



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

[3333]

MONDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 32592/2025

Between:

1.M/S. ARK CONSTRUCTIONS,, REP BY MANAGING PARTNER
N.V.RAMAKRISHNA REDDY, S/O.SURYANARAYANA REDDY, AGED
ABOUT 38 YEARS, D.NO.6-36/1, SATYA SAI COLLEGE ROAD,
RAVULAPALEM VILLAGE AND AND MANDAL, DR.B.R.AMEBEDKAR
KAKINADA DISTRICT-533003.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL
SECRETARY - IRRIGATION, SECRETARIAT, VELAGAPUDI,
GUNTUR DISTRICT.
- 2.THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL
SECRETARY-FINANCE DEPARTMENT, SECRETARIAT,
VELAGAPUDI, GUNTUR DISTRICT.
- 3.THE SUPERINTENDING ENGINEER SE, DHAVALESWARAM CIRCLE
- RAJAHMUNDRY, EAST GODAVARI DISTRICT.
- 4.THE EXECUTIVE ENGINEER, DRAINAGE DIVISION WATER
RESOURCES DEPARTMENT, KAKINADA, KAKINADA DISTRICT.
- 5.THE ASSISTANT ENGINEER, WATER RESOURCES DEPARTMENT,
IRRIGATION SUB DIVISION, KAKINADA, KAKINADA DISTRICT.
- 6.THE DEPUTY EXECUTIVE ENGINEER DY EE, WATER RESOURCES
DEPARTMENT, IRRIGATION SUB DIVISION, KAKINADA, KAKINADA

DISTRICT.

7.THE PAY AND ACCOUNTS OFFICER, WORKS ACCOUNTS,
IBRAHIMPATNAM VIJAYAWADA, NTR 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, order or direction, declaring the action of the respondents in not making the payments covered under the work orders a) Rs. 5,88,907/- (Five Lakhs Eighty Eight Thousand Nine Hundred Seven rupees) after deducting the various fees for Dr.No.35/24- 25 and LS.No. 17/24-25. Rs. 5,24,440/- (Five Lakhs Twenty Four Thousand Four Hundred Forty rupees) after deducting the various fees for Dr.No.36/24-25 and respectively (Total amount of Rs.11,13,347/- Eleven Lakhs Thirteen Thousand Three Hundred Forty Seven rupees) though I am submitting the bill certificates as illegal, arbitrary and violation of Articles 14, 21 and 300-A of the Constitution of India and further direct the respondents to clear the bills covered under Two work orders in Letter No. E.E/DD/KKD/DB/TA/F.Weed/ Dated.20-07- 2024, D.R.No.35/2024-25 for Rs. 5,88,907/- Letter No. E.E/DD/KKD/DB/TA/F. Weed/ Dated. 18-07-2024, D.R.No.36/2024-25 for Rs.5,24,440/- respectively by raising the forthwith

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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 grant interim direction directing the respondents to clear the bills covered under the two work orders in Letter No. E.E/DD/KKD/DB/TA/F. Weed/ Dated.20-07-2024, D.R.No.35/2024-25 for Rs. 5,88,907/- Letter No. E.E/DD/KKD/DB/TA/F. Weed/ Dated. 18-07-2024, D.R.No.36/2024- 25 for Rs.5,24,440/- Total amount of Rs. 11,13,347/- (Eleven Lakhs Thirteen Thousand Three Hundred Forty Seven rupees) to the petitioner along with 24% interest, pending disposal of the above writ petition

Counsel for the Petitioner:

1.SUNITHA DEVI CH

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 a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in not making the payments covered under the work orders a) Rs. 5,88,907/- (Five Lakhs Eighty Eight Thousand Nine Hundred Seven rupees) after deducting the various fees for Dr.No.35/24- 25 and LS.No. 17/24-25. Rs. 5,24,440/- (Five Lakhs Twenty Four Thousand Four Hundred Forty rupees) after deducting the various fees for Dr.No.36/24-25 and respectively (Total amount of Rs.11,13,347/- Eleven Lakhs Thirteen Thousand Three Hundred Forty Seven rupees) though I am submitting the bill certificates as illegal, arbitrary and violation of Articles 14, 21 and 300-A of the Constitution of India and further direct the respondents to clear the bills covered under Two work orders in Letter No. E.E/DD/KKD/DB/TA/F.Weed/ Dated.20-07-2024, D.R.No.35/2024-25 for Rs.5,88,907/- Letter No. E.E/DD/KKD/DB/TA/F. Weed/ Dated. 18-07-2024, D.R.No.36/2024-25 for Rs.5,24,440/- respectively by raising the forthwith....”

2. The petitioner had been awarded the contract of two works vide Agreement Nos.17 and 18/2024-25, for a final bill amount of Rs.11,13,347/- by the respondents. After execution of the aforementioned contract works, the respondents issued two quality control certificates i.e., 1.dated 26.09.2025 for a sum of Rs.5,50,914/- and 2.dated 26.09.2025 for a sum of Rs.4,91,927/-.

As the payment of the said amounts has not been made by the respondents, the petitioner has approached this Court by way of this writ petition.

3. It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled for payment of the aforesaid sum of amounts, no payment is being made. The petitioner contends that such non-payment of money is clearly arbitrary and high-handed requiring the interference of this Court.

4. This Court, in various orders, including the judgment of a learned Single Judge of this Court dated 05.10.2021 in W.P.No.10038 of 2021 and batch had taken the view that such non-payment of dues is arbitrary and that such dues need to be cleared by the respondents at the earliest.

5. Learned Assistant Government Pleader on oral instructions, submits that the admitted amount payable to the petitioner as per the two quality control certificates i.e., 1.dated 26.09.2025 for a sum of Rs.5,50,914/- and 2.dated 26.09.2025 for a sum of Rs.4,91,927/-. He further submits that since the budget was not released by the Government, the bills were not paid to the petitioner. Soon after release of the budget by the Government, the bills will be paid to the petitioner.

6. Though the petitioner claims to be entitled to Rs.11,13,347/-, the learned counsel for the petitioner has admitted that the writ petition may be disposed of based on the two quality control certificates issued by the respondents i.e., 1.dated 26.09.2025 for a sum of Rs.5,50,914/- and 2.dated 26.09.2025 for a sum of Rs.4,91,927/-.

7. In view of the facts and circumstances of the case, and the directions of this Court in various cases and after hearing the submissions of learned counsel for the petitioner, this Writ Petition is disposed of with a direction to the respondents to release the amounts to the petitioner in accordance with the two quality control certificates i.e., 1.dated 26.09.2025 for a sum of Rs.5,50,914/- and 2.dated 26.09.2025 for a sum of Rs.4,91,927/- issued by the respondents, within a period of three (03) months from the date of receipt of a copy of this order.

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. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE V.SUJATHA

Date: 08.12.2025
KGR