

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

FRIDAY, THE TWENTY FIRST DAY OF JUNE,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 12584 OF 2024



Between:

Datta Sai Constructions, Rep by its Managing partner, B.B Appa Rao, S/o
Pardesi Naidu, Age 59 Yrs, D.No. 4-69-17/1, Lawsons Bay Colony,
Visakhapatnam.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its principle Secretary, Tribal welfare Department, Secretariat, Velagapudi, Amaravati, A.P.
2. The Director of Tribal welfare Department, D.No. 40-6-22A, Kandhari Hotel Road, Revenue Colony, Vijayawada, A.P.
3. The Project officer, ITDA .Parvathipuram Manyam Dist, A.P.
4. The Engineer in chief, O/o Tribal Welfare engineering Department 40-1-86, Fortune Murali Park Road, Revenue Colony, Vijayawada A.P.
5. The Superintending Engineer, (EO), O/o Tribal Welfare Engineering Department Parvathipuram, Manyam Dist, A.P.
6. The Executive Engineer, O/o Tribal Welfare engineering Department Parvathipuram, Manyam Dist, A.P
7. The Deputy Executive Engineer, O/o Tribal Welfare engineering Department Bhadravari.A.P.
8. The Assistant Executive Engineer, O/o Tribal Welfare Engineering Department Bhadravari, A.P.
9. Sri S. Srinivas, Engineer-in-Chief (FAC), Tribal Welfare Engineering, 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 writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in issuing the proceedings Rc.No.35/2022/Article 275(i)/Mondemkhallu/PVP/DB/dt.03.06.2024, dated 03.06.2024 as illegal and arbitrary and violative Principles of Natural Justice and contrary to the applicable terms and conditions between the Petition and Respondent pursuant to the Agreement dated 14.11.2022 consequently to set aside the proceedings Rc.No.35/2022/Article275(i)/Mondemkhallu/PVP/DB/dt.03 .06.2024 dated 03.06.2024 and direct the Respondents to pay the outstanding amount after closing the contract vide Agreement dated 14.11.2022, in the interest of justice;

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 writ petition, the High Court may be pleased to suspend the operation of the proceedings Rc.No.35/2022/Article 275 (i)/Mondemkhallu/PVP/DB/dt.03 .06.2024 dated 03.06.2024, pending disposal of WP.No.12584 of 2024, 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 Pithani Chandra Sekhara Reddy, Advocate for the Petitioner and GP for Social Welfare for the Respondent Nos.1 to 8, the Court made the following;

ORDER:

“Heard the learned counsel for the petitioner.

The learned Government Pleader for Social Welfare takes notice for the respondent Nos.1 to 8.

The learned counsel for the petitioner is permitted to take out personal notice to the 9th respondent and proof of service shall be filed within a period of three (03) weeks from today.

This writ petition is filed questioning the proceedings of the 5th respondent in terminating the Circle Agreement No.10/2022-23/DB dated 14.11.2022 of the Ex-Officio Superintending Engineer, Tribal Welfare, Parvathipuram for the work "Construction of new infrastructure to conversion Tribal Welfare boys Hostel to Tribal Welfare Ashram School Boys at Mondemkhallu Village in Kurupam Mandal of Parvathipuram Manyam District with an estimated cost of Rs.1000.00 lakhs" concluded with the Firm as per clause 27.2, 27.3 and 55.2 (f) of the agreement duly forfeiting all the deposits and other debts payable to the Firm.

The learned counsel for the petitioner submits that the petitioner executed the work as per the agreement conditions in respect of construction of new infrastructure to convert the Tribal Welfare Boys Hostel to Tribal Welfare Ashram School Boys at Mondemkhallu Village in Kurupam Mandal of Parvathipuram Manyam District. Even then, the petitioner was served with the notice dated 24.04.2024 by the 6th respondent alleging that as per the agreement the work should have been completed on or before 13.05.2024 and as it was not executed as per the Mile Stones stipulated in the agreement the petitioner was asked to speed up the work progress immediately and complete the work within the agreement time. For which, the petitioner gave reply to the 6th respondent on 02.05.2024 explaining the details of execution of the work. Without referring to the same, the 5th respondent again issued another notice dated 01.05.2024 to the petitioner requesting it to resume the work to show the progress of the work as per the agreement time by completing the same. For which also the petitioner gave reply dated 04.05.2024 to the 5th respondent. Having not satisfied with the same, again the 5th respondent issued another notice on 10.05.2024 finally requesting the petitioner to resume the work and complete the same. For that also the petitioner gave reply dated 17.05.2024 to the 5th respondent.

But surprisingly, *vide* proceedings dated 03.06.2024, the 5th respondent terminated the above said agreement of the petitioner as stated above in the impugned proceedings dated 03.06.2024 without considering the replies submitted by the petitioner as stated above. In view of the above said impugned proceedings now that the respondent authorities are trying to invoke the Bank guarantee furnished by the petitioner earlier.

In view of the above said facts and circumstances, there shall be an order of stay of all further proceedings pursuant to the impugned proceedings of the 5th respondent dated 03.06.2024 for a period of eight (08) weeks from today.

List on 02.08.2024.

In the meanwhile, the official respondents shall file their counters.”

//TRUE COPY//

For

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principle Secretary, State of Andhra Pradesh, Tribal welfare Department, Secretariat, Velagapudi, Amaravati, A.P.
2. The Director of Tribal welfare Department, D.No. 40-6-22A, Kandhari Hotel Road, Revenue Colony, Vijayawada, A.P.
3. The Project officer, ITDA .Parvathipuram Manyam Dist, A.P.
4. The Engineer in chief, O/o Tribal Welfare engineering Department 40-1-86, Fortune Murali Park Road, Revenue Colony, Vijayawada A.P.
5. The Superintending Engineer, (EO), O/o Tribal Welfare Engineering Department Parvathipuram, Manyam Dist, A.P.
6. The Executive Engineer, O/o Tribal Welfare engineering Department Parvathipuram, Manyam Dist, A.P
7. The Deputy Executive Engineer, O/o Tribal Welfare engineering Department Bhadragiri.A.P.

8. The Assistant Executive Engineer, O/o Tribal Welfare Engineering Department Bhadravari, A.P.
9. Sri S. Srinivas, Engineer-in-Chief (FAC), Tribal Welfare Engineering, Vijayawada. (Addressee Nos.1 to 9 by RPAD)
10. One CC to Sri. Pithani Chandra Sekhara Reddy, Advocate [OPUC]
11. Two CCs to GP for Social Welfare, High Court of Andhra Pradesh. [OUT]
12. One spare copy

MM

HIGH COURT

BKM,J

DATED:21/06/2024

NOTE: LIST ON 02.08.2024

ORDER

WP.No.12584 of 2024

STAY

