



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

[3330]

MONDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 22527/2025

Between:

1.S.S.BUILDERS, REP.BY.PROP.SRI DASARI HIMA CHATAM ,
S/O.D.KRISHNAMA RAJU.AGED 44 YEARS, FLAT NO.302,RAJA
HOMES,VIJAYA LAKSHMI NAGAR, 1ST STREET,PODALAKURU
ROAD, NELLORE ,SPSR NELLORE DISTRICT.

...PETITIONER

AND

1.THE STATE OF AP, REP BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF ROADS AND BUILDINGS SECRETARIAT
BUILDING, VELAGAPUDI, AMARAVATHI, GUNTUR.

2.THE EXECUTIVE ENGINEER, R AND B DIVISION,GUDUR,
THIRUPATHI DISTRICT.

3.THE SUPERINTENDING ENGINEERR AND B, SPSR NELLORE
DISTRICT.

4.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, DEPARTMENT OF FINANCE AND PLANNING
SECRETARIAT BUILDINGS, 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 an appropriate Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in

withholding the payments of pending amounts of Rs. 66,46,700/- (Sixty Six Lakhs, Forty Six Thousand Seven Hundred Rupees only) even after finalizing the bills payable to the petitioner in relation to the works i.e., Temporary Restoration to Surface damages from KM.4/0 To 12/2 Gudur-Tupiliapalem road in Tirupathi District Agreement No. /2024-25, Dt 08-08-2024 as bad .illegal, arbitrary, improper, unjust and against the Article 21 of constitution of India and consequently direct the respondents to pay the amounts of Rs. 66,46,700/- (Sixty Six Lakhs, Forty Six Thousand Seven Hundred Rupees only) with interest @ 24 percent per annum for the delayed amount till date of realization for the works 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 forthwith consider releasing the amounts Rs. 66,46,700/- (Sixty Six Lakhs, Forty Six Thousand Seven Hundred Rupees only) payable to the petitioner herein, pending disposal of the writ petition and pass

Counsel for the Petitioner:

1.DEVASRI ROSHAN KANCHARLA

Counsel for the Respondent(S):

1.GP FOR ROADS BUILDINGS

2.GP FOR FINANCE PLANNING

The Court made the following order:-

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

“...to issue an appropriate Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in withholding the payments of pending amounts of Rs. 66,46,700/- (Sixty Six Lakhs, Forty Six Thousand Seven Hundred Rupees only) even after finalizing the bills payable to the petitioner in relation to the works i.e., Temporary Restoration to Surface damages from KM.4/0 To 12/2 Gudur-Tupiliapalem road in Tirupathi District Agreement No. /2024-25, Dt 08-08-2024 as bad illegal, arbitrary, improper, unjust and against the Article 21 of constitution of India and consequently direct the respondents to pay the amounts of Rs. 66,46,700/- (Sixty Six Lakhs, Forty Six Thousand Seven Hundred Rupees only) with interest @ 24 percent per annum for the delayed amount till date of realization for the works executed by the petitioner and pass...”

2. The respondents have issued tender notification dated 25.06.2024 inviting tenders in relation to the works to Temporary Restoration to Surface damages from KM.4/0 to 12/2 Gudur-Tupiliapalem road in Tirupati District in Tirupati District. The petitioner being the least bidder entered into agreement on 08.08.2024 and the petitioner herein had completed the work during the stipulated period i.e., 29.01.2025. The present Writ Petition is filed seeking a direction to the respondents to pay the amount of Rs.66,46,700/- for the work executed by the petitioner.

3. Learned counsel for the petitioner relied on the Judgment of the Hon'ble Apex Court in ***Madras Port Trust v. Hymanshu International***¹ for the proportion of the maintainability of the Writ Petition. He also relied on another Judgment of this Court in ***Rayapureddy Srinivasa Rao and Others v. Government of Andhra Pradesh rep. by its Principal Secretary to the***

¹ [(1979) 4 SCC 176]

Government and others², wherein the learned Single Judge of this Court has directed the respondents to clear the bills submitted by the petitioner and to release payments forthwith in case no payment is made till date, this Court has also granted other reliefs.

4. Learned counsel for the petitioner seeks direction of this Court to the respondent authorities to pay the amount forthwith to the 2nd respondent.

5. The 2nd respondent-Executive Engineer has filed counter affidavit and wherein it is stated that a fresh bill was created *vide* NIDHI Bill I.D.No.2025-9050832 and transmitted to Pay and Accounts Officer, Works Account, Tirupathi for arranging payment to the Contractor, the Pay and Accounts Officer has processed the same and approved. It is further stated that since the bill was kept at RBI for want of fund clearance, once the Government of Andhra Pradesh has released the fund, the amount will be released to the contractor account by the R.B.I.

6. 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.

² [2021 SCC Online AP 3084]

7. 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 written instructions that they will pay the amount to the petitioner and they are unable to the 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.

8. In ***The D.F.O., South Kheri And Ors. vs Ram Sanehi Singh***³, 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.

³ (1971) 3 SCC 864

9. 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 eight (08) weeks 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.

(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.

There shall be no order as to costs.

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

JUSTICE TARLADA RAJASEKHARA RAO

Date: 09.02.2026
M K K

449

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHARA RAO

WRIT PETITION No.22527 of 2025

Date: 09.02.2026

M K K