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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.22356 of 2010

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ORDER:

This writ petition was filed for the following relief:

“to issue an appropriate writ, order or direction more particularly a direction in the nature of Writ of Mandamus declaring the action of respondents 5 and 6 in deducting an amount equivalent to 0.10% from the gross bills of petitioner towards its contribution to N.A.C. under Agreement No.72SE/2008-09 dated 02.03.2009 for a value of Rs.10,33,28,752/- in respect of "*Formation of new tank across Rallakalava near Vethalathaduku village, Narayanavanam Mandal of Chittoor District*" being executed under the direct supervision of respondents 3 and 5 and under Agreement bearing No.33SE/2009-2010 for an initial value of Rs.6,14,11,914/- in respect of "*Reconstruction of existing washed away anicut across Sagileru river near Kamalakur village to provide irrigation facility to Kamalakur tank and other tanks in Atiloor Mandal of Kadapa District*" under the supervision of respondents 4 and 6 more particularly in view of instruction No.5.1 of Instruction to Bidders as arbitrary, illegal and without any authority and consequently direct respondents 5 and 6 to refund the excess amount deducted towards N.A.C. to the petitioner.”

The issue raised in this writ petition is no longer *res integra*. A learned Single Judge of this Court held that such withholding of amount is bad in law, and against the same, the State preferred W.A. No.2117 of 2005 & batch but the same was dismissed by a Division Bench of this Court on 21.07.2010. The said decision was reported in 2010 (5) ALT 787 (DB) [**State of Andhra Pradesh, rep. by its Special Chief Secretary to Government, Transport, Roads & Buildings (B.I) Department v. National Academy of Construction, Hyderabad rep. by its Director General Sri R.C. Sinha**].

In view of the authoritative decision of the Division Bench of this Court confirming the order of learned single Judge, this Writ

Petition is allowed. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

21.04.2016

MVA