

**(C.V.NAGARJUNA REDDY, J)**

08.08.2012

vs