

APHC010391762025



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

[3330]

TUESDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 20343/2025

Between:

- 1.KAMBHAM RAMANA REDDY, S/O. LATE VENKATA SUBBA REDDY, AGED ABOUT 54 YEARS, OCC. CONTRACTOR R/O. D.NO.26-16-182, ISKCON CITY, 5TH CROSS ROAD, NEAR SRK SCHOOL, ANDHRA KESARI NAGAR, NELLORE, SPSR NELLORE DISTRICT, A.P.

...PETITIONER

AND

- 1.STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, ROADS AND BUILDINGS DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
- 2.STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, FINANCE AND PLANNING DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
- 3.CHIEF ENGINEER, ENGINEER IN CHIEF, (R AND B) DEPARTMENT, BUILDINGS AND RWS, VIJAYAWADA, AP
- 4.SUPERINTENDENT ENGINEER, R AND B DEPARTMENT, NELLORE CIRCLE, SPSR NELLORE DISTRICT.
- 5.EXECUTIVE ENGINEER, R AND B DIVISION, GUDUR, TIRUPATI DISTRICT.
- 6.PAY AND ACCOUNTS OFFICER, WORKS ACCOUNTS, TIRUPATI, TIRUPATI DISTRICT.
- 7.STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, SKILL DEVELOPMENT AND TRAINING DEPARTMENT,

SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.

8.THE DIRECTOR, SKILL DEVELOPMENT AND TRAINING DEPARTMENT
ANDHRA PRADESH, VIJAYAWADA.

...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 in the nature of WRIT OF MANDAMUS declaring the action of the Respondents in not releasing the total Bill Amount of Rs. 1,56,37,717/- (1st Part Bill amount of Rs. 1,12,14,369/- and 2nd Part and Final Bill amount of Rs.44,23,348/-) for the work executed by the petitioner pursuant to the agreement bearing CR No. 08/2023-24, dated 05.02.2024 for Repairs/Retrofitting works of Government of ITI TADA in Tirupati District as illegal, irregular, irrational and violation of Article 14, 19(1)(g) and 21 of the Constitution of India and Consequently direct the Respondents to pay the of Rs. 1,56,37,717/- (1st Part Bill amount of Rs. 1,12,14,369/- and 2nd Part and Final Bill amount of Rs.44,23,348/-) /- along with interest for the delaying the payment to the petitioner for the said work executed by the petitioner 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 pay the amount of Rs. 1,56,37,717/- (1st Part Bill amount of Rs. 1,12,14,369/- and 2nd Part and Final Bill amount of Rs.44,23,348/-) for the work executed by the petitioner pursuant to the agreement bearing CR No. 08/2023-24, dated 05.02.2024 for Repairs/Retrofitting works of Government of ITI TADA in Tirupati District, pending disposal of the main writ petition and pass

Counsel for the Petitioner:

1.GAJJALA MALLIKARJUNA REDDY

Counsel for the Respondent(S):

- 1.GP FOR ROADS BUILDINGS
- 2.GP FOR TECHNICAL EDUCATION
- 3.GP FOR FINANCE PLANNING

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.20343 OF 2025

ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue a Writ, order or direction more particularly in the nature of WRIT OF MANDAMUS declaring the action of the Respondents in not releasing the total Bill Amount of Rs. 1,56,37,717/- (1st Part Bill amount of Rs. 1,12,14,369/- and 2nd Part and Final Bill amount of Rs.44,23,348/-) for the work executed by the petitioner pursuant to the agreement bearing CR No. 08/2023-24, dated 05.02.2024 for Repairs/Retrofitting works of Government of ITI TADA in Tirupati District as illegal, irregular, irrational and violation of Article 14, 19(1)(g) and 21 of the Constitution of India and Consequently direct the Respondents to pay the of Rs. 1,56,37,717/- (1st Part Bill amount of Rs. 1,12,14,369/- and 2nd Part and Final Bill amount of Rs.44,23,348/-) /- along with interest for the delaying the payment to the petitioner for the said work executed by the petitioner ...”

2. Heard Sri.G.Mallikarjuna Reddy, learned counsel for petitioner and learned Government Pleader for respondents.

3. The present writ petition is filed aggrieved by the action of the respondents in not releasing the total bill amount of Rs.1,56,37,717/- (1st part bill amount of Rs.1,12,14,369/- and 2nd part and final bill amount of Rs.44,23,348/-) for the work executed by the petitioner pursuant to the agreement bearing C.R.No.08/2023-24, dated 05.02.2024 for repairs/retrofitting works of Government of ITI TADA in Tirupati District as illegal, irregular, irrational and violation of Article 14, 19(1)(g) and 21 of the Constitution of India.

