APHC010428932026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3457]**
(Special Original Jurisdiction)

FRIDAY, THE 14th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 23270/2026

Between:

1. M/S GSK ESTUCTURAKL INDIA PVT.LTD.,, REP. BY IT'S DIRECTOR G.ANIT KUMAR, AGED 40 YEARS, OCC. CONTRACTOR, R/O. PLOT NO.31, 2ND FLOOR, PHASE-I, KALYAN NAGAR, HYDERABAD.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.522238
2. THE VIJAYAWADA MUNICIPAL CORPORATION, REP. BY ITS COMMISSIONER, VIJAYAWADA, N T R DISTRICT.520001
3. THE EXECUTIVE ENGINEER, MUNICIPAL CORPORATION VIJAYAWADA.520001
4. ACCOUNTS OFFICER, MUNICIPAL CORPORATION VIJAYAWADA.520001
5. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FINANCE AND PLANNING DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.522238

...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 toissue a Writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the Respondents in not refunding the EMD and FSD amounts totaling Rs.2,14,322/- to the Petitioner, despite completion of the works and expiry of the defect liability period in respect of the works mentioned in Para No.3, as illegal, arbitrary and contrary to law, and consequently direct the Respondents to refund the said EMD and FSD amounts of Rs.2,14,322/- to the Petitioner, together with interest at 12percent per annum for the delayed period, 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 direct the Respondents to refund the EMD and FSD amounts totaling Rs.2,14,3221- to the Petitioner in respect of the works mentioned in Para No.3, forthwith, pending disposal of the Writ Petition

Counsel for the Petitioner:

1. PRATHIWADA VARUN KUMAR

Counsel for the Respondent(S):

1. GP MUNCIPAL ADMN AND URBAN DEV AP
2. GP FOR FINANCE PLANNING

The Court made the following <u>Order:-</u>

The learned counsel for the petitioner submits that the petitioner is aggrieved by the action of the respondents in not refunding the EMD and FSD amounts totaling Rs.2,14,322/- to the petitioner, despite completion of the works and expiry of the defect liability period in respect of the works viz., (i) Providing BT Road with Hot Mix Process to Mary Matha Temple Main Road from Gangireddula Dibba to Mary Matha Temple (SC-SP Grant); and (ii) Providing BT Road with Hot Mix Process to Devineni Gandhipuram Main Road in 56th Division.

2. It is submitted that the petitioner had completed the works entrusted to him and that the competent authority of the respondents had also approved the payments due and payable to the petitioner. The respondents have also recorded the progress of the works and the amounts due and payable to the petitioner in the M-Book.

3. Heard the submissions of the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development Department, Sri S.V.S.S. Siva Ram, learned Standing Counsel for the respondent Corporation, and the learned Assistant Government Pleader for Finance and Planning.

4. During the course of hearing, the learned Standing Counsel appearing for the respondent Corporation submits that the works have been completed and that the petitioner has also submitted the final bills and the amounts due

and payable to the petitioner have been duly admitted. It is submitted that further funds are awaited and that, soon after the release of the funds, the bills due and payable to the petitioner shall be cleared.

5. Recording the submissions, this writ petition is disposed of at the admission stage, directing the respondents to verify and release the (EMD) payments due and payable to the petitioner as expeditiously as possible, preferably within a period of four (04) weeks from the date of receipt of a copy of this order. There shall be no order as to costs

6. Pending miscellaneous petitions, if any, shall stand closed.

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JUSTICE HARINATH.N

14.08.2026
RSD

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THE HONOURABLE SRI JUSTICE HARINATH.N

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