

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 31694 of 2011

Order:

This Writ Petition was filed for the following relief.

“Issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in withholding and deducting 0.25% of the gross bill amounts payable to the petitioners for the works executed by the petitioners vide agreements, towards NAC and CM's Relief Fund, by referring to GO Ms. No.92, TR&B (B1) Dept., dated 19.05.1998, GO Ms. No.98, I&CAD Department, dated 05.07.2000, GO Ms. No.61, TR&B Department, dated 30.10.2004, which were set aside by this Court in WA No.2117 of 2005 and batch and WA No.279 of 2009 and batch, vide orders dated 21.07.2010 and 28.06.2011 respectively as illegal and unconstitutional and consequently to direct the respondents not to recover 0.25% of amount towards NAC & CM Relief Fund from the gross bills payable to the petitioner and further direct to refund the amounts which were already recovered towards NAC & CMRF from the work carried out by the petitioners vide agreements.”

2. The issue raised in the present Writ Petition is covered by a batch of cases disposed of by the Division Bench of this Court in WA No.2117 of 2005 and batch, dated 21.07.2010. This Court held that the respondents cannot recover any amount towards contribution to the National Academy of Construction (NAC) and when a learned single Judge of this Court set aside the recovery of amounts, the same was confirmed in the above orders of the Division Bench of this Court.

3. In view of the same, this Writ Petition is allowed in terms of the said orders. However, in the circumstances, no costs.

4. As a sequel thereto, the miscellaneous petitions, if any, pending

in this Writ Petition shall stand closed.

A.
Date: 03.03.2016
Nsr

RAMALINGESWARA RAO, J.