



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

[3504]

THURSDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE MAHESWARA RAO
KUNCHEAM**

WRIT PETITION NO: 37511/2022

Between:

- 1.VEERAM REDDY KRISHNAMOHAN REDDY,, S/O. SUBBA REDDY, AGED 52 YEARS, R/ O. GOPANIPALLI, KOMAROLU, PRAKASAM DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MINORITY WELFARE DEPARTMENT, SECRETARIAT, AMARAVATHI, GUNTUR DISTRICT.
- 2.THE SUPERINTENDING ENGINEER, APEWID CORPORATION, GUNTUR
- 3.EXECUTIVE ENGINEER, APEWIDC CORPORATION DEPARTMENT, ONGOLE CENTRAL DIVISION, ONGOLE, PRAKASAM DISTRICT.
- 4.DEPUTY EXECUTIVE ENGINEER APEWIDC CORPORATION DEPARTMENT, MARKAPUR, PRAKASAM DISTRICT
- 5.ASSISTANT ENGINEER, APEWIDC CORPORATION DEPARTMENT, GIDDALUR, PRAKASAM DISTRICT
- 6.THE PRINCIPAL SECRETARY, DEPARTMENT OF FINANCE AND PLANNING, SECRETARIAT, AMARAVATHI, 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 to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the Respondents in withholding the undisputed amounts payable to the petitioner in respect of works i.e., Construction of Urdu Ghar-cum-Shadikhana at Komarole Village and Mandal, Prakasam District as illegal arbitrary and contrary to the Principles of natural justice and consequently direct the respondents to pay undisputed Total Amount of Rs. 36,52,311/- payable to the petitioner in respect of execution of above mentioned work, with an interest @ 12 percent p.a. from the date of accepting the bills forthwith and pass

IA NO: 1 OF 2022

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 to 311/- payable to the petitioner in respect of work i.e., Construction of Urdu Ghar-cum-Shadikhana at Komarole Village and Mandal, Prakasam District, with an interest @ 12 % p.a. from the date of accepting the bills forthwith pending disposal of the Writ Petition and pass

IA NO: 2 OF 2022

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 to permit the petitioner to correct the due amount as Rs.12,17,437/- in the place of Rs.36,52,311/- by amending affidavit and prayer portions and to pass

Counsel for the Petitioner:

1.D VIGNESHWAR REDDY

Counsel for the Respondent(S):

- 1.GVS KISHORE KUMAR
- 2.GP FOR SOCIAL WELFARE
- 3.GP FOR FINANCE PLANNING (AP)

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**WRIT PETITION NO: 37511 of 2022****The Court made the following Order:**

Instant Writ Petition has been filed by the petitioner under Article 226 of the Constitution of India is filed for the following relief:

“.... to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in withholding the undisputed amounts payable to the petitioner in respect of works i.e., Construction of Urdu Ghar-cum-Shadikhana at Komarole Village and Mandal, Prakasam District as illegal arbitrary and contrary to the Principles of natural justice and consequently direct the respondents to pay undisputed Total Amount of Rs. 36,52,311/- payable to the petitioner in respect of execution of above mentioned work, with an interest @ 12 percent p.a. from the date of accepting the bills and pass such other order ...”.

2. 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 the petitioner.

3. Heard learned counsel for the petitioner and learned Assistant Government Pleader for the respondents.

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 Assistant Government Pleader, places a copy of the written instructions dated 07.05.2026 issued by the Executive Engineer, APEWIDC, Ongole, and submits that six months' time may be granted for paying the admitted amount of Rs.12,17,437/- to the petitioner.

6. Since it is not in dispute that the petitioner completed the works and has yet to receive payment, 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 held in ***Utkal Highways Engineers and Contractor Vs Chief General Manager and Others***¹, in vivid terms categorically 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.....”

¹ (2025) SCC Online SC 1400

8. It is apt to note that a mere financial incapacity/poor financial conditions, as stated by the respondents, for non-releasing of amounts after getting the works from the petitioner, cannot be a ground.

9. In view of the above-stated legal position, the respondents, 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-fulfillment of such statutory obligations, more particularly, when the works executed by the petitioners are admitted by the respondent Corporation.

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 before an appropriate forum in accordance with the Law in respect of interest portion is concerned.

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 payable to the petitioner, within a period of six (06) months, from the date of receipt of copy of this order. It is needless to say that the petitioners are at liberty to approach the appropriate Civil Court with regard to interest, if so advised. There shall be no order as to costs.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 07.05.2026
PSA