

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 28015 of 2011

Order:

This writ petition was filed for the following relief.

“Issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent in calling upon the petitioners 1 to 4 to remit 1% of the construction cost amounting to Rs.4,09,886/- and Rs.4,15,116/- by the first petitioner,

Rs.6,91,416/- by the second petitioner, Rs.12,72,839/- by the third Petitioner and Rs.4,65,054/- by the fourth petitioner as building and other construction workers' welfare fund towards part of plan approval fee through their Lr.No. APSEZ/ATP/IALA/Brnadix/CWTP/07, dated 05.05.2011, for Central Water Treatment Plant of the first petitioner and Lr.No. APSEZ/ATP/IALA/Brandix/ETP/07, dated 06.05.2011, for Effluent Treatment Plant of the first Petitioner, Lr.No. APSEZ/ATP/IALA/BAIPL-18A/07, dated 08.04.2011, to the second petitioner, Lr.No. APSEZ/ATP/IALA/OIPL-Plot No.15/07, dated 10.11.2010, to the third petitioner and Lr.No. APSEZ/ATP/IALA/Brandix/PE(I)PL/07 to the fourth petitioner as arbitrary, illegal and void and against to the provisions of the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, and Rules framed thereunder.”

2. The relief sought for by the petitioners in the present writ petition was considered in identical writ petitions in WP No.9111 of 2010 and batch and the learned single Judge of this Court allowed the said writ petitions on 28.11.2013 holding that the levy of cess was invalid. It appears that against the said order Writ Appeal No.806 of 2015 was filed and the same was allowed on 06.08.2015.

3. In view of the same, nothing survives for adjudication in the present writ petition. Accordingly, the Writ Petition is dismissed as infructuous. There shall be no order as to costs.

4. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.
Date: 01.03.2016
Nsr

RAMALINGESWARA RAO, J.