

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISIDITION)

FRIDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU
WRIT PETITION NO: 14245 OF 2020



Between:

ICICI BANK LTD, ICICI Bank Ltd. having registered office at ICICI Bank Tower, Near Chakli Circle, Old Padra Road, Vadodara - 390007 And branch office at ICICIBank Towers, Plot No. 12, Nanakramguda, Financial District, Hyderabad - 500032 Rep by its Legal Manager Ms. Mohar Majumdar

AND

Petitioner

1. The State of Andhra Pradesh,, Represented by its Principal Secretary, Irrigation and Command Area Development Department, A.P. Secretariat, Velagapudi, Guntur District.
2. The Superintending Engineer,, Construction Circle, Ongole, Prakasam District.
3. Coastal Projects Limited,, having its registered office at 237, Bapuji Nagar, Bhubaneshwar - 751009 And corporate office at Plot no. 304-0, Road no. 78, Film Nagar, Hyderabad - 500033.
4. Rentworks India Pvt. Ltd., having its registered office at Windsor House, 6th Floor, CST Road, Kalina, Santa Cruz (East), Mumbai - 400098.
5. Rithwik Projects Ltd., having its registered office at 8-2-268/KJ37 and 39, Plot No. 37 and 39, Navodaya Colony, Banjara Hills, Road No.2 Hyderabad - 500034

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 an appropriate Writ, Order or directions, more particularly one in the nature of Writ Mandamus a. Directing the 1st and 2nd respondents to pay an amount of RS.62,84,60,424.47(Rupees Sixty Two Crores Eighty Four Lakhs Sixty Thousand Four Hundred and Twenty Four and Forty Seven Paise as an 27-02-2020 along with additional interest payable at 18% per towards the lease rentals for the use of the Double Standard Tunnel Boring Machine used in tunnel boring work relating to 'Investigation, Design, Execution and Construction of Second Tunnel with 9.2M Internal Diameter for Pula Subbaiah Veligonda Project using Double Shield Tunnel Boring Machine i.e, from Kollam Vagu in foreshore of Srisaillam Revervoir upto Guntur -Kurnool Road to join into the Feeder Canal, including construction of Head Regulator, Approaches and Approach Channel Exit in Dornala Mandal, Prakasam District, Andhra Pradesh)' to the Petitioner b. Directing the 1st and 2nd respondents that, in the event of the DSTBM being purchased by the Government of Andhra Pradesh, To apportion an amount of RS.62,84,60,424.47(Rupees Sixty Two Crores Eighty Four Lakhs Sixty Thousand Four Hundred and Twenty Four and Forty Seven Paise as an 27-02-2020 along with additional interest payable at 18% per out of the sale proceeds, towards the lease rentals due to the Petitioner for the use of the DSTBM and pay the same amount to the Petitioner.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 1st Respondent to not release any payments towards the lease rental amounts against the usage of the Double Standard Tunnel Boring Machine to any third parties (other than the Petitioner), pending disposal of WP 14245 of 2020, on the file of the High Court.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 1st Respondent to refrain from using the Double Standard Tunnel Boring Machine without paying the lease rentals to the Petitioner against the usage of the Double Standard Tunnel Boring Machine, pending disposal of WP 14245 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri S. Vivek Chandra Sekhar, Advocate for the Petitioner, GP for Irrigation and CAD for the Respondent Nio.1, the Court made the following.

ORDER:

Heard Sri S. Ravi, learned senior counsel for the petitioner and Government Pleader for Irrigation.

Counsel for the petitioner points out that the petitioner has exclusive charge and title over the Double Standard Tunnel Boring Machine and that the said machine is being used by the State for the purpose of the project which is mentioned in the writ petition. The interim prayer is seeking a direction against the first respondent no to release any payments towards the lease rental amounts for the usage of the said machine.

Learned Government Pleader seeks time to get instructions.

List on 04.09.2020.

Till then, there shall be an order restraining the respondents from making any disbursement of the amounts towards lease rental amounts to any third party with respect to the Double Standard Tunnel Boring Machine.

//TRUE COPY//

SD/- K. TATA RAO
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

1. The Principal Secretary, Irrigation and Command Area Development Department, State of Andhra Pradesh A.P. Secretariat, Velagapudi, Guntur District.
2. The Superintending Engineer,, Construction Circle, Ongole, Prakasam District.
3. Coastal Projects Limited,, having its registered office at 237, Bapuji Nagar, Bhubaneshwar - 751009 And corporate office at Plot no. 304-0, Road no. 78, Film Nagar, Hyderabad - 500033.
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(1 to 5 BY RPAD)
6. One CC to Sri S. Vivek Chandra Sekhar, Advocate [OPUC]
7. Two CCs to GP for Irrigation and CAD ,High Court of Andhra Pradesh. [OUT]
8. One spare copy

TVR

HIGH COURT

DVSSJ

DATED:21/08/2020

ORDER

WP.No.14245 of 2020

LIST ON 04.09.2020

