

THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELENGANA AND THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY THIS THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE MR JUSTICE A.RAJASHEKER REDDY

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WRIT PETITION No.7819 of 2015

Between:

Kusume Srinivasarao and 3 others

..... PETITIONERS

AND

The State of A.P. rep.by the Principal Secretary,

Municipal Administration,

Secretariat, Hyderabad and 7 others

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7819 of 2015

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ORDER:

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This writ petition is filed seeking Writ of Mandamus to declare the action of the respondents in insisting the petitioners to pay EMD for civil contract works, contrary to G.O.Ms.No.275, dated 26.09.1994 and Memo No.11913/Reforms/2005-2, dated 29.08.2005 as illegal and arbitrary.

The case of the petitioners is that they are civil contractors doing several works under respondents 2 to 8. The Government of Andhra Pradesh has exempted to submit EMD by SC/ST/Wadderas contractors upto Rs.20 lakhs as per G.O.Ms.No.275, dated 26.09.1994 and subsequently, the Irrigation Department as well as R&B Departments also gave similar exemption. The grievance of the petitioners is that the respondents contrary to the exemption given by the Government, the respondents are insisting the petitioners to pay EMD for execution of works.

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

As seen from G.O.Ms.No.275 dated 26.09.1994, the contractors who belong to SC, ST and Wadderas are exempted from payment of EMD where the evaluation of works is Rs.20 lakhs.

Having regard to the facts and circumstances of the case, the respondents are directed to consider the case of the petitioners for exemption of payment of EMD, subject to fulfillment of conditions 1 and 2 of G.O.Ms.No.275, dated 26.09.1994.

With the above direction, the Writ Petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

A.RAJASHEKER REDDY,J

Date: 31.03.2015

Dsr

Note:

Furnish copy tomorrow

B/o

Dsr