

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**MONDAY, THE SEVENTH DAY OF SEPTEMBER TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.28609 of 2015

Between:

Suripakula Munisubramanyam,
S/o. Late S. Munaswamy,
Aged about 45 years,
Occ: Contractor, R/o.D.No.20-5-715/A,
SMS Towers Sanjay Gandhi Colony,
Tirumala Tirupathi Bye-pass Road,
Tirupathi, Chittoor District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration &
Urban Development Department,
Secretariat Buildings,
Hyderabad & another

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28609 of 2015

ORDER:

The petitioner was entrusted with work of construction of houses of Block Nos.52 to 70 and 80 under the scheme formulated by the Government of India in the Housing Project at Daminedu. The work was commenced on 27.02.2009. After March, 2011, the work stopped and thereafter, no further work was executed by the petitioner. Now the respondents have taken decision to go ahead with completion of the project and decided to undertake awarding of contract afresh by calling for tenders. The petitioner was, therefore, directed to appear before the competent authority for accepting final measurements and to close the contract. According to the petitioner, no final measurements were taken and the petitioner is still entitled to receive more than Rs.47,00,000/- for the work executed by him till March, 2011, and not undertaking proper final measurements and not paying the appropriate amount due for the work executed by him is illegal. In August, 2015, a notice was issued to the petitioner to appear before the competent authority for accepting the final measurements, closing the contract and receiving the amount whatever is due to him. The petitioner filed his objection on 24.08.2015. He has a serious objection regarding the manner in which measurements are taken and, therefore, he sought for taking fresh measurements.

2. When the writ petition is taken up for consideration, learned counsel for the petitioner submits that as the measurements were not properly taken and the request made by the petitioner is only to take fresh measurements, he is no more disputing the awarding of fresh contract to any other contractor.

3. Learned Standing Counsel, on instructions, submits that the final measurements were already taken and as per the work executed by the petitioner, he was entitled for an amount of Rs.4,19,20,102/- and he was paid almost the entire amount except Rs.2,62,461/-. This amount was sought to be paid to the petitioner by way of a cheque drawn in his name, but he refused to receive the cheque. Learned Standing Counsel fairly submits, on instructions, that the respondent Municipal Corporation is willing to undertake fresh measurements, if the petitioner bring authorized Engineers.

4. In view of the above submission of learned standing counsel, writ petition is disposed of directing petitioner to suggest name of an Engineer preferably from the Jawaharlal Nehru Technological University or any other Government Engineering College and if any of them are not available, any other authorized Engineer and submit the availability of the persons to the Municipality. On receipt of such request from the petitioner, the respondent Municipal Corporation shall fix a date for undertaking the measurements and in the presence of the petitioner, the Engineers suggested by the petitioner and the Engineers of the respondent Municipal Corporation, measurements shall be taken and based on the said measurements, whatever the amounts due to the petitioner shall

be paid.

5. It is made clear that there is no hindrance for undertaking fresh awarding of contract for the remaining extent of the work. However, in view of the decision of the respondent Municipal Corporation to undertake fresh awarding of contract, subject to petitioner furnishing the name of an Engineer within two weeks from the date of receipt of copy of this order, the measurements shall be taken before the contract is awarded. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 7th September, 2015

Note: Issue C.C. in three (3) days.

(B/o.)
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HON'BLE SRI JUSTICE P.NAVEEN RAO

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