

APHC010192622026



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

**MONDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 9864 OF 2026

Between:

MPR Constructions, Rep. by its Managing Director M.Prasad Reddy, S/o. M. Ramachandra Reddy, Age 52 years, Occ: Contractor, R/o. D.No.4-271, Muddanur road, Village and Mandal, YSR Kadapa District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Higher Education Department, A.P. Secretariat Building, Velagapudi, Guntur District-522 238
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Finance and Planning Department, A.P.Secretariat Building, Velagapudi, Guntur District-522 238
3. The A.P.State Education and Welfare Infrastructure Development Corporation, APEWIDC Rep. by its Managing Director, Vaddeswaram Village Tadepalli Mandal, Guntur District- 522 501
4. The Superintending Engineer, A.P.State Education Welfare Infrastructure Development Corporation, APEWIDC Kadapa, YSR District-516 001
5. The Executive Engineer, A.P.State Education Welfare Infrastructure Development Corporation, APEWIDC Kadapa, YSR District- 522 501
6. The District Collector, Kadapa, Kadapa District-522 501

...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, Order or Direction more particularly one in the nature of Writ of MANDAMUS declaring the action of the respondents in not releasing the admitted final bills to the petitioner for the work pertaining to providing Additional Infrastructure to ZP High School at Vemula (V&M) in YSR Kadapa District, for an amount of Rs.35,41,734/- even after the entries were recorded in M-Books is illegal, arbitrary, malafide, high handed, and contrary to the procedure established by law apart from being violative of Articles 14 and 19 (1) (g) of the Constitution of India and consequentially direct the respondents to release the admitted final bill amounts of Rs.35,41,734/- along with interest forthwith in the interest of justice and 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 to pay the admitted final bill amounts to the petitioner for the work pertaining to providing Additional Infrastructure to ZP High School at Vemula (V & M) in YSR Kadapa District for an amount of Rs.35,41,734/- pending disposal of the Writ Petition and to pass

Counsel for the Petitioner: NAVULURU KRISHNA SAI

Counsel for the Respondents: GP FOR HIGHER EDUCATION

Counsel for the Respondents: GP FOR FINANCE PLANNING

The Court made the following order:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**WRIT PETITION No:9864 of 2026****ORDER:**

The instant writ petition has been filed by the petitioner under Article 226 of Constitution of India seeking the following main prayer:

“....to issue a Writ, Order or Direction more particularly one in the nature of Writ of MANDAMUS declaring the action of the respondents in not releasing the admitted final bills to the petitioner for the work pertaining to providing Additional Infrastructure to ZP High School at Vemula (V&M) in YSR Kadapa District, for an amount of Rs.35,41,734/- even after the entries were recorded in M-Books is illegal, arbitrary, malafide, high handed, and contrary to the procedure established by law apart from being violative of Articles 14 and 19 (1) (g) of the Constitution of India and consequentially direct the respondents to release the admitted final bill amounts of Rs.35,41,734/- along with interest forthwith in the interest of justice and pass....”

2. The sum and substance of the writ petition is that the petitioner challenged the inaction of the respondents in not releasing the amounts even after completion of the entire works entrusted to him.

3. Heard learned counsel for the petitioner Sri N.Krishna Sai, as well as the learned Government Pleader for Finance & Planning, appearing for the respondents.

4. Learned counsel for the petitioner, while reiterating the averments made in the writ affidavit, submits that in view of non-release of the admitted

amounts, the petitioner is facing multifarious problems, physically and fiscally. Hence, he submits that the release of the amounts is just and essential.

5. On the other hand, learned Standing Counsel for the respondents Corporation, placed a copy of the written instructions dated 16.04.2026 issued by the concerned authority of the respondents and submits that six months' time may be granted for paying the admitted amount of Rs.32,80,028/- (Rupees Thirty Two Lakhs Eighty Thousand and Twenty Eight only) to the petitioner. He further submits that though the petitioner claimed a sum of Rs.35,41,734/-, as per their instructions, the petitioner is entitled to get an amount of Rs.32,80,028/- only.

6. Since it is not in dispute that the petitioner completed the works and has yet to receive payment, as evident from the written instructions dated 16.04.2026 of the concerned respondent authority, this Court finds the respondents' failure to pay is unjustified. However, taking into consideration of the ground realities to settle the admitted amounts, the respondents are granted rational time to settle the dues.

7. Recently the Hon'ble Supreme Court of India in ***Utkal Highways Engineers and Contractor Vs Chief General Manager and Others***¹, vividly held in the following manner.

¹ (2025) SCC Online SC 1400

“8. 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.....”

8. It is apt to note that a mere financial incapacity / poor financial conditions, as stated by the respondents, for non-releasing of amounts after getting the services of the petitioner, cannot be a ground.

9. In view of the above stated legal position, the respondent Corporation, being the instrumentality of the ‘State’ within the meaning of Article 12 of the Constitution of India, is bound to release the amount for the undisputed works done by the petitioner, without any further delay. A mere financial incapacity or paucity of funds cannot be a valid defence for non-fulfilment of such statutory obligations, more particularly, after getting the works from the petitioner.

10. So far as the interest portion is concerned, the Hon’ble Division Bench of this Court in the case of ***Managing Director & Ors. Vs. Sree Balaji Constructions & Ors.*** (Writ Appeal No.60 of 2025) held that the award of interest on delayed payments was unsustainable in the absence of specific terms and conditions of the relevant agreement between the parties, but in the instant case, the learned counsel for the petitioner has not touched on the said point. However, the Hon’ble Division Bench in similar circumstances made it clear that the parties are at liberty to pursue their claims in respect of the interest portion before an appropriate forum in accordance with the Law.

11. In the light of the above legal position, coupled with the fact that the liability for the undisputed works was admitted by the respondents, the writ petition is disposed of with a direction to the respondents to release the amount of Rs.32,80,028/-(Rupees Thirty Two Lakhs Eighty Thousand and Twenty Eight only) payable to the petitioner, within a period of six (06) months, from the date of receipt of copy of this order. It is needless to say that the petitioner is at liberty to approach the appropriate civil court with regard to interest, if so advised.

There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 04.05.2026

Rns



THE HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION No.9864 of 2026

Date: 04.05.2026

Rns