**APHC010288312025**

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3329]**
**(Special Original Jurisdiction)**

MONDAY,THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION NO: 14557/2025**

**Between:**

1. THE HABITATION WORKS COMMITTEE, OF P.NAIDUPALEM (GP) OF CHIMAKURTHY (M) REPRESENTED BY ITS CHAIRMAN NAMELY KURAKULA VENKATA SUBBA REDDY, S/O CHINNA VENKATESWARA REDDY AGED ABOUT 50 YEARS, OCC CIVIL CONTRACTOR, R/O 71, PADAMATINAIDUPALEM VILLAGE, CHIMAKURTHY MANDAL, PRAKASAM DISTRICT

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, A.P SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.
2. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF FINANCE AND PLANNING A.P SECRETARIAT

BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.

3. THE ANDHRA PRADESH COMPREHENSIVE FINANCIAL MANAGEMENT SYSTEM CFMS, 6TH FLOOR, C BLOCK, ANJANEYA TOWERS, IBRAHIMPATNAM, KRISHNA DISTRICT, REP. BY ITS CHAIRMAN.

4. THE COMMISSIONER OF PANCHAYAT RAJ AND RURAL DEVELOPMENT, STATE OF ANDHRA PRADESH, NH 16 SERVICE RD, TADEPALLE, ANDHRA PRADESH 522501.

5. THE DISTRICT COLLECTOR, PRAKASAM DISTRICT, COLLECTORATE COMPOUND, ONGOLE.

6. THE EXECUTIVE ENGINEER, PRI DIVISION, ONGOLE.

7. THE DEPUTY EXECUTIVE ENGINEER, PRI SUB DIVISION, S.N. PADU (SANTHANUTHALAPADU), PRAKASAM DISTRICT.

8. ASSISTANT ENGINEER, MANDALA PRAJA PARISHAD, CHIMAKURTHY, PRAKASAM DISTRICT

**...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 a writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the final due amount of Rs 4,99,017.35 (Four Lakh Ninety Nine Thousand Seventeen Rupees and Thirty Five Paise) for the work namely Construction of Side Drains from Makkena Tirupathaiah (H) to Boddu Kondalu (H) in P. Naidupalem(V) of Chimakurthy(M) executed by petitioner for 6th respondent under Agreement No. 412/2023-24 dated 06-11-2023, despite lapse of more than one year as illegal, arbitrary, unconstitutional and consequently direct the respondents herein to immediately pay the due amount of Rs 4,99,017.35 (Four Lakh Ninety Nine Thousand Seventeen

Rupees  and Thirty Five Paise) to the petitioner in relation to the above work  with an interest @ 12percent per annum

**Counsel for the Petitioner:**

1. SASANKA BHUVANAGIRI

**Counsel for the Respondent(S):**

1. GP FOR PANCHAYAT RAJ  RURAL DEV
2. GP FOR FINANCE PLANNING

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

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**The Court made the following:**

The petitioner had been awarded the contract of work(s) under the subject scheme in P. Naidupalem (GP), Chimakurthy (M), Prakasam District. After execution of the said contract, a final bill was prepared for a sum of Rs.4,99,017/- as per the sanctioned orders. As the payment of the said amount has not been made by the respondents, the petitioner has approached this Court by way of this writ petition.

**2.** It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled for payment of the aforesaid sum of money, no payment is being made. The petitioner contends that such non-payment of money is clearly arbitrary and high-handed requiring the interference of this Court.

**3.** This Court, in various orders, including the judgment of a learned Single Judge of this Court dated 05.10.2021 in W.P.No.10038 of 2021 and batch had taken the view that such

non-payment of dues is arbitrary and that such dues need to be cleared by the respondents at the earliest.

**4.** On the other hand, learned Government Pleader placed on record written instructions submitted by the Executive Engineer, PRI Division, Ongole, dated 04.08.2025 stating that, since the budget was not released by the Government, the bills were not paid to the petitioner. Soon after release of the budget by the Government, the bills will be paid to the petitioner.

**5.** In view of the facts and circumstances submitted in the affidavit, and the directions of this Court in various cases and after hearing the submissions of learned counsel for the petitioner, this Writ Petition is disposed of with a direction to the respondents to release the amount of Rs.4,99,017/- to the petitioner.

**6.** As far as interest component is concerned, if there is any subsisting clause in the agreement/work order envisaging payment or non-payment of interest upon any amount which is due and payable, the same is binding upon both the parties. In the absence of any clause with regard to interest component in the agreement, the respondents are directed to release the amount along with the interest @ 6% per annum on delayed

payment, in view of the judgment of the Hon'ble Division Bench of this Court in Writ Appeal No.724 of 2021 and batch dated 12.10.2023 if not paid, within a period of three (03) months from the date of receipt of a copy of this order. It would also be open to the petitioner to agitate its claim for higher rate of interest, if any payable by the respondents, in an appropriate forum. There shall be no order as to costs.

**7.** Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

**VENKATESWARLU NIMMAGADDA,J**

Dt: 04.08.2025
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04.08.2025
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