



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

[3330]

**WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

**PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

WRIT PETITION No.26947 of 2024

Between:

1.MANOJAVAM CONSTRUCTION LLP, D.NO. 06, GONDIPALLI,
NANDIMANDLAMA, YSR DISTRICT REP BY ITSDESIGNATED
PARTNER, TAMIDALA MANOHAR REDDY, S/O KOTI REDDY,
AGED 43 YEARS,OCC CONTRACTOR, R/O D.NO. 2-14,
GONDIPALLE, CUDDAPAH-516218.

...PETITIONER

AND

- 1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY,
ROADS AND BUILDINGS DEPARTMENT, SECRETARIAT
BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.
- 2.THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT, DEPARTMENT OF FINANCE
AND PLANNING,SECRETARIAT VELAGAPUDI, AMARAVATI,
GUNTUR DISTRICT.
- 3.THE DISTRICT COLLECTOR AND CHAIRMAN, , PADA
PULIVENDULAYSR DISTRICT, KADAPA.
- 4.THE SUPERINTENDING ENGINEER, ROADS AND BUILDINGS,
KADAPA, YSR KADAPA (ERSTWHILE KADAPA) DISTRICT
- 5.THE EXECUTIVE ENGINEER, ROADS AND BUILDINGS
DIVISION, PULIVENDULA YSR KADAPA (ERSTWHILE
KADAPA) 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 of mandamus or any other appropriate writ or direction declaring the action of the Respondents in withholding the payment an amount of Rs.38,26,696.88/- even after finalizing the

bills, payable to the petitioner in relation to the work i.e., Construction of CC Roads, Compound Wall and Furniture for Inspection Bungalow at Vempalli, YSR District, vide allotted to the Token Bill No.2024-173112, (old token bill No.2023-2610832) in vide agreement No. 1000218677/2022-23, Dated 10-02-2022, as the same is illegal, arbitrary and consequently direct the respondents to consider for payments of Rs.38,26,696.88/- with interest @12 percentage per annum for the delayed amount to the petitioner in respect of execution of above-mentioned work forthwith.

Counsel for the Petitioner:

1. SRAVAN KUMAR NAIDANA

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 aggrieved by the action of the respondents in withholding the payment of final bills amounts of Rs.38,26,696-88/- even after finalizing the bills, payable to the petitioner in relation to the work i.e., **“Construction of CC Roads, Compound Wall & Furniture for Inspection Bungalow at Vempalli, YSR District”**, vide allotted to the token Bill No.2024-173112 (old token bill No.2023-2610832) vide agreement No.1000218677/2022-23, dated 10.02.2022.

2. The 5th respondent-Executive Engineer, R&B Division, Pulivendula has filed counter affidavit admitting the execution of the work and the amount due to the petitioner herein. It is stated that the 5th respondent has uploaded the Ls 2nd and Final bill in CFMC and generated with Token No.2023-2610832 dated 11.03.2024 and later migrated to CFMS Token No.2024-173112 for an amount of Rs.41,89,917/- (Gross amount) and the petitioner herein is entitled to an amount of Rs.38,26,697/- after statutory deductions and further stated that the admitted bills have been verified and approved by the Assistant Pay and Accounts Officer, Works Accounts, Pulivendula, and the said admitted bills, which have been uploaded and approved further to the 2nd respondent (Finance Department) will be paid after due verification.

3. In the present case, the respondents have not disputed the payment due to the petitioners for the work executed and the respondents have manifested in their counter that they will pay the amount to the petitioner after due verification of the bills. Once the work executed by the petitioner to the respondents is admitted and the

payment due to the petitioners 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.

4. In ***The D.F.O., Sough Kheri And Ors. Vs. Ram Sanehi Singh*** reported in (1971) 3 SCC 864, 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 of the Constitution of India, 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.

5. In view of the above, the present Writ Petition is disposed of with the following directions:

- (a) The respondents are directed to clear the due amount to the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order.
- (b) Sum due to the petitioners would mean, the sum arrived after statutory deductions. If there is any dispute regarding statutory recoveries, the petitioners are at liberty to communicate/interfere with the respondents.

(c) With regard to interest, the petitioners are at liberty to approach appropriate forum.

There shall be no order as to costs.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 11.02.2026

siva

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.26947 of 2024

Date: 11.02.2026

siva