

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE SIXTH DAY OF MARCH,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 27863 OF 2023



Between:

1. M/s R.R. Infra Works Pvt. Ltd., (Formerly R.R. Constructions), Andhra Pradesh, Represented by its Director Reddivari Sindhura, 33-4/92-1 KV Naidu Layout, Nagari Road Near RDM Theatre, Puttur, Tirupati District, Andhra Pradesh.
2. Reddivari Sindhura, W/o P. Rakesh Reddy aged about 33 years, R/o 33-4/92-1 KV Naidu Layout, Nagari Road, Near RDM Theatre, Puttur, Tirupati District, Andhra Pradesh.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Irrigation and CAD Department, Secretariat, Velagapudi, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Water Resources Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
3. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Department of Finance and Planning, Secretariat, Velagapudi, Amaravathi, Guntur District.
4. The Engineer-in-chief, Minor Irrigation, VysyaBhavan, Hanumanpeta, Vijayawada - 520003.
5. The Superintendent Engineer, Irrigation circle, Chittoor.
6. The Executive Engineer, Irrigation Division, Tirupathi.
7. The District Collector, Chittoor District.
8. Revenue Divisional Officer, Chittoor District.

...Respondents

Petition under Article 226 of the Constitution of India is filed 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 not paying the admitted bill amounts due to the 1st Petitioner to a tune of Rs.50,39,503/- (which forms part of admitted pending dues), in connection with the Agt.no.36 SE/2009-10 dated 07.10.2009 and all the subsequent supplemental agreements in connection with such agreements as illegal, arbitrary, violative of Articles 14 and 19(1)(g), Constitution of India, and consequently direct the Respondents to forthwith pay the undisputed pending bills of Rs.50,39,503/- in relation to the works executed by the 1st Petitioner under Agt.no.36 SE/2009-10 dated 07.10.2009 and all the subsequent supplemental agreements in connection with such agreement, along with interest of 24% p.a calculated from the date of closure of the contract i.e., from 14.07.2020 till the date of payment of the same;

IA NO: 1 OF 2023:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents to forthwith pay the undisputed pending bills of Rs.50,39,503/- in relation to the works executed by the 1st Petitioner under Agt.no.36 SE/2009-10 dated 07.10.2009 and all the subsequent supplemental agreements in connection with such agreement, along with interest of 24% p.a calculated from the date of closure of the contract i.e., from 14.07.2020 till the date of payment of the same., pending disposal of WP.No.27863 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Vivek Chandra Sekhar.S, Advocate for the Petitioners, GP for Irrigation for the Respondent Nos.1, 2 and 4 and GP for Finance & Planning for the Respondent No.3, the Court made the following;

ORDER:

“Heard learned counsel for the petitioners and learned Assistant Government Pleader for Irrigation and Command Area Development.

Learned counsel for the petitioners submits that the petitioners herein filed the present writ petition for non-payment of admitted bill amounts in connection with the agreement dated 07.10.2009. Even after filing of this writ petition, at the request of learned Government Pleader for Irrigation and Command Area Development, the matter underwent many adjournments for filing counter affidavit. But, till date no counter affidavit is filed by the learned Government Pleader for Irrigation and Command Area Development.

On the other hand, the learned Assistant Government Pleader for Irrigation and Command Area Development informed to the Court that even though they addressed a number of letters to the Respondents, the Respondents neither filed a counter affidavit nor furnished any written instructions to answer the Court. Finally, he expressed his inability for filing counter affidavit and requests time finally.

Having regard to the submissions made by both the counsels, it is appropriate to pass a conditional order.

Accordingly, Respondent No.1, 4, 5 and 6 are directed to file counter affidavit(s) before the next date of hearing, failing which Respondent Nos.1, 4, 5 and 6 shall appear before this Court on the next date of hearing.

The learned Government Pleader for Irrigation and Command Area Development is specifically directed to inform the orders of this Court to all the Respondents.

Post the matter on 26.03.2024.”

//TRUE COPY//

Sd/- B.Chitti Joseph
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary to Government, State of Andhra Pradesh, Irrigation and CAD Department, Secretariat, Velagapudi, Guntur District.
2. The Principal Secretary to Government, State of Andhra Pradesh, Water Resources Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
3. The Principal Secretary to Government, State of Andhra Pradesh, Department of Finance and Planning, Secretariat, Velagapudi, Amaravathi, Guntur District.
4. The Engineer-in-chief, Minor Irrigation, VysyaBhavan, Hanumanpeta, Vijayawada - 520003.
5. The Superintendent Engineer, Irrigation circle, Chittoor.
6. The Executive Engineer, Irrigation Division, Tirupathi.
7. The District Collector, Chittoor District.
8. The Revenue Divisional Officer, Chittoor District. (Addressee Nos.1 to 8 by RPAD)
9. One CC to Sri. Vivek Chandra Sekhar.S, Advocate [OPUC]
10. Two CCs to GP for Irrigation, High Court of Andhra Pradesh. [OUT]
11. Two CCs to GP for Finance, High Court of AP [OUT]
12. One spare copy

MM

HIGH COURT

NV,J

DATED:06/03/2024

NOTE: POST THE MATTER ON 26.03.2024

ORDER

WP.No.27863 of 2023



DIRECTION