



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

[3331]

WEDNESDAY, THE 5th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 1682/2026

Between:

1.M/S. NAS BABU CONSTRUCTIONS PRIVATE LTD.,, REP BY ITS
MANAGING DIRECTOR, N.V.V. NAGENDRAM, S/O.
VENKATESWARA RAO AGED ABOUT 55 YEARS, OCC.
CONTRACTOR, R/O. H.NO. 10/150-A2, RAJENDRA NAGAR
GUDIVADA, KRISHNA DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP BY ITS. PRINCIPAL
SECRETARY TO GOVERNMENT, IRRIGATION AND CAD WATER
RESOURCES DEPARTMENT, SECRETARIAT BUILDINGS, A.P.
SECRETARIAT, VELAGAPUDI AMARAVATHI, GUNTUR DISTRICT-
522237

2.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, FINANCE DEPARTMENT, SECRETARIAT BUILDINGS,
VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT. 522237

3.THE SUPERINTENDNETING ENGINEER, IRRIGATION AND WATER
RESOURCES DEPARTMENT, IRRIGATION CIRCLE OFFICE,
VIJAYAWADA, N.T.R. DISTRICT, 520001

4.THE EXECUTIVE ENGINEER, DRAINAGE DIVISION, GUDIVADA,
KRISHNA DISTRICT-521301

...RESPONDENT(S):

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 an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not refunding he deposit amount of Rs.5,43,731/-in respect of works i.e., 1).

Agreement.Nos. 186/2017-2018, Dt.11.09.2017, 2) 185/2017-2018, Dt.11.09.2017, 3) 184/2017-2018, Dt.11.09.2017, 4) 183/2017-2018, Dt.11.09.2017, 5) 182/2017-2018, Dt.11.09.2017, 6) 181/2017-2018, Dt.07.09.2017, 7) 180/2017-2018, Dt.07.09.2017, 8) 179/2017-2018, Dt.07.09.2017, 9) 178/2017-2018, Dt.07.09.2017, 10) 177/2017-2018, Dt.07.09.2017, 11) 190/2017-2018, Dt. 15.09.2017,12) 191 /2017-2018, Dt. 15.09.2017, for the works in Drainage Division, Gudivada, Krishna District Under Water Resources Department as per agreement to the petitioner till today and causing heavy loss with interest even though total works were completed as per the agreement as illegal, arbitrary and violation of Articles 14, 16 and 21 of the Constitution of India and consequentially to direct the respondents releasing the refunding the deposits (EMD and FSD) amount of Rs.5,43,731/- to the petitioner with interest @12percent per annum for the delayed amount to the petitioner in respect of execution of above mentioned works forthwith and to pass

IA NO: 1 OF 2026

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 releasing the refunding the deposits (EMD&FSD) amount of Rs.5,43,731/- to the petitioner for execution of completion of works as per agreements forthwith, pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1.PAMARTHI KAMESWARA RAO

Counsel for the Respondent(S):

1.GP FOR IRRI AND CAD

2.GP FOR FINANCE PLANNING

The Court made the following:

::ORDER ::

The above writ petition was filed to declare the action of the respondent authorities in not releasing the bill amount of Rs.5,43,731/- in relation to the works executed by the petitioner, as illegal and arbitrary.

2. Heard learned counsel for the petitioner, and the learned Assistant Government Pleader for Irrigation and Finance & Planning Department, appeared for the respondents.

3. Learned counsel for the petitioner would submit that pursuant to the agreements, the petitioner has executed the works and the same were verified by the respective authorities, as per the timelines stipulated in the agreements. However, the amount has not been paid so far.

4. Today, when the matter is taken up, the learned Assistant Government Pleader for Irrigation and Finance & Planning Department, appearing for the respondents, submitted the written instructions of the Executive Engineer, Drainage Division, Gudivada.

5. A perusal of the said instructions indicates that the petitioner has executed the works, and the net amount payable to the petitioner is Rs.5,43,731/-. The written instructions are made as part of the record.

6. Learned counsel would also submit that the petitioner has paid a Court Fee of only Rs.100/-, and the petitioner undertakes to pay the deficit Court Fee of Rs.1100/-, within one week from the receipt of the order copy and file a memo to that effect.

7. Thus, as seen from the instructions, there is no dispute regarding the execution of works and the petitioner's entitlement for Rs.5,43,731/-. Since the amount payable is admitted and undisputed, the writ petition is maintainable. In ***M/s Utkal Highways Engineers and Contractors v. Chief General Manager & Ors***¹, it was held at Para No.8 as under:

“Be that as it may, the High court has not dealt with the merits of the writ petition. Moreover, it is not an inviolable rule that no money claim can be adjudicated upon in exercise of writ jurisdiction. Non-payment of admitted dues, inter alia, may be considered an arbitrary action on the part of respondents and for claiming the same, a writ petition may lie. Further, throwing a writ

¹ 2025 SCC online SC 1400

petition on ground of availability of alternative remedy after 10 years, particularly, when parties have exchanged their affidavits, is not the correct course unless there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence.”.

8. Given the instruction, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.5,43,731/- payable to the petitioner regarding execution of the works, within two (02) months from the date of receipt of the copy of this order. With respect to the interest component concerned, the petitioner is at liberty to approach the appropriate forum. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Date: 05.08.2026
TVN

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

134

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 1682 of 2026

Date: 05.08.2026
TVN