



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

[3331]

MONDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 12756/2024

Between:

1. LARSEN AND TOUBRO LIMITED, HAVING REGISTERED OFFICE AT L AND T HOUSE, BALLARD ESTATE, MUMBAI-400001. AND AT HEADQUARTERS (CONSTRUCTION, WATER AND EFFLUENT TREATMENT BUSINESS UNIT) 5TH FLOOR, C-WING, TC-3, TOWER-B, MOUNT POONAMALLEE ROAD, MANAPAKKAM, P.B. NO. 979, CHENNAI -600089.

...PETITIONER

AND

1. THE STATE OF AP, REPRESENTED BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT AND RURAL WATER SUPPLY AND SANITATION DEPARTMENT. BLOCK- 5, A.P. SECRETARIAT, VELAGUPUDI, GUNTUR DISTRICT - 522023, ANDHRA PRADESH.
2. SRI SATYA SAI WATER SUPPLY PROJECT BOARD, , ELURU, WEST GODAVARI DISTRICT REPRESENTED BY ITS CHAIRMAN (COLLECTOR AND DISTRICT MAGISTRATE, WEST GODAVARI DISTRICT).
3. THE COLLECTOR AND DISTRICT MAGISTRATE, , WEST GODAVARI DISTRICT AND CHAIRMAN, SRI SATYA SAI WATER SUPPLY PROJECT BOARD, ELURU, WEST GODAVARI DISTRICT.
4. THE PROJECT OFFICER ITDA, K.R. PURAM, WEST GODAVARI DISTRICT AND MEMBER, SRI SATYA SAI WATER SUPPLY

PROJECT BOARD, ELURU, WEST GODAVARI DISTRICT.

5. THE CHIEF EXECUTIVE OFFICER, ZILLA PARISHAD, WEST GODAVARI DISTRICT AND MEMBER, SRI SATYA SAI WATER SUPPLY PROJECT BOARD, ELURU, WEST GODAVARI DISTRICT.
6. THE DISTRICT PANCHAYAT OFFICER, WEST GODAVARI DISTRICT AND MEMBER, SRI SATYA SAI WATER SUPPLY PROJECT BOARD, ELURU, WEST GODAVARI DISTRICT.
7. THE SUPERINTENDING ENGINEER, AP TRANSCO AND MEMBER, SRI SATYA SAI WATER SUPPLY PROJECT BOARD, ELURU, WEST GODAVARI DISTRICT.
8. THE SUPERINTENDING ENGINEER, IRRIGATION CIRCLE, ELURU AND MEMBER, SRI SATYA SAI WATER SUPPLY PROJECT BOARD, ELURU, WEST GODAVARI DISTRICT.
9. THE SUPERINTENDING ENGINEER, RWS, WEST GODAVARI DISTRICT AND MEMBER SECRETARY, SRI SATYA SAI WATER SUPPLY PROJECT BOARD, ELURU, WEST GODAVARI DISTRICT.
10. THE SARPANCH, , CHAGALLU AND MEMBER, SRI SATYA SAI WATER SUPPLY PROJECT BOARD, ELURU, WEST GODAVARI DISTRICT.
11. THE SARPANCH, KODIGUDEM AND MEMBER, SRI SATYA SAI WATER SUPPLY PROJECT BOARD, ELURU, WEST GODAVARI DISTRICT.
12. THE SARPANCH, LAKKAVARAM AND MEMBER, SRI SATYA SAI WATER SUPPLY PROJECT BOARD, ELURU, WEST GODAVARI DISTRICT.
13. THE SARPANCH, , NUTHIRAMAVARIPALEM AND MEMBER, SRI SATYA SAI WATER SUPPLY PROJECT BOARD, ELURU, WEST GODAVARI DISTRICT.
14. THE SARPANCH, K. JAGANADHAPURAM AND MEMBER, SRI SATYA SAI WATER SUPPLY PROJECT BOARD, ELURU, WEST GODAVARI DISTRICT.
15. THE NOMINEE OF SRI SATYA SAI CENTRAL TRUST AND MEMBER, , SRI SATYA SAI WATER SUPPLY PROJECT BOARD,

ELURU, WEST GODAVARI DISTRICT.

16.MR R KONDALA RAO, , ENGINEER -IN-CHIEF, PANCHAYAT RAJ (RETD.) AND MEMBER,SRI SATYA SAI WATER SUPPLY PROJECT BOARD, ELURU, WEST GODAVARI DISTRICT. RESPONDENT NOS. 2 TO 16 HAVING OFFICE AT OFFICE OF THE SUPERINTENDING ENGINEER RURAL WATER SUPPLY AND SANITATION CIRCLE, ELURU, WEST GODAVARI - 534002 ANDHRA PRADESH AND AT AMEENA PETA, ELURU, WEST GODAVARI-534006 ANDHRA PRADESH. ALSO AT ASHOK NAGAR ROAD, AMEENA PETA, ELURU, WEST GODAVARI - 534002 ANDHRA PRADESH. RESPONDENT NO. 16 RESIDING AT H. NO. 182(8-1-601/1), ROAD NO. 10, BANJARA HILLS, HYDERABAD – 500034

