



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

**[3504]**

WEDNESDAY, THE TWENTY NINTH DAY OF APRIL  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

**WRIT PETITION NO: 23901/2025**

**Between:**

1. C RAMESH REDDY, S/O. RAMANA REDDY , AGED 55 YEARS, D.NO.  
16-03-982, FIRST STREET, HARINATHAPURAMIN NELLORE  
DISTRICT.

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL  
SECRETARY, EDUCATION DEPARTMENT, SECRETARIAT BUILDING,  
VELAGAPUDI, AMARAVATHI, GUNTUR.

2. THE SUPERINTENDING ENGINEER, APEWIDC, KADAPA, KADAPA  
DISTRICT.

3. THE EXECUTIVE ENGINEER, A.P.E.W.I.D.C. TIRUPATHI , TIRUPATHI  
DISTRICT.

4. THE CHIEF ENGINEER, AP E WL DC, VIJAYAWADA.

5. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL  
SECRETARY DEPARTMENT OF FINANCE AND PLANNING,  
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR  
DISTRICT

6. THE COMMISSIONER, TECHNICAL EDUCATION, O/O. CTE,  
F.NO.307, GARUDADRI K.K TOWERS, LAKSHMI NARASIMHA  
COLONY, SERVICE ROAD, MANGALAGIRI, GUNTUR.

7. THE CHIEF GENERAL MANAGER, NATIONAL BANK FOR  
AGRICULTURE AND RURAL DEVELOPMENT (NABARD), OFFICE  
AT D.NO.27-37-158, 5TH FLOOR, STALIN CENTRAL, M G ROAD,  
GOVERNORPET, VIJAYAWADA.

8. THE ASSISTANT GENERAL MANAGER, NATIONAL BANK FOR AGRICULTURE AND RURAL DEVELOPMENT (NABARD), OFFICE AT D.NO.27-37-158, 5TH FLOOR, STALIN CENTRAL, M G ROAD, GOVERNORPET, VIJAYAWADA. RR 6 TO 8 ARE IMPEADED AS PER COURT'S ORDER DT. 31/10/2025 IN I.A.NO. 2 OF 2025.

**...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 topleased 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 Part IV Payments of Rs. 72,15,690/- (Rupees Seventy Two Lakhs Fifteen Thousand Six Hundred and Ninety only) for the year vide Supplementary 2019, even after finalizing the bills, payable to the petitioner in relation to the works 'I. Construction of new labs and class rooms (Block-B) In Govtinstitute of Ceramic Technology in Gudur (V and M) In SPSR Nellore District,Agreement no.252/SE/D1/2019-20,Date. 23.03.2020 ' with interest @ 24percent per annum for the delayed amount till date of realization for the works executed by the petitioner and pass

**Counsel for the Petitioner:**

1.DEVASRI ROSHAN KANCHARLA

**Counsel for the Respondent(S):**

1.GP FOR EDUCATION

2.GP FOR FINANCE PLANNING

**The Court made the following:**

**HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM****WRIT PETITION NO.23901/2025****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 in withholding the Part IV Payments of Rs. 72,15,690/- (Rupees Seventy Two Lakhs Fifteen Thousand Six Hundred and Ninety only) for the year vide Supplementary 2019, even after finalizing the bills, payable to the petitioner in relation to the works 'I. Construction of new labs and class rooms (Block-B) In Govtinstitute of Ceramic Technology in Gudur (V and M) In SPSR Nellore District,Agreement no.252/SE/D1/2019-20,Date. 23.03.2020 ' with interest @ 24percent per annum for the delayed amount till date of realization for the works executed by 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. Heard learned counsel for the petitioner, learned Assistant Government Pleader for Finance & Planning and Sri L. Radha Krishna, learned counsel representing Sri V.Ch.Naidu, learned Standing Counsel for the respondent Corporation.

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 counsel for the respondent Corporation, places a copy of the written instructions dated 10.04.2026 issued by the concerned Corporation authorities, and submits that ten months' time may be granted for paying the admitted amount of Rs.66,55,500.31ps.(Rupees Sixty Six Lakhs Fifty Five Thousand Five Hundred and Thirty one paise only), to the petitioner.

6. Since it is not in dispute that the petitioner completed the works and has yet to receive payment, as evident from the written instructions dated 10.04.2026 of the concerned respondent Corporation authority, 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 in ***Utkal Highways Engineers and Contractor Vs Chief General Manager and Others***<sup>1</sup>, vividly 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.....”*

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<sup>1</sup> (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 services of 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-fulfilment of such statutory obligations, more particularly, after getting the works from the petitioner.

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 in respect of the interest portion 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 of Rs.66,55,500.31ps.(Rupees Sixty Six Lakhs Fifty

Five Thousand Five Hundred and Thirty one paise only) payable to the petitioner, within a period of ten (10) 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: 29.04.2026  
GVK

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**MAHESWARA RAO KUNCHEAM, J**

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**THE HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

**WRIT PETITION No.23901 of 2025**

**Date: 29.04.2026**

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