

Date of reserved for orders : -----

Date of pronouncement : 02.07.2026

Date of uploading : 06.07.2026

APHC010193622026



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

[3457]

THURSDAY, THE 2nd DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 10862/2026

Between:

1.SIVA SURYA CONSTRUCTIONS, REP. BY. ITS MANAGING PARTNER, GANTA SIVA GANAPATHI S/O.GANTA CHINNI KRISHAN AGE 31 YEARS, R/O. 16-42-63/C, AYODYA NAGAR, KAKINADA(URBAN),EAST GODAVARI DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT, SECRETARIAT BUILDING VELAGAPUDI, AMARAVATHI, GUNTUR.522238

2.THE KAKINADA MUNICIPAL CORPORATION, REP BY ITS COMMISSIONER, KAKINADA, KAKINADA DISTRICT.533001

3.EXECUTIVE ENGINEER, THE KAKINADA MUNICIPAL CORPORATION, KAKINADA, KAKINADA DISTRICT.533001

4.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF FINANCE AND PLANNING, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.522238

...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 topleased to issue order or orders, direction or directions, Writ or Writs particularly one in the nature Writ of Mandamus or any appropriate writ declare the action of the respondents in not refunding the deposited amounts as deposited at the time of contract, as security to under take the works, even completing the observation period amounting to Rs. 9,94,092/- (Rupees Nine Lakhs Ninty Four Thousand and Ninty Two only) to the petitioner with interest, till the date of refund from the date of completion of respective observation periods, as illegal, arbitrary violation of principles of natural justice and violative of Article 14, 19(i) (g), 21 of the Constitution of India, consequently direct the respondents to release and repay the deposited amounts for the above works immediately with interest of 12 percent 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 to release the amount of Rs.9,94,092/- (Rupees Nine Lakhs Ninty Four Thousand and Ninty Two only) towards payment of deposited amounts for the contract works under taken by the petitioner long back, pending disposal of main WP No. 10862 of 2026 and to pass

Counsel for the Petitioner:

- 1.DEVASRI ROSHAN KANCHARLA

Counsel for the Respondent(S):

- 1.M Krishna Rao SC for skl vzm kkd Municipal Corporations
- 2.GP MUNICIPAL ADMN AND URBAN DEV AP
- 3.GP FOR FINANCE PLANNING

THE HONOURABLE SRI JUSTICE HARINATH.N**WRIT PETITION NO: 10862 of 2026****ORDER:**

The learned counsel for the petitioner submits that the petitioner is aggrieved by the inaction of the respondents in not releasing the petitioner's Earnest Money Deposit (EMD). The petitioner seeks a declaration that the action of the respondents in not refunding the amounts deposited by the petitioner as Earnest Money Deposit (EMD) at the time of execution of the contracts, as security for due performance of the works, even after completion of the respective observation periods, amounting to Rs.9,94,092/- (Rupees Nine Lakhs Ninety-Four Thousand and Ninety-Two only), is illegal, arbitrary. The petitioner also seeks a consequential direction to the respondents to refund the said amount together with simple interest thereon from the date of completion of the respective observation periods till the date of actual refund.

2. It is submitted that the petitioner had completed the works entrusted to him and that the competent authority of the respondents had also approved the payments due and payable to the petitioner. The respondents have also recorded the progress of the works and the amounts due and payable to the petitioner in the M-Book.

3. Heard the submissions of the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development Department, Sri M. Krishna Rao, learned Standing Counsel for

the respondent Corporation, and the learned Assistant Government Pleader for Finance and Planning.

4. During the course of hearing, the learned Standing Counsel appearing for the respondent Corporation submits that the works have been completed and that the petitioner has also submitted the final bills and the amounts due and payable to the petitioner have been duly admitted. It is submitted that further funds are awaited and that, soon after the release of the funds, the bills due and payable to the petitioner shall be cleared.

5. Recording the submissions, this writ petition is disposed of at the admission stage, directing the respondents to verify and release the (EMD) payments due and payable to the petitioner as expeditiously as possible, preferably within a period of six (06) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

6. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date:02.07.2026

RSD

Whether the order is:

Speaking		Reasoned	☒
Reportable		Non-reportable	☒

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THE HONOURABLE SRI JUSTICE HARINATH.N

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RSD