



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

[3331]

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 17371/2025

Between:

1.V S ENGINEERING (P) LIMITED, SPECIAL CLASS CONTRACTOR,
REP., BY ITS DIRECTOR, VALLABHANENI SRINIVAS CHOWDARY
S/O V. SARATH, AGED ABOUT 45 YEARS, OCC CONTRACTOR,
HAVING OFFICE AT D.NO.7-1-19/5, FLAT NO. 101, VAMSIRAMS
JYOTHI BHOPAL, OPP. COUNTRY CLUB, BEGUMPET,
HYDERABAD, TELANGANA

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY, AGRICULTURAL AND CO-OPERATION
(MKTG-II) DEPT SECRETARIAT BUILDINGS, VELAGAPUDI,
GUNTUR DISTRICT

2.THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL
SECRETARY, PANCHAYAT RAJ RURAL DEVELOPMENT
DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI,
GUNTUR DISTRICT

3.THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL
SECRETARY, FINANCE DEPARTMENT, SECRETARIAT BUILDINGS,
VELAGAPUDI, GUNTUR DISTRICT T

4.THE CHIEF ENGINEER, PR-1, VIJAYAWADA, KRISHNA DISTRICT

5.THE SUPERINTENDING ENGINEER PR, P.R CIRCLE, GUNTUR,
GUNTUR DISTRICT

6.THE EXECUTIVE ENGINEER PR, PIU DIVISION, GUNTUR, GUNTUR DISTRICT

7.THE DEPUTY EXECUTIVE ENGINEER PR, PIU SUB-DIVISION, PEDAKURAPADU, GUNTUR 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 OF MANDAMUS declaring the action of the Respondents herein, in not issuing the Bill Pass Orders and not paying the 1st and Part Bill, Net Amount of Rs. 2,26,57,688/-(Gross 2,44,95,479/-) and 2nd Final Bill, Net Amount of Rs. 24,58,208/- (Gross 25,09,972/-), Total Net Amount of Rs.2,51,15,896/- (Total Gross of Rs. 2,70,05,451/-) even after making entries in the M-Book and Quality verifications despite letters from Respondent No.7 to Respondent No.6 vide Lr.No.DEE/APAM/PLND/Pedakurapadu/06 consisting of 6 works/2024, Dt.26.09.2024 and Lr.No.DEE/APAM/PLND/Pedakurapadu/06 consisting of 6 works/2024, Dt. 16.06.2025, even after completion of the works to the prescribed standards and within the stipulated time in relation to the works i.e., Package No. APAM/PLND/Pedakurapadu/06 consisting of (6) works in Pedakurapadu constituency of Palnadu District as per the Agreement No.26/2022-23, Dt. 14.09.2022 is questioned, as the same is illegal and arbitrary apart from violative of Articles 14, 16, 19 86 300-A of The Constitution of India and consequently direct the respondents to issue the Bill pass Orders and consider for payment of Dt and Part Bill, Net Amount of Rs. 2,26,57,688/-(Gross 2,44,95,479/-) and 2nd Final Bill, Net Amount of Rs. 24,58,208/- (Gross 25,09,972/-), Total Net Amount of Rs.2,51,15,896/- (Total Gross of Rs. 2,70,05,451/-), with an interest @24percent per annum for the delayed amount to the petitioner in respect of execution of above-mentioned work., forthwith and pass

IA NO: 1 OF 2025

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 issue the Bill pass Orders and consider for payment of 1st and Part Bill, Net Amount of Rs. 2,26,57,688/- (Gross:2,44,95,479/-) and 2nd Final Bill, Net Amount of Rs. 24,58,208/- (Gross: 25,09,972/-), Total Net Amount of Rs.2,51,15,896/- (Total Gross of Rs. 2,70,05,451/-) with an interest @24% per annum for the delayed amount

to the petitioner in relation to the works i.e.. Package No. APAM/PLND/Pedakurapadu/06 consisting of (6) works in Pedakurapadu constituency of Palnadu District as per the Agreement No.26/2022-23, Dt. 14.09.2022”, 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 permit to receive the counter affidavit by allowing the leave petition in the interest of justice and to

Counsel for the Petitioner:

1.SURESH KUMAR REDDY KALAVA

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR AGRICULTURE

3.GP FOR FINANCE PLANNING

The Court made the following:

::ORDER ::

Heard Sri Suresh Kumar Reddy Kalava, learned counsel for the petitioner and Sri P.Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Rural Development & Finance and Planning Department, for the respondents.

2. The above writ petition was filed to declare the action of the respondents in not issuing the Bill Pass Orders and not paying the 1st and Part Bill, Net Amount of Rs. 2,26,57,688/-(Gross 2,44,95,479/-) and 2nd Final Bill, Net Amount of Rs. 24,58,208/- (Gross 25,09,972/-), Total Net Amount of Rs.2,51,15,896/- (Total Gross of Rs. 2,70,05,451/-) even after making entries in the M-Book and Quality verifications despite letters from Respondent No.7 to Respondent No.6 vide Lr.No.DEE/APAM/PLND/Pedakurapadu/06 consisting of 6 works/2024, Dt.26.09.2024 and

Lr.No.DEE/APAM/PLND/Pedakurapadu/06 consisting of 6 works/2024, Dt. 16.06.2025, even after completion of the works to the prescribed standards and within the stipulated time in relation to the works i.e., Package No. APAM/PLND/Pedakurapadu/06 consisting of (6) works in Pedakurapadu constituency of Palnadu District as per the Agreement No.26/2022-23, Dt. 14.09.2022, as illegal and arbitrary.

3. Counter affidavit was filed by the 6th respondent. It was contended that the petitioner has entered into agreement with the 5th respondent for execution of the work vide agreement dated 14.09.2022. The petitioner has executed the works and the same is recorded in M-Book by the Assistant Engineer. As per M-Book records, the gross amount is Rs.2,70,05,451/- and after statutory recoveries of Rs.18,89,556/-, the total net amount payable to the petitioner comes to Rs.2,51,15,895/-. QC is also conducted by the QC team and there is no recovery proposal.

4. A perusal of the counter affidavit would disclose that the petitioner has executed the aforementioned works and the net amount payable to the petitioner after statutory deductions is Rs.2,51,15,895/-.

5. Learned counsel for the petitioner endorses the same.

6. Thus, as seen from the instructions there is no dispute regarding the execution of works and the petitioner's entitlement for Rs.2,51,15,895/-. Since 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

¹ 2025 SCC online SC 1400

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. Given the counter affidavit filed by the 6th respondent, the Writ Petition is disposed of directing the respondents to release an amount of Rs.2,51,15,895/- (Rupees Two Crores Fifty One Lakhs Fifteen Thousand Eight Hundred and Ninety Five 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

PVD