

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26984 of 2011

ORDER:

This writ petition is filed questioning the action of the respondents in adopting the method of calculation while paying difference of prices for cement, steel and fuel contrary to the terms of agreement and G.O.Ms.No.94 (Transport, Roads & Buildings (R-1) Department) dated 16.04.2008 as illegal and consequently direct the respondents to deduct the basic price from the prices fixed by the Board of Chief Engineers, if the price increased 5% above from the basic price as per the conditions of the agreement and G.O.Ms.No.94 and also to direct the respondents to reimburse an amount of Rs.68,70,027/- which was already deducted from running accounts bills at 5% over the agreement rates to that of market rates in the interest of justice.

When the matter is taken up for hearing, learned counsel for the petitioner as well as learned Government Pleader submits that this issue is similar to the one considered by this court in W.P.No.32266 of 2015 dated 05.10.2015 which was allowed by following the earlier orders of this court in W.P.Nos.4838 and 16583 of 2011 dated 17.06.2015. Further, it may also be noted that aggrieved by the order passed in W.P.No.4838 of 2011, the respondents therein preferred appeal viz., W.A.No.1349 of 2016 before a Division Bench of this court and the same was dismissed by order dated 08.12.2016.

In view of the above, following the orders passed by this court, referred supra, this Writ Petition is accordingly allowed.

Office to append a copy of the order in W.P.Nos.4838 and 16583 of 2011 dated 17.06.2015 and also W.P.No.32266 of 2015 dated 05.10.2015 to this order.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

December 8, 2016
LMV

JUSTICE CHALLA KODANDA RAM

