

APHC010572722025



**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: 29548/2025

Between:

1. PRUDHVI CONSTRUCTIONS PVT LTD, REP. BY ITS MANAGING PARTNER D VAMSI KRISHNA, S/O. NAGESWARA RAO, AGED ABOUT 36 YEARS, OCC-CONTRACTOR, R/O. 30-46-68, NCOS COLONY, 3 LINE, GUNTUR, GUNTUR DISTRICT, PINCODE- 522004.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF ROADS AND BUILDINGS DEVELOPMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

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

3. THE CHIEF ENGINEER, R AND B DEPARTMENT, VIJAYAWADA, NTR DISTRICT. THE SUPERINTENDING ENGINEER (RANDB), NH CIRCLE, A VIJAYAWADA, NTR DISTRICT.

4. THE SUPERINTENDING ENGINEER RANDB, NH CIRCLE, A VIJAYAWADA, NTR DISTRICT.

5. THE EXECUTIVE ENGINEER, (RANDB) NH DIVISION, VIJAYAWADA, NTR DISTRICT.

6.THE CHIEF EXECUTIVE OFFICER, APCFSS, 3RD FLOOR, NIDHI BHAVAN, BEHIND APIIC BUILDING, MANGALAGIRI, GUNTUR DISTRICT, PINCODE- 522503.

...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 not releasing the Bill amount of Rs.20,07,232/- vide M Book No. 1493A, even after finalizing the bills, payable to the petitioner in relation to the works i.e., Urgent Repairs to NH 167 AG f Koildamiidii - Perecherla Road) from Km 262.000 to 285.000 in Guntur District in the State of Andhra Pradesh Part-B - Balance work), vide D.R. Agreement No. /2024-25, dated 26.12.2024 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to pay for payment of amount of Rs.20,07,232/- vide M Book No. 1493A with interest @24percentage per annum for the delayed amount to the petitioner in respect of execution of above- mentioned work forthwith 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 Please to direct the respondents to pay for payment of amount of Rs.20,07,232/- vide M Book No. 1493A with interest @24percentage per annum for the delayed amount to the petitioner in respect of execution of works i.e. Urgent Repairs to NH 167 AG (Kondamudu - Perecherla Road) from Km 262.000 to 285.000 in Guntur District in the State of Andhra Pradesh (Part-B - Balance work), vide D.R. Agreement No. /2024-25, dated 26.12.2024, forthwith, pending disposal of the Writ Petition and pass

Counsel for the Petitioner:

1.MODAPOTHULA SUMALATHA

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

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ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the Respondents not releasing the Bill amount of Rs.20,07,232/- vide M Book No. 1493A, even after finalizing the bills, payable to the petitioner in relation to the works i.e., Urgent Repairs to NH 167 AG f Koiiidamiidii - Perecherla Road) from Km 262.000 to 285.000 in Guntur District in the State of Andhra Pradesh Part-B - Balance work), vide D.R. Agreement No. /2024-25, dated 26.12.2024 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to pay for payment of amount of Rs.20,07,232/- vide M Book No. 1493A with interest @24percentage per annum for the delayed amount to the petitioner in respect of execution of above- mentioned work forthwith and pass such other reliefs...”

2. Heard Smt Modapothula Sumalatha, learned counsel for petitioner and learned Government Pleader for respondents.

3. The present writ petition is filed aggrieved by the action of the Respondents in not releasing the Bill amount of Rs.20,07,232/- vide M-Book No.1493A, even after finalizing the bills, payable to the petitioner in relation to the work i.e., urgent repairs to NH-167 AG (Kondamudu-Perecherla Road) from Km.262.000 to 285.000 in Guntur District (Part-B-Balance work), vide D.R.Agreement No.2024-24 dated 26.12.2024 is questioned, as the same is illegal and arbitrary.

4. Learned Government Pleader for Roads and Buildings for respondent No.5 filed counter affidavit asserting that LS-1 and final bill for an amount of

Rs.23,83,707/- was passed on 04.04.2025 and the bill is pending in Division Office for want of budget release order for payment and it is mandatory for processing the contractors bill in the NIDHI Portal. Accordingly, a requisition for the release of budget/letter of credit (LOC) was addressed to the Engineer-in-Chief (R&B) NH & CRF, Vijayawada, requesting the release of LOC vide the following references; Lr.No.LOC/OR/A2/2025 dated 07.05.2025, 24.06.2025, 03.09.2025, 05.12.2025 and 22.01.2026. On receipt of the LOC, the work bill will be processed through the NIDHI Portal by the Assistant Pay and Accounts Officer, WA, Vijayawada for making payment to the contract at the earliest.

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 counter that they will pay the amount to the petitioner and they are unable to 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 Sanehi Singh**¹, 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 six (06) weeks from the date of receipt of a copy of this order.

¹ (1971) 3 SCC 864

(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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