



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

[3333]

**TUESDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 23207/2024

Between:

1. NIMMAGADDA NAVEEN KRISHNA, S/O. VENKATESWARA RAO,
AGED 29 YEARS OCC. CONTRACTOR, R/O. M14/15, NEW
MARKET BAZAR, VIJAYAPURI SOUTH, GUNTUR, GUNTUR
DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, IRRIGATION AND COMMAND AREA
DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI,
AMARAVATHI.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, FINANCE AND PLANNING DEPARTMENT,
SECRETARIAT, VELAGAPUDI, AMARAVATHI.
3. THE STATE PROJECT DIRECTOR, APILIP-PHASE-LL,
HANUMANPET, VIJAYAWADA, KRISHNA DISTRICT.
4. THE CHIEF ENGINEER, MINOR AND MEDIUM IRRIGATION,
HANUMANPET, VIJAYAWADA. KRISHNA DISTRICT.
5. THE CHIEF ENGINEER, MINOR IRRIGATION, GUNTUR DISTRICT.
6. THE SUPERINTENDING ENGINEER, IRRIGATION CIRCLE,
GUNTUR, GUNTUR DIST.
7. THE EXECUTIVE ENGINEER, IRRIGATION DIVISION, GUNTUR.

8. THE DY EXECUTIVE ENGINEER, M.I.SUB-DIVISION,NARASARAOPET, GUNTUR, GUNTUR DISTRICT.
9. THE DY EXECUTIVE ENGINEER1, APILIP-II, VIJAYAWADA.
- 10.THE ASSISTANT EXECUTIVE ENGINEER, M.I. SECTION, MACHERLA, GUNTUR DISTRICT.
- 11.THE PAY AND ACCOUNTS OFFICER, GUNTUR, 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 topleased to issue an appropriate writ or order or a direction more particularly one in the nature of writ of MANDAMUS declaring the action of the respondents in not releasing the admitted LS-2nd and Final bill amount of Rs.85,55,615/- even after finalized the bill long back payable to the petitioner after successful execution of work for JICA- APILIP-II Modernization of Vajralapadu tank near Vajralapadu Village in Veldurthy Mandal, Guntur District vide Agt.No.6-SE/2022-23, Dated 24.06.2022 and Suppl. Agt.No.05-SE/2023-24, dated 31.05.2023, in Water Resources Department, Irrigation Circle, Guntur, Irrigation Division, Guntur, which is illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India and also violative of principles of natural justice and consequently direct the respondents to release the payment of amount for Rs.85,55,615/- due to the petitioner in respect of execution of work forthwith interest of 18 percentage and to 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 pleased direct the respondents to release the admitted bill amount of Rs.85,55,615/- due to the petitioner, after the successful execution of work for “JICA-APILIP- II Modernization of Vajralapadu tank near Vajralapadu Village in Veldurthy Mandal, Guntur District” vide Agt.No.6-SE/2022-23, Dated 24.06.2022 and Suppl. Agt.No.05-SE/2023-24, dated 31.05.2023, in Water Resources Department, Irrigation Circle, Guntur, Irrigation Division, Guntur, immediately. pending disposal of the main writ petition 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 Pleased to grant leave to the Respondent No.7 to file Counter Affidavit and to pass

Counsel for the Petitioner:

1. BATTULA SANJIAH GANDHI

Counsel for the Respondent(S):

1. GP FOR IRRI AND CAD
2. GP FOR FINANCE PLANNING

The Court made the following:

ORDER:-

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“....to issue an appropriate writ or order or a direction more particularly one in the nature of writ of MANDAMUS declaring the action of the respondents in not releasing the admitted LS-2nd and Final bill amount of Rs.85,55,615/- even after finalized the bill long back payable to the petitioner after successful execution of work for “JICA-APILIP-II Modernization of Vajralapadu tank near Vajralapadu Village in Veldurthy Mandal, Guntur District” vide Agt.No.6-SE/2022-23, Dated 24.06.2022 and Suppl.Agt.No.05-SE/2023-24, dated 31.05.2023, in Water Resources Department, Irrigation Circle, Guntur, Irrigation Division, Guntur, which is illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India and also violative of principles of natural justice and consequently direct the respondents to release the payment of amount for Rs.85,55,615/- due to the petitioner in respect of execution of work forthwith interest of 18% and to pass....”

2. The petitioner has been awarded the contract of Modernization of Vajralapadu tank near Vajralapadu Village in Veldurthy Mandal, Guntur District, vide agreement dated 24.06.2022. After execution of the said work, the respondent authorities prepared the Measurement Books and recommended for payment of the finalized bill for a sum of Rs.85,55,615/- in favour of the petitioner and the same was uploaded in CFMS in the year 2024 vide token No.2024-166620. However, surprisingly, the Government cancelled the bill without assigning any reason. Challenging which, the present writ petition is filed.

3. The respondent No.7 has filed counter, wherein it is stated that the agency has executed the work to the satisfaction of the authorities/respondents, and that the final bill was re-submitted vide CFMS token No.2024-166620 for Rs.60,26,268/-. However, the bill was not paid due to non-availability of funds and returned to the Drawing & Disbursing Officer i.e., Executive Engineer, Irrigation Division, Guntur as per Article 39 & 50 of A.P Financial code, Volume-I, due to year-end activities. It is further stated,

the bill was again re-generated and submitted to CFMS *vide* Token No.2025-776538 for arranging payment and the bill is presently pending in CFMS for want of fund clearance and it will be paid by the Government on seniority basis and availability of budget provisions.

4. From the above counter-averments, it is clear that the amount of Rs. 60,26,268/- payable to the petitioner was admitted by the respondents and the same could not be paid due to lack of fund clearance.

5. In the above circumstances, instead of keeping the writ petition pending, this Court feels it appropriate to dispose of the same by directing the respondent Nos.2 to 7 to pay the amounts due to the petitioner within a period of five (05) months from the date of receipt of a copy of this order.

6. As far as interest component is concerned, if there is any subsisting clause in the agreement/work order envisaging payment of interest upon any amount which is due and payable, the same is binding upon both the parties.

7. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE V.SUJATHA

12.08.2025

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101

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 23207/2024

12.08.2025
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