

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.33150 of 2012

-

ORDER:

The case of the petitioner is that it is a registered contractor and it was allotted construction work of seven cyclone shelter buildings under "A.P. Hazard Mitigation and Cyclone Emergency Recovery Project" in pursuance of the tender notification issued by the 3rd respondent. Subsequently, an agreement was also concluded between the petitioner and the 3rd respondent vide Agreement No.7/1998-99 dated 14.07.1998 and the work was entrusted to the petitioner by the Chief Engineer-2nd respondent. Thereafter, the petitioner immediately started and completed part of the work, but the remaining works could not be started on account of non-receipt of revised administrative sanction from the Government. The petitioner has received only part of the amount i.e., Rs.22.21 lakh in respect of the works executed by it at Gorusupalem and Mahalakshmi Nagar and the remaining amount payable to the petitioner has not been paid so far. Pending the same, the respondents issued fresh tender notification including the works entrusted to the petitioner. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by the 3rd respondent stating that the Government has released an amount of Rs.1,33,43,000/- for the works completed by the petitioner at Mahalakshmi Nagar and Gorusupalem and for the grounded works at Balusutippa and Gogullanka, vide G.O.Rt.No.678 dated 16.05.2014 of PR & RD (Progs III) department read with Lr.No.B.PR.II/MCS/2014-15, dated 16.05.2014 of the Chief Engineer, PR, Hyderabad.

Heard the learned counsel for the petitioner and the learned Advocate General appearing for the State of Andhra Pradesh.

In view of the averments in the counter affidavit that the

Government has issued a G.O for payment of the amounts to the petitioner, the grievance of the petitioner that the respondents have issued a fresh tender notification without paying the amounts for the works executed by it no longer survives for adjudication. However, the learned counsel for the petitioner submits that apart from the amount that is already paid, the petitioner shall be permitted to claim the balance amount as per G.O.Ms.No.678 dated 16.05.2014.

In view of the above, the writ petition is disposed of giving liberty to the petitioner to claim the amount as per G.O.Ms.No.678 dated 16.05.2014 in accordance with law. No costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 15.09.2015
dv