



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

[3504]

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 21544/2024

Between:

1. MPR CONSTRUCTIONS, REP. BY ITS MANAGING DIRECTOR, M. PRASAD REDDY, S/O. M. RAMACHANDRA REDDY, AGED ABOUT 52 YEARS, R/O. D.NO.4-271, MUDDANUR ROAD, YERRAGUNTIA VILLAGE AND MANDAL, YSR KADAPA DISTRICT

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, HIGHER EDUCATION DEPARTMENT, A.P. SECRETARIAT AT VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT

2. THE A P STATE EDUCATION AND WELFARE INFRASTRUCTURE DEVELOPMENT CORPORATION APEWIDC, REP. BY ITS MANAGING DIRECTOR, VADDESWAREM VILLAGE, TADEPALLI MANDAL, GUNTUR DISTRICT

3. THE SUPERINTENDING ENGINEER, A.P. STATE EDUCATION AND WELFARE INFRASTRUCTURE DEVELOPMENT CORPORATION (APEWIDC), KADAPA, YSR DISTRICT

4. THE EXECUTIVE ENGINEER, A.P. STATE EDUCATION AND WELFARE INFRASTRUCTURE DEVELOPMENT CORPORATION (APEWIDC), KADAPA, YSR DISTRICT

5. THE DISTRICT COLLECTOR, YSR DISTRICT AT KADAPA

6. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FINANCE AND PLANNING DEPARTMENT, A.P. SECRETARIAT AT VELAGAPUDI, AMARAVATHI, 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 Writ of Mandamus declaring the action of the Respondents herein in not releasing the final bill Amount of Rs.45,45,403/- (Rupees Forty Five Lakhs Forty Five Thousand Four Hundred and Three Only) due and payable to the Petitioner towards construction of incomplete work at Government Junior College at Thonduru Village and Mandal, YSR District pursuant to the Agreement No.SE/AEE/2023-2024, dt.18.1.2024 as illegal, arbitrary and violative of Articles 14 and 19 (1) (g) of the Constitution of India and consequently direct the Respondents herein to release and pay the final bill amount of Rs.45,45,403/- (Rupees Forty Five Lakhs Forty Five Thousand Four Hundred and Three Only) due and payable to the Petitioner towards construction of incomplete work at Government Junior College at Thonduru Village and Mandal, YSR District pursuant to the Agreement No.SE/AEE/2023-2024, dt.18.1.2024 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 to direct the Respondents to release and pay the final bill amount of Rs.45,45,403/- (Rupees Forty Five Lakhs Forty Five Thousand Four Hundred and Three Only) due and payable to the Petitioner towards construction of incomplete work at Government Junior College at Thonduru Village and Mandal, YSR District pursuant to the Agreement No.SE/AEE/2023-2024, dt.18.1.2024 pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1.G RAMESH BABU

Counsel for the Respondent(S):

1.GP FOR HIGHER EDUCATION

2.GP FOR REVENUE

3.GP FOR FINANCE PLANNING

The Court made the following:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**WRIT PETITION NO: 21544 of 2024****ORDER:-**

The instant writ petition has been filed by the petitioners under Article 226 of Constitution of India seeking the following main prayer:

“....to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents herein in not releasing the final bill Amount of Rs.45,45,403/- (Rupees Forty Five Lakhs Forty Five Thousand Four Hundred and Three Only) due and payable to the Petitioner towards construction of incomplete work at Government Junior College at Thonduru Village and Mandal, YSR District pursuant to the Agreement No.SE/AEE/2023-2024, dt.18.1.2024 as illegal, arbitrary and violative of Articles 14 and 19 (1) (g) of the Constitution of India and consequently direct the Respondents herein to release and pay the final bill amount of Rs.45,45,403/- (Rupees Forty Five Lakhs Forty Five Thousand Four Hundred and Three Only) due and payable to the Petitioner towards construction of incomplete work at Government Junior College at Thonduru Village and Mandal, YSR District pursuant to the Agreement No.SE/AEE/2023-2024, dt.18.1.2024 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. Heard learned counsel for the petitioner and Sri L.Radha Krishna, counsel representing Sri V.C.H. Naidu, learned Standing Counsel for APEWIDC appearing for respondents.

4. 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.

5. On the other hand, learned Standing Counsel for the respondent Corporation, places a copy of the written instructions dated 08.04.2026 issued by the concerned authority of the Corporation and submits that five months' time may be granted for paying the admitted amount of Rs.45,45,403/- to the petitioner.

6. 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.

7. Recently the Hon'ble Supreme Court of India held in ***Utkal Highways Engineers and Contractor Vs Chief General Manager and Others***¹, in vivid terms categorically held in the following manner.

“8. 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.....”

¹ (2025) SCC Online SC 1400

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 getting the works from the petitioner, cannot be a ground.

9. In view of the above stated legal position, 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-fulfillment 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 of this Court 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 five (05) months, from the date of receipt of copy of this order. It is needless to say that the petitioner is at liberty to approach the appropriate civil court with regard to interest, if so advised.

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

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 23.04.2026
PBS

195

THE HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION No. 21544 of 2024

Date: 23.04.2026

PBS