

APHC010433542025



**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: 22511/2025

Between:

1. P PADDA RAJU, S/O KRISHNAM RAJU, AGED ABOUT 33 YEARS, OCC. CONTRACTOR, R/O. D. NO. 2-180, MERLAPALEM VILLAGE, ATREYAPURAM MANDAL DR. B. R. AMBEDKAR KONASEEMA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, ROADS AND BUILDINGS (R AND B) DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, THULLUR MANDAL, GUNTUR DISTRICT.

2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FINANCE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, THULLUR MANDAL, GUNTUR DISTRICT.

3. THE DISTRICT COLLECTOR, AT BHIMAVARAM, WEST GODAVARI DISTRICT.

4. THE CHIEF ENGINEER R AND B DEPARTMENT, MANAGING DIRECTOR, APRDC, 5TH FLOOR, R AND B HEAD OFFICE IN STATE BUILDING, M.G. ROAD, VIJAYAWADA, N.T.R. DISTRICT.

5. THE SUPERINTENDING ENGINEER R AND B, R AND B CIRCLE, BHIMAVARAM, WEST GODAVARI DISTRICT.

6. THE EXECUTIVE ENGINEER, R AND B DIVISION, BHIMAVARAM WEST GODAVARI 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 or any other appropriate writ or direction declaring the action of the respondents in not releasing the payment for the work i.e., 1) Urgent Repairs of the wing wall of Km 14/2 bridge R/s in Kalipatnam - Bhimavaram Road in West Godavari District for the year 2022-23 for an amount of Rs. 7,01,372/- vide M. Book. No. 6473A through the Agreement DR. No. 89/2022-23, dated. 22.07.2022, 2) Providing Barricading arrangements for the visit of Hon'ble Chief Minister of Andhra Pradesh in Bhimavaram at West Godavari District on 12.12.2023 in for the year 2023-24 for an amount of Rs. 15,31,882/- vide M. Book. No. 6478A vide agreement Dr. No. 110/2023-24 dated 30.06.2023, for a total pending amount of Rs. 22,33,254/-, as illegal, arbitrary and violative of Art 14 and 21 of Constitution of India and consequently direct the respondent authorities to release for the pending final bills forthwith for the above said 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 respondents to consider for total payment of pending amounts i.e., 1) Rs. 7,01,372/- vide M. Book. No. 6473A through the Agreement DR. No. 89/2022-23, dated: 22.07.2022, 2) Rs. 15,31,882/- vide M. Book. No. 6478A vide agreement Dr. No. 110/2023-24 dated 30.06.2023, under R&B Scheme, pending disposal of the main Writ Petition and pass

Counsel for the Petitioner:

1. ANNAMNEEDI BALAKRISHNA

Counsel for the Respondent(S):

1. GP FOR ROADS BUILDINGS

2. GP FOR FINANCE PLANNING

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.22511 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 one in the nature of WRIT OF MANDAMUS or any other appropriate writ or direction declaring the action of the respondents in not releasing the payment for the work i.e., 1) Urgent Repairs of the wing wall of Km 14/2 bridge R/s in Kalipatnam - Bhimavaram Road in West Godavari District for the year 2022-23 for an amount of Rs. 7,01,372/- vide M. Book. No. 6473A through the Agreement DR. No. 89/2022-23, dated. 22.07.2022, 2) Providing Barricading arrangements for the visit of Hon'ble Chief Minister of Andhra Pradesh in Bhimavaram at West Godavari District on 12.12.2023 in for the year 2023-24 for an amount of Rs. 15,31,882/- vide M. Book. No. 6478A vide agreement Dr. No. 110/2023-24 dated 30.06.2023, for a total pending amount of Rs. 22,33,254/-, as illegal, arbitrary and violative of Art 14 and 21 of Constitution of India and consequently direct the respondent authorities to release for the pending final bills forthwith for the above said works executed by the petitioner and pass such other reliefs...”

2. Heard Sri Annamneedi Balakrishna, learned counsel for petitioner and learned Government Pleader for respondents.

3. The present writ petition is filed aggrieved by the action of the 5th Respondent in withholding the payments, the 5th respondent issued administratively Sanctioned and Approved for Rs.6.80 and 14.00 Lakhs of Working Estimate at Bhimavaram and entrusted with the works i.e.,1) Urgent Repairs of the wing wall of Km 14/2 bridge R/s in Kalipatnam - Bhimavaram Road in West Godavari District for the year 2022-23 for an amount of Rs.7,01,372/- vide M-Book. No.6473A through the Agreement DR. No. 89/2022-23, dated. 22.07.2022, 2) Providing Barricading arrangements for the visit of Hon'ble Chief Minister of Andhra Pradesh in Bhimavaram at West Godavari District on 12.12.2023 for the year 2023-24 for an amount of

Rs.15,31,882/- vide M-Book. No. 6478A vide agreement Dr.No.110/2023-24 dated 30.06.2023, under R&B Scheme that time of works allotment, the petitioner paid security deposits for the works and carried out the works on a war footing basis to complete within the specified time and completed the works instructed to them as per the specifications within the stipulated time and to the utmost satisfaction of the respondents No. 4 and 5 and other R&B authorities concerned. After completion of the works the respondents No.4 and 5 have measured the works and entered the same into Measurement Books and the work is valued at pending amount of Rs. 22,33,254/- towards above mentioned 4 works whichever after nearly 6 months of completing the work the respondent authorities have not paid any amount till today.

4. Learned Government Pleader for Roads and Buildings place written instructions dated 05.02.2026 addressed by Executive Engineer (R & B), R&B Division, Bheemavaram, asserting that the bill pertaining to the first work, mainly urgent repairs to the wing wall of Km.14/2 bridge (R/S), has already been processed and paid. The bill was submitted through NIDHI Bill.ID.No.2025-9098024, and payment was released by RBISH.No.00137435380 dated 11.11.2024. With regard to the second work, namely proving barricading arrangement for the visit of the Hon'ble Chief Minister, the bill for an amount of Rs.15,31,882/- was forwarded to Pay and Accounts Officer, Works Accounts, Eluru, vide NIDHI Bill ID.No.2024-9029063. However, the Pay and Accounts Officer returned the bill on 01.04.2025, raising objections under Articles 39 & 50 of the A.P Financial

Code, Volume-I. Further, due to non-availability of the budget and insufficient funds the bill could not be processed earlier.

5. 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.

6. 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.

7. In The D.F.O., South Kheri And Ors. vs Ram Sanahi Singh¹, 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.

8. 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 four (04) 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.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 10.02.2026

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128

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO.22510 of 2025

10.02.2026

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