



**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: 32572/2025

Between:

1. BORRA SUBBA RAO, S/O RAMANUJARAO, AGED ABOUT 35 YEARS, OCC BUSINESS, R/O H.NO.3-25-A, LAAKU DOWN, KURADA VILLAGE AND MANDAL, KRISHNA DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, IRRIGATION AND COMMAND AREA DEVELOPMENT DEPARTMENT, SECRETARIAT AMARAVATI, GUNTUR DISTRICT.

2. THE PRINCIPAL SECRETARY, DEPARTMENT OF FINANCE AND PLANNING SECRETARIAT, AMARAVATHI, GUNTUR DISTRICT.

3. THE DISTRICT COLLECTOR, KRISHNA DISTRICT, MACHILIPATNAM CITY, COLLECTOR OFFICE, KRISHNA DISTRICT.

4. THE DIRECTOR OF WORKS AND ACCOUNTS, NIDHI BHAVAN, FLOOR, MANGALAGIRI GUNTUR DISTRICT.

5. THE EXECUTIVE ENGINEER, DRAINAGE DIVISION, GUDIVADA, KRISHNA DISTRICT.

6. THE EXECUTIVE ENGINEER, KRISHNA EASTERN DIVISION, VIJAYAWADA.

7. THE PAY AND ACCOUNT OFFICER, THIRD FLOOR, RAMA MANDIR STREET, ARUNDALPET, GOVERNOR PET, VIJAYAWADA.

...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.8,78,942/- A sum of towards the work of O and M to Removal of Weed on Old Bss channel and its allied works under Cowtharam section for the year 2023-2024, vide Agreement No. 18/2023-24, dated 21-06-2023, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of Rs.8,78,942/- with interest @12 percentage per annum for the delayed amount to the petitioner in respect of execution of above-mentioned work forthwith and pass

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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 direct the respondents to consider for payment of final Bill amounts 1) Rs.8,78,942/- with interest @12% per annum for the delayed amount to the petitioner in respect of execution of works i.e., Rs.8,78,942/- A sum of towards the work of "O & M to Removal of Weed on Old Bss channel and its allied works under Cowtharam section for the year 2023-2024", vide Agreement No. 18/2023-24, dated 21-06-2023; pending disposal of the Writ Petition and pass

Counsel for the Petitioner:

1.SRAVAN KUMAR NAIDANA

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 or direction declaring the action of the Respondents in withholding the payment an amount of Rs.8,78,942/- A sum of towards the work of O and M to Removal of Weed on Old Bss channel and its allied works under Cowtharam section for the year 2023-2024, vide Agreement No. 18/2023-24, dated 21-06-2023, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of Rs.8,78,942/- with interest @12 percentage per annum for the delayed amount to the petitioner in respect of execution of above-mentioned work forthwith....”

2. The petitioner had been awarded the contract of work i.e., “O & M to Removal of Weed on Old Bss Channel and its allied works under Cowtharam section for the year 2023-2024”, vide Agreement No.18//2023-24, dated:21.06.2023 for a final bill amount of Rs.8,78,942/- by the respondents. After execution of the aforementioned contract work, the respondents issued quality control certificate i.e., dated 22.07.2025 for a sum of Rs.8,78,942/-. As the payment of the said amount 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 amount, 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 quality control certificate i.e., 22.07.2025 for a sum of Rs.8,78,942/-. 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. 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 amount to the petitioner in accordance with the quality control certificate i.e., 22.07.2025 for a sum of Rs.8,78,942/- 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.

Date: 08.12.2025
KGR

JUSTICE V.SUJATHA