APHC010348422026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3327]
(Special Original Jurisdiction)

FRIDAY, THE 11th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 18910/2026

Between:

1. SRI G. VENKATESHWARA RAO,, S/O. SRIRAMULU, AGED ABOUT 65 YEARS, OCC CONTRACTOR, R/O D NO 7-29-21, MAHALAKSHMI NAGAR, ROAD NO.4, TADEPALLIGUDEM WEST GODAVARI DISTRICT. PIN 534102.

...PETITIONER

A N D

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPLE SECRETARY, IRRIGATION, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DIST., PIN 522237.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPLE SECRETARY, FINANCE AND PLANNING DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DIST., PIN 522237.
3. THE ENGINEER IN CHIEF, IRRIGATION DEPARTMENT, MUSEUM RD, VENKATESHWARA RAO STREET, GOVERNORPETA, VIJAYAWADA. PIN 520002.
4. THE SUPERINTENDENT ENGINEER, IRRIGATION CIRCLE, ELURU, WEST GODAVARI DISTRICT. PIN 534001.
5. THE EXECUTIVE ENGINEER, DRIANAGE DIVISION, BHIMAVARAM, WEST GODAVARI DISTRICT. PIN 534301.

...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 order or orders direction or directions. Writ or Writs particularly one in the nature Writ of Mandamus or any appropriate writ to declare the action of the respondents in not paying the Final net Bill to a tune of Amount of Rs.5,89,310/- for 2 works i.e., (1) Agreement No. 39/2024-25, dt. 12-07- 2024 and (2) Agreement

No. 40/2024-25, dt. 12-07-2024 as illegal arbitrary and violation of Article - 14 and 21 of the Constitution of India, consequently direct the respondents to release the bills to tune of amount Rs. 5,89,310/- with 18 percent GST and 6percent interest from the date of completion of respective works to till date immediately and to and pass such

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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 release the amount of Rs.5,89,310/- towards payment of above final bills for the contract works under taken by the petitioner long back, pending disposal of main Writ Petition, and to pass such

Counsel for the Petitioner:

1. A.SREE RAM

Counsel for the Respondent(S):

1. GP FOR IRRI AND CAD
2. GP FOR FINANCE PLANNING

The Court made the following:

O R D E R

Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for the Irrigation and Command Area Development, and the learned Assistant Government Pleader for Finance and Planning.

2. This Writ Petition is filed seeking the following relief:

> *"….to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not paying the final net bill to a tune of amount of Rs.5,89,310/- for two works i.e. (1) Agreement No.39/2024-25, dated 12.07.2024 and (2) Agreement No.40/2024-25, dated 12.07.2024, as illegal, arbitrary and consequently, to direct the respondents to release the bills to a tune of Rs.5,89,310/- with 18% GST and 6% interest from the date of completion of respective works to till date immediately and to pass such other order or orders…"*

3. The petitioner claims to be a Civil Contractor. The petitioner participated in the Tender and became successful bidder, as such, the respondent No.5 allotted two works to the petitioner *viz.* (1) Annual Maintenance towards removal of weed growth on Minor Drains in Drainage Section No.2, Attilli under West Godavari District for the year 2024-25 *vide* Agreement No.39/2024-25, dated 12.07.2025, the estimated amount is Rs.5,65,000/-, and the agreed amount is Rs.4,27,190/-; (2) Annual Maintenance towards removal of

weed growth on Minor Drains in Drainage Section No.2, Attilli under East Godavari District for the year 2024-25 *vide* Agreement No.40/2024-25, dated 12.07.2024, the estimated amount is Rs.4,15,000/-, and the agreed amount is Rs.3,11,638/-; that the aforesaid two works were completed within the stipulated period, and the Work Quality Control checks have been completed, and respondent No.5 issued LS Final Bill and Quality Control Certificate, and prepared bill, and the total amount payable to the petitioner is Rs.5,89,310/-.

(b) It is the grievance of the petitioner that though he executed the entire works within time, an amount of Rs.5,89,310/- was kept pending by the respondent authorities. Even though the petitioner approached the respondent authorities on multiple occasions, requesting for payment of aforesaid pending bill amount, they are not paying the said amount. According to petitioner, having executed the works satisfactorily, within the prescribed time, non-payment of the bill amount was arbitrary and unjustified. It was further contended that the delay in payment is causing severe financial hardship, necessitating the filing of the present Writ Petition seeking appropriate directions for release of the outstanding amount.

4. Today when the matter is taken up for hearing, the learned Assistant Government Pleader for Irrigation and CAD, on written instructions received from the Executive Engineer, Drainage Division, Bhimavaram-6th respondent, submits that the petitioner executed the works allotted as per the agreements, and the petitioner is entitled to amount as claimed by him. He further submits that the bill could not be uploaded in the NIDHI Portal, due to lack of budget, and the same would be done upon release of the requisite budget by the Government. The written instructions are placed on record.

5. A perusal of the written instructions goes to show that there is no dispute with regard to execution of works and as per the respondents, they admitted that the petitioner is entitled to an amount as claimed by him. Therefore, since the amount payable to the petitioner, is admitted and undisputed, the Writ Petition is maintainable. In **M/s. Utkal Highways Engineers and Contractors v. Chief General Manager & Ors.**[1], it was held as under: (Paragraph No.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. Non-payment of admitted dues, *inter alia*, may be

[1] 2025 SCC OnLine SC 1400.

> considered an arbitrary action on the part of respondents and for claiming the same, a Writ Petition may lie. Further, throwing a Writ Petition on ground of availability of alternative remedy after 10 years, particularly, when parties have exchanged their affidavits, is not the correct course unless there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence."

6. A perusal of the material on record goes to show that the respondent authorities assigned the works, as mentioned supra, to the petitioner. It is the grievance of the petitioner that though he executed the said works within the stipulated time to the satisfaction of the respondent authorities, they are not releasing the payment covered under the bill that was submitted by the petitioner for the amount spent by him for executing the works. Therefore, having regard to the entire facts and circumstances of the case, since, the respondent No.5 admits the works executed by the petitioner and concedes that the petitioner is entitled to the amount as claimed by him, and since, it is stated that the bill amount would be processed soon after allocation of budget from the Government, the respondent authorities are directed to pay the admitted amount/net amount to the petitioner within a period of two (2) months from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs of the Writ Petition.

As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition, shall stand closed.

JUSTICE K. SREENIVASA REDDY

11th September, 2026.

DNB