...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 to issue an appropriate writ, order or direction I. Declaring the action of the Respondents, in not making payment of the unequivocally admitted outstanding amount of INR 12,25,67,130/- for the work executed/services rendered by the Petitioner as illegal, ultra vires the Constitution of India, unjust, arbitrary and contrary to settled principles of law and constitutional morality and II. Consequentially, direct the Respondents to forthwith pay to the Petitioner the said unequivocally admitted outstanding amount of INR 12,25,67,130/- along with interest thereon at the rate of 18 percent per annum or at such rate as this Honble Court may deem fit and reasonable, from the date on which the amount fell due till date of payment and Pass

IA NO: 1 OF 2024

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 direct the Respondents to forthwith deposit the above unequivocally admitted outstanding amount of INR 12,25,67,130/- along with interest thereon before this Hon'ble Court, pending disposal of the Writ Petition 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

receive the counter affidavit copies on record by allowing the leave petition in the writ petition in the interest of justice and to pass

Counsel for the Petitioner:

1.D S SIVADARSHAN

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR REVENUE

3.Yarraguntla.Koteswara Rao,Standing Counsel For Zilla Praja Parishads,Mandal Praja Parishads and Gra

4.GP FOR IRRI AND CAD

5.GP FOR SOCIAL WELFARE

The Court made the following:

::ORDER ::

Heard Sri R.V.S.Naik, learned Senior counsel assisted by Sri P.Ravi Teja, learned counsel representing Sri D.S.Sivadarshan, learned counsel for the petitioner, Sri P.Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Rural Development & Finance and Planning Department, for the respondents 1 to 4, 6 and 9.

2. The above writ petition was filed to declare the action of the respondents 2, 8 and 9 in not releasing an amount of Rs.12,25,67,130/-, payable to the petitioner in relation to the works i.e., Sri Satya Sai Water Supply Project *vide* Agreement No.../SSWSB/2019-20 dated 15.05.2019 (Ex.P4), Agreement No.../SSWSB/2020-21 dated 26.09.2020 (Ex.P13) and Agreement No.../SSWSB/2020-21 dated 04.05.2023 (Ex.P40) as illegal and arbitrary.

3. Learned Senior counsel appearing for the petitioner would contend that the petitioner executed the work. However, the respondent authorities referred *supra* failed to release the final amount of Rs.12,25,67,130/-.

4. The 9th respondent filed the counter-affidavit. In para-8 it was stated that the petitioner executed the work for the financial year 2019-2020, 2020-2021 and 2021-2022 and is entitled to Rs.10,07,88,012/- as per M Book. In para-9, it was further stated that the 9th respondent addressed a letter to the District Collector and Chairman, who in turn addressed a letter to the Government *vide* DO Lr No.T6/O&M/SSS CPWS Scheme/22, dated 18.01.2023, 24.04.2023, 12.08.2023 and 01.02.2024 to release the amount of Rs.12,03,26,794/- payable to the petitioner. In fact, in para-4, it was stated that the petitioner was entitled to the GST amount of Rs.1,95,38,782/-. Thus, the total amount payable to the petitioner, as per the counter, comes to Rs.12,03,26,794/-.

5. Sri T.Anjaiah, Manager (Civil) – O&M for the petitioner, filed an affidavit *vide* WP.USR.No.18536 of 2026 dated 13.02.2026, wherein it was contended, *inter alia*, that the petitioner admits and agreed for the amount of Rs.12,03,26,794/-, though initially, the petitioner claimed Rs. 12,25,67,130/-.

6. Though in the writ petition, the petitioner claimed an amount of Rs.12,25,67,130/-, considering the averments in the counter-affidavit and the affidavit filed by the GPA Holder on behalf of the petitioner, since there is no dispute regarding the execution of work and the petitioner's entitlement for

Rs.12,03,26,794/- and the amount payable is admitted and undisputed, the writ petition is maintainable. In *M/s Utkal Highways Engineers and Contractors v. Chief General Manager & Ors*¹, it was held at Para No.8 as under:

“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. Non-payment of admitted dues, inter alia, may be considered an arbitrary action on the part of respondents and for claiming the same, a writ petition may lie. Further, throwing a writ petition on ground of availability of alternative remedy after 10 years, particularly, when parties have exchanged their affidavits, is not the correct course unless there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence”.

7. In respect of the interest claimed by the petitioner, the Division Bench of this Court in W.A.No.60 of 2025 dated 11.02.2025, relied upon by the judgment of the Apex Court in *Union of India vs. Bright Power Projects (India) (P) Ltd*², set aside the interest granted by the learned Single Judge and directed the parties therein to approach the appropriate forum.

8. In view of the binding nature of the said judgment. This Court is not inclined to grant any interest in the present writ petition. However, this order will not preclude the petitioner from approaching the appropriate forum claiming interest, if any.

9. Given the facts and circumstances of the case, the Writ Petition is disposed of directing the respondents 1 to 4, 7 to 9 to release an amount of

¹ 2025 SCC online SC 1400

² (2015) 9 SCC 695

Rs.12,03,26,794/- (Rupees Twelve Crores Three Lakhs Twenty Six Thousand Seven Hundred and Ninety Four only) payable to the petitioner regarding execution of the aforementioned work, within six (06) months from the date of receipt of the copy of this order. No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 16.02.2026
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141

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 12756 OF 2024

Date: 16.02.2026
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