



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

[3504]

MONDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 17426/2025

Between:

1. BOKKASAM RAMESH, S/O. SUBRAHMANYAM, AGED ABOUT 51 YEARS, R/O. 26.-16-206/15, B-BLOCK, ISKON CITY, NELLORE CITY, SPSR NELLORE, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPT OF ANDHRA PRADESH STATE HOUSING SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. ANDHRA PRADESH STATE HOUSING CORPORATION LIMITED, REP. BY ITS PROJECT DIRECTOR, SPSR NELLORE DISTRICT, ANDHRA PRADESH.
3. THE EXECUTIVE ENGINEER, ANDHRA PRADESH STATE HOUSING CORPORATION LIMITED, NELLORE DIVISION, SPSR NELLORE DISTRICT, ANDHRA PRADESH.
4. THE DEPUTY EXECUTIVE ENGINEER, ANDHRA PRADESH STATE HOUSING CORPORATION LIMITED, NELLORE DIVISION, SPSR NELLORE DISTRICT, ANDHRA PRADESH.
5. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF FINANCE, SECRETARIAT, VELAGAPUDI, AMARAVATI, 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, Order or Direction, more particularly one in the nature of a declaring the action of the Respondents herein, more

particularly 2 Writ of Mandamus Respondent Corporation in not releasing the final admitted bill amount of Rs.12, 19,897/- (Twelve lakh nineteen thousand and eight hundred and ninety seven rupees in words) as the Estimated Contract Value, for the work done by the Petitioner at SPSR Nellore per District, for construction of 40 feet entrance arch to YSR Jagananna Colony at Venateswarapuram Layout-1 Nellore City, vide ID.No.098254LA11153 5, vide Agreement No. 06/EE/APSHCL/Leveling works/ NLR/2023-24, dated 16.09.2023 as being illegal, arbitrary, unjust, contrary to the law, violative of Articles 14, 21 and 300A of the Constitution of India and Consequently direct the 2ndRespondent to release the final admitted bill amount of Rs.12, 19,897/- (Twelve lakh nineteen thousand and eight hundred and ninety-seven rupees in words)to the Petitioner and pass

Counsel for the Petitioner:

1.N ASHWANI KUMAR

Counsel for the Respondent(S):

- 1.KALYAN CHAKRAVARTHY R
- 2.GP FOR HOUSING
- 3.GP FOR FINANCE PLANNING

The Court made the following:

HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**WRIT PETITION NO.17426/2025****ORDER:**

This Writ Petition under Article 226 of the Constitution of India is filed seeking the following main relief:

“declaring the action of the Respondents herein, more particularly Writ of Mandamus Respondent Corporation in not releasing the final admitted bill amount of Rs.12, 19,897/- (Twelve lakh nineteen thousand and eight hundred and ninety seven rupees in words) as the Estimated Contract Value, for the work done by the Petitioner at SPSR Nellore per District, for construction of 40 feet entrance arch to YSR Jagananna Colony at Venateswarapuram Layout-1 Nellore City, vide ID.No.098254LA11153 5, vide Agreement No. 06/EE/APSHCL/Leveling works/ NLR/2023-24, dated 16.09.2023 as being illegal, arbitrary, unjust, contrary to the law, violative of Articles 14, 21 and 300A of the Constitution of India and Consequently direct the 2nd Respondent to release the final admitted bill amount of Rs.12, 19,897/- (Twelve lakh nineteen thousand and eight hundred and ninety-seven rupees in words) to the Petitioner and pass”

2. The sum and substance of the writ petition is that the petitioner challenged the inaction of the respondents in not releasing the amounts even after completion of the entire works entrusted to him.

3. In terms of the orders dated 06.04.2026, Sri Hareefuddin, Executive Engineer, A.P. State Housing Corporation Ltd., SPSR Nellore District., is present through virtual mode and explained various reasons for non-payment of the amount.

4. Heard learned counsel for the petitioner, learned Assistant Government Pleader for Finance & Planning and Sri K. Mallikarjuna Moorthy, learned Standing Counsel for the respondent Corporation.

5. Learned counsel for the petitioner, while reiterating the averments made in the writ affidavit, submits that in view of the non-release of the admitted amounts, the petitioner is facing multifarious problems, physically and fiscally. Hence, he submits that the release of the amounts is just and essential.

6. On the other hand, learned Standing Counsel for the respondent Corporation, places a copy of the written instructions dated 22.04.2026 issued by the concerned authority of the Corporation and submits that proposals have been sent to the Government for the release of the budget. He submits that two months' time may be granted for paying the admitted amount of Rs.12,19,897/- to the petitioner.

7. Since it is not in dispute that the petitioner completed the works and has yet to receive payment, this Court finds the respondents' failure to pay is unjustified. However, taking into consideration of the ground realities to settle the admitted amounts, the respondents are granted rational time to settle the dues.

8. It is apt to note that a mere financial incapacity/poor financial conditions, as stated by the respondent Corporation, for non-releasing of amounts after utilising the services of the petitioner, cannot be a ground.

9. The respondent Corporation, being the instrumentality of the 'State' within the meaning of Article 12 of the Constitution of India, is bound to release the amount for the undisputed works done by the petitioner, without any further delay. A mere financial incapacity or paucity of funds cannot be a valid defence for non-fulfilment of such statutory obligations, more particularly, when the works executed by the petitioner are admitted by the respondent Corporation.

10. So far as the interest portion is concerned, the Hon'ble Division Bench in the case of ***Managing Director &Ors. Vs. Sree Balaji Constructions &Ors.*** (Writ Appeal No.60 of 2025) held that the award of interest on delayed payments was unsustainable in the absence of specific terms and conditions of the relevant agreement between the parties, but in the instant case, the learned counsel for the petitioner has not touched on the said point. However, the Hon'ble Division Bench in similar circumstances made it clear that the parties are at liberty to pursue their claims before an appropriate forum in accordance with the Law.

11. In the light of the above legal position, coupled with the fact that the liability for the undisputed works was admitted by the respondents, the writ petition is disposed of with a direction to the respondents to release the amount payable to the petitioner, within a period of three (3) months, from the date of receipt of copy of this order.

There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

Date: 27.04.2026
GVK

MAHESWARA RAO KUNCHEAM, J

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THE HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION No.17426 of 2025

Date: 27.04.2026

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