

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

TUESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION NO: 8613 OF 2024



Between:

A Siva Prasad Reddy, S/o Veera Reddy Aged about 55 years, Occ.
President, WUA, Kovur Mandal, R/o 7-7-17, Attipallivari Street, Kovuru
Village and Mandal, SPSR Nellore District.

...Petitioner

AND

1. The State Of Andhra Pradesh, Rep. by its Prl. Secretary, Water Resources Department, AP Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The State of Andhra Pradesh, , Rep. by its Prl. Secretary, Finance and Planning Department, AP Secretariat, Velagapudi, Amaravathi, Guntur District.
3. The Superintendent Engineer, Water Resources Department, Irrigation Circle, Nellore, SPSR Nellore District.
4. The Executive Engineer, Water Resources Department, Nellore Central Division, Nellore, SPSR Nellore District.
5. The Commissioner CADA Water Resources Department, , Hanumanpet, Vijayawada.

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in non-payment an amount of Rs. 23,62,035/- in total due for

the last Two years even after finalizing the bills, payable to the petitioner after the successful completion of the execution of works i.e., Protection Arrangements to Koduru Channel Near South Amuluru Village in T P Gudur mandal of SPSR Nellore District vide agreement no. 06 OandM /2023-24 dated 28.08.2023 duly approved by the respondents, as illegal, arbitrary, unjust, unreasonable and violative of fundamental rights guaranteed to the Petitioner under Articles 14 and 21 of the Constitution of India and consequently direct the respondents to release an amount of Rs. 23,62,035/- towards the works executed by the petitioner along with 12per interest per annum.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed 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 pay the amount of Rs. 23,62,035/- in total due for the last Two years even after finalizing the bills, payable to the petitioner after the successful completion of the execution of works i.e., "Protection Arrangements to Koduru Channel Near South Amuluru Village in T P Gudur mandal of SPSR Nellore District vide agreement no. 06 O& M /2023-24 dated 28.08.2023" forthwith.

Counsel for the Petitioner : SRI. SIVAPRASAD REDDY VENATI

Counsel for the Respondents: GP FOR IRRIGATION COMM AREA

DEV

GP FOR FINANCE DEPARTMENT

The Court made the following:

TUESDAY, THE TWENTY SECOND DAY OF APRIL
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WRIT PETITION NO: 8613/2024

Between:

A Siva Prasad Reddy

...PETITIONER

AND

The State of Andhra Pradesh and others

...RESPONDENT(S)

Counsel for the Petitioner:

1. SIVA PRASAD REDDY VENATI

Counsel for the Respondent(S):

1.GP FOR IRRI AND CAD

2.GP FOR FINANCE PLANNING

The Court made the following:

ORDER:

The present writ petition is filed under Article 226 of the
Constitution of India seeking the following relief:

"...to issue a writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in non-payment an amount of Rs.23,62,035/- in total due for the last Two years even after finalizing the bills payable to the petitioner after the successful completion of the execution of works i.e., Protection Arrangements to Koduru Channel Near South Amuluru Village in T P Gudur mandal of SPSR Nellore District vide agreement no.06 O&M /2023-24 dated 28.08.2023 duly approved by the respondents as illegal arbitrary unjust unreasonable and violative of fundamental rights guaranteed to the Petitioner under Articles 14 and 21 of the Constitution of India and consequently direct the respondents to release an amount of Rs.23,62,035/- towards

the works executed by the petitioner along with 12 per interest per annum and to pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. In spite of adjourning the matter several times, the respondents have not filed their counter affidavit.
3. The case of the petitioner is that the petitioner has participated in the tender process and the 4th respondent has entered into an agreement with the petitioner *vide* agreement No.06 O&M/2023-24, dated 28.08.2023, for execution of works Protection Arrangements to Koduru Channel near South Amuluru Village in T P Gudur Mandal, SPSR Nellore District during the year 2023-24. The petitioner has completed the work. The 4th respondent has issued quality control certificate and measurement books and passed final bill for an amount of Rs.23,62,035/-.
4. Learned counsel for the petitioner submits that the petitioner has borrowed amounts from third parties to execute the work and is paying huge interest. Though the first and final bills were passed in the year 2023, the bills amount is not yet paid to the petitioner even after lapse of two years. The learned counsel for the petitioner further submits that in similar circumstances, this Court in ***S. Srinivas Vs. State of Andhra Pradesh and others***¹ held as under:

“21) In the considered opinion of this Court, withholding the amount for which the petitioner is legitimately entitled is nothing

¹ 2021 Lawsuit (AP)390

but depriving the petitioner. Due to illegal action of non-payment of the amounts promptly by clearing the bills submitted by the petitioner after execution of works, the petitioner could not feed and see the welfare of his family properly and he could not make payments to his employees/workers and he could not make payments to the material suppliers and he has to pay interests for the debts incurred by him for execution of works. Due to this situation, petitioner's respect and dignity in the society will be deteriorated.

22) *As such this Court holds that withholding the amount, for which the petitioner is legally entitled, is illegal, arbitrary, and unjust and violative of Article 21 of the Constitution of India.*

24) *A larger bench of the Hon'ble Apex Court in Secretary, Irrigation Department, Government of Orissa and others V. G.C.Roy opined as extracted hereunder:*

"A person deprived of the use of money to which he is legitimately entitled has right to be compensated for the deprivation, call it by any name. It may be called interest, compensation or damages".

25) *The High Court of Andhra Pradesh in J.Devendra Reddy V Kakatiya University and another held that withholding of the amount payable to the petitioner for the contract works, constitutes patent arbitrariness on the part of the respondents."*

5. This Court has observed that though the works were completed long back and the bills were passed, the respondents have not released the amounts so far on the ground of insufficiency of funds. Since there is no dispute with regard to the execution of work and the bills amount, the respondents should pay the bills amount on "first done first paid" basis.

6. In view of the foregoing discussion and in the light of the law laid down by this Court in **S. Srinivas** case referred supra, the Writ Petition is disposed of, with the following directions:

- i) The respondents are directed to clear the bills submitted by the petitioner and release an amount of Rs.23,62,035/- in favour of the petitioner within twelve (12) weeks from the date of receipt of a copy of this order with interest at 12% p.a.
- ii) The interest shall be computed from the date of expiry of one month from the date of submission of the bill by the petitioner till the date of payment.

There shall be no order as to costs.

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

//TRUE COPY//

**Sd/- M. RAMESH BABU
DEPUTY REGISTRAR**

SECTION OFFICER

To,

1. One CC to SRI. SIVAPRASAD REDDY VENATI Advocate [OPUC]
2. Two CCs to GP FOR IRRIGATION COMM AREA DEV ,High Court Of Andhra Pradesh. [OUT]
3. Two CCs to GP FOR FINANCE & PLANNING, High Court Of Andhra Pradesh. [OUT]
4. **Three CD Copies**

KSR

HIGH COURT

DATED:22/04/2025

ORDER

WP.No.8613 of 2024



CLOSING THE WRIT PETITION WITHOUT COSTS