

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.28503 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents 1 to 4 in not releasing the 5% retention amount from the bills for the years 2014-15 and 2015-16 as illegal and arbitrary.

2. Heard the learned counsel for the petitioner, the learned Government Pleader for Energy, representing the first respondent, learned standing counsel for A.P.S.P.D.C.L., representing the respondents 2 to 4 and Sri B.Narasimha Sarma, learned standing counsel for respondent No.5.

3. A perusal of the record reveals that the petitioner is a special grade contractor and has been executing the contract works pertaining to respondents 2 to 4. Respondents 2 to 4 retained 5% of the bill amount for the years 2014-15 and 2015-16. The learned standing counsel for respondents 2 to 4 submitted that the respondents have received a letter from the fifth respondent to stop 5% of the bill amount. A perusal of the record clearly reveals that on 04.05.2016 the fifth respondent addressed a letter to the fourth respondent directing them to withhold the bills of the petitioner till the coverage of the establishment under EPF & MP Act, 1952. Basing on the letter of the fifth respondent, the fourth respondent retained 5% of the bill amount.

4. The contention of the learned counsel for the petitioner is that Employees Provident Fund Act is not applicable to the contract works executed by the petitioner. A perusal of the record reveals that the petitioner herein submitted a representation to the

fifth respondent on 26.05.2016. For one reason or the other, the fifth respondent has not disposed of the representation of the petitioner.

5. At the time of arguments, the only relief sought by the petitioner is that the fifth respondent may be directed to dispose of the representation of the petitioner as expeditiously as possible. Learned counsel for respondents also consented for the same.

6. In view of the submissions made by both counsel, this Court is not inclined to go into the merits of the main case.

7. Having regard to the facts and circumstances of the case and also the submissions made by both the counsel, the fifth respondent is hereby directed to consider and dispose of the representation of the petitioner dated 26.05.2016 as expeditiously as possible, preferably, within a period of one month from the date of receipt of copy of this order.

8. Accordingly, this writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

August 30, 2016.

Rns.