

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.13299 of 2012

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Dated 22.07.2015

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Between:

RAUS.Constructions Pvt. Ltd.,
rep. by its Managing Director KV.Srinivasa Rao
... Petitioner

and

–
M/s.A.P.Rajiv Swagruha Corporation
rep. by its Managing Director,
Hyderabad and 3 others
...Respondents

**Counsel for the petitioner: Mr.K.Jyothi Prasad
for Mr.K.Sarvabhouma Rao**

Counsel for respondent Nos.1, 2 & 4: None appeared

Counsel for respondent No.3: AGP for Housing (TS)

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent Nos.1 and 2, in terminating the petitioner's contracts relating to 4 packages by four separate but identical letters, dated 29-03-2012, and forfeiting the EMD, FSD and the bank guarantee, as illegal and arbitrary.

The dispute raised in this Writ Petition arises out of a concluded contract. A perusal of the proceeding sheet shows that for more than three years, not even notice was issued to the respondent. Ordinarily, Writ Petition is not an appropriate remedy for adjudicating the validity or otherwise of termination of concluded contracts. If the petitioner is aggrieved by the unlawful termination of contracts, it is entitled to claim compensation by availing common law remedies such as arbitration, if a provision in that regard is available in the contract, and a civil suit, in the absence of such a provision. In the present case, the contracts were terminated more than three years back. In the absence of an interim order, it is reasonable to presume that the balance work would have been entrusted to another agency for execution.

In the light of the above facts, I am not inclined to adjudicate the Writ Petition on merits. Instead, the petitioner is relegated to the common law remedies as indicated herein before.

Subject to the liberty given to the petitioner as above, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition,
WPMP.No.16578 of 2012, filed by the petitioner for
interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 22nd July, 2015
LUR