

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

WRIT PETITION No.22403 of 2015

Between:

M/s. Janapriya W.L.C.C. Society,
Rep. by its Secretary,
Mr. Guravaiah, S/o. Venkateswarlu,
Aged 44 years, D.No.17-1-391/S/585,
Singareni Colony, Saidabad,
Hyderabad.

.. Petitioner

AND

State of Andhra Pradesh,
Rep. by its Principal Secretary,
MA & UD Department, Secretariat,
Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 20.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

- | | | |
|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | Yes/No |

-

-

-
-
-

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.22403 of 2015

-

ORDER:

The petitioner is a society. Petitioner submitted tender in response to the tender notification for construction of CC Drains at West side of Lalpuram Main Road in Guntur Town, from KVP Colony 2nd Lane towards NH-5 for three reaches. The petitioner was the successful bidder and the work was entrusted to him vide proceedings, dated 07.05.2011, for all three reaches. The cumulative value of the work comes to approximately Rs.86,00,000/-. In pursuant to the acceptance of bids of the petitioner, agreements were executed and the petitioner claims to have commenced his work. The petitioner could not complete the work since certain obstacles in the area where the work was to be executed was not removed. Several times the petitioner requested the authorities to remove those obstructions so that he can undertake the work properly, but so far, they are not removed and as a consequence, the petitioner is unable to complete the work entrusted to him. On account of the inordinate delay in removing the encroachments/obstructions, grave prejudice is caused to the petitioner in execution of the work and on the ground that the work is incomplete, the bills payable to the petitioner are not settled. On account of this inordinate delay, the petitioner is subjected to recurring loss. Ventilating his grievance, the

petitioner claims to have submitted representations on 24.12.2011 and 12.07.2012, but there is no progress so far. The petitioner has also issued a legal notice on 11.08.2014 and alleges that no reply is given to the said notice.

2. The averments made in the affidavit filed in support of the writ petition disclose that there are certain disputes relating to the manner and method of execution of contract entered into by the petitioner with the respondent Corporation. Admittedly, the petitioner has not executed the work and the petitioner attributes the delay in execution of the work to the respondent Corporation on the ground that the encroachments/obstructions are not removed. These are issues arising out of contract, which cannot be resolved in the writ proceedings. The copy of the contract entered into by the petitioner with the respondent Corporation is not filed. It is not stated whether the agreement incorporated a provision of resolution of disputes by arbitration. The affidavit filed in support of the writ petition is silent on the said issue. If the petitioner has a remedy to agitate on disputes arising out of contract by way of arbitration, the grievance raised herein requires to be agitated in the said manner. If there is no provision of arbitration, the petitioner may have to work out his civil remedy to seek to resolve the disputed questions of fact, arising out of contract entered into by the petitioner with respondent Corporation.

3. Accordingly, the Writ Petition is dismissed. However, it is left open to the petitioner to work out his remedy as available in law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

P.NAVEEN RAO, J

Date: 20th July, 2015

KL



HON'BLE SRI JUSTICE P.NAVEEN RAO

KL