

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
CONTEMPT CASE No.157 OF 2016

ORDER:

This Contempt Case is filed alleging non-implementation of the order dated 22.12.2014 in W.P.No.21114 of 2010.

2. In the said writ petition, the proceedings of the second respondent therein dated 30.04.2010 were set aside and respondents 2 and 3 therein (respondents herein) were directed to execute the work in accordance with the proceedings of the second respondent dated 11.01.2010.

3. Now a counter-affidavit is filed by the second respondent stating that in view of the passage of time, the rates that were fixed in the year 2010 did not workout and the contractors are not willing to execute the work as per old rates. In those circumstances, they placed the matter before the Municipal Council which agreed to enhance the rates, but proportionately reduced the quantity of work. The relevant portion of the counter-affidavit reads as follows:

“ 7. I submit that this respondent has not other option except to get the approval of the council for sanction of differential escalated amount as per the revised SSR rates from its general funds. Accordingly this respondent placed this matter before the council meetings on 31.08.2015 and 30.12.2015 seeking revision of the rates as requested by the contractors. That the council resolved that to brought to the notice of the 2nd respondent for appropriate orders but not approved the sanction of amount from its general funds to meet as per revised SSR as requested by the contractors. I submit that the council resolved that same vide CR.No.210 dt.31.08.2015 to seek for opinion of the Municipal Standing Council of Ichapuram in respect of subject matter and also to get appropriate orders from the 2nd respondent herein only. I submit that this respondent has again placed the subject matter before the council on 19.02.2016 for appropriate orders as per the representation of the contractors for revision of SSR rates, that the council in its CR.No.219 dated 19.02.2016 resolved to revise the Estimates as per present rates and also approved to take up the works within the sanctioned amount (i.e., within 32.50 lakhs). In view of the revision of the present SSR rates, I respectfully submit that the quantity of the works shall be reduced proportionate to the amount escalated due to revision of the rates from 2008-09 to 2015-16 SSR, and the works will be revised as

per present rates, and this respondent can execute the works within the period of 3 months with the contractors who were already nominated vide proceedings dated 11.01.2010 in compliance of the orders of the Hon'ble Court."

4. In the circumstances, this Court feels that the order of this Court is not violated and hence the Contempt Case is dismissed. No order as to costs.

A.RAMALINGESWARA RAO, J

Date: 01.04.2016
TJMR