4. Learned Government Pleader for Roads and Buildings for Respondent No.5 filed counter-affidavit asserting that 1st and part bill of the said work received on 21.01.2025 for Gross amount of Rs.1,17,04,317/- and Net amount of Rs.1,12,14,367/- for arranging payment to the Contract Agency including tender percentage, seigniorage charges, NAC at 0.1% and GST 18% and the same was scrutinized and make pass order in M-book no:2591 AG/N on 21.01.2025 and uploaded the bill in NIDHI vide ID No: 2024-9038745 and transmitted to the Pay & Accounts Officer, Works Accounts, Tirupathi for arranging payment to the Contractor. The same was scrutinized by the Pay and Accounts Officer, Works Accounts, Tirupathi and approved on 28.01.2025, and kept at RBI for making payment, due to non-payment of the same in the financial year in 2024-25 also, the bill was returned to this office due to year end activity and as per "Art. 39 & 50 of AP Financial Code, Vol.,

5. It is submitted that the 2nd and final bill of the said work also received on 25.06.2025 for Gross amount of Rs.51,73,684/- and Net amount of Rs.44,23,348/- for arranging payment to the Contract Agency including tender percentage, seigniorage charges, NAC at 0.1% and GST 18% and the same was scrutinized and make pass order in M-book no:2597 AG/N on 25.06.2025, and the 2nd and Final bill is pending at this office for want of releasing of grant.

6. Subsequently, the Chief Engineer (R&B) Buildings & RSW Vijayawada has addressed a letter vide letter No: 5157/Govt ITIs/BB(3)/2025,

Dated:22.09.2025 to the "Director of Employment & Training," ITI Road, Near Amma Kalyanamandapam, SBI Colony-II, Siddharth Nagar, Christurajupuram, Vijayawada, A.P-520008, seeking to release budget. After release of fresh LOC from the concerned Head of Departments for the subjected work the fresh bills will re-uploaded in NIDHI Web-Portal for making payment to the contractor until the bill has pending in Division Office for want of Budget Release Order.

7. Insofar as the interest component, the respondents contended that the petitioner should approach the appropriate forum, relying on the order of the Division Bench in W.A.791 of 2022 dated 26.04.2022. The Division Bench affirmed the Single Judge's order, directing the petitioner to seek relief regarding interest from the appropriate forum. In a catena of cases this Court had held that where dispute revolves round questions of fact, the matter ought not be entertained under Article 226 of the Constitution of India.

8. In the present case, the respondents have not disputed the payment due to the petitioner for the work executed and the respondents have manifested in their counter that they will pay the amount to the petitioner and they are unable to pay, due to "Bill waiting for fund clearance", once the work executed by the petitioner to the respondents is admitted and the payment due to the petitioner is not disputed by the respondents, there was hardly no need for this Court to refer the matter to any forum or for arbitration for passing an arbitral award assuming that any condition in the agreement to

that extent. Hence, this Court directs the respondents to pay the admitted amount to the petitioner.

9. In **The D.F.O., South Kheri And Ors. vs Ram Sanehi Singh**¹, the Hon'ble Apex Court held that when a State decides not to pay the dues with mala fide, with ulterior motives or arbitrarily or when the State avoids payment of the dues with mala fide, with ulterior motives, arbitrarily or when the State discriminates, while making payment dues, such a decision of the State not to pay or such an act of the State of not paying its dues cannot be said to be wholly beyond the reach of Article 226, for asking the writ Court to do is to force the State to act in accordance with its constitutional obligation by adhering to the letter and spirit of Articles 14 and 21 of the Constitution of India.

10. In view of the above, the present Writ Petition is disposed of with following directions:

(a) The respondents are directed to clear the due amount to the petitioner within a period of three (03) months from the date of receipt of a copy of this order.

(b) Sum due to the petitioner would mean, the sum arrived after statutory deductions. If there is any dispute regarding statutory recoveries, the petitioner is at liberty to communicate/interface with the respondents.

¹ (1971) 3 SCC 864

(c) With regard to interest, the petitioner is at liberty to approach appropriate forum.

There shall be no order as to costs.

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

JUSTICE TARLADA RAJASEKHAR RAO

Date: 10.02.2026

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THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

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