

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**MONDAY, THE FOURTH DAY OF APRIL TWO
THOUSAND AND SIXTEEN**

Present

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.18461 of 2012

Between:

M/s.Patel KNR Heavy Infrastructures Pvt. Ltd.,
12th Square Building, 3rd Floor,
Road No.14, Banjara Hills,
Hyderabad,
Rep. by its Authorized Signatory Sri B.S. Reddy.

.. Petitioner

AND

Government of Andhra Pradesh,
Rep. by its Principal Secretary – Irrigation Dept.,
Secretariat, Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE S.V. BHATT

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WRIT PETITION No.18461 of 2012

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ORDER:
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The petitioner challenges communication No.C5/508/2012, dated 05.06.2012, as violative of principles of natural justice, illegal and unauthorized. The 2nd respondent, through the impugned communication, called upon the petitioner as follows:

“Since monsoon is fast approaching and there was considerable delay in taking up restoration work by M/s KNR Constructions (Patel KNR Heavy Infrastructures Pvt. Ltd.), the contractor is directed to deposit an amount of Rs. 1,48,03,219/- on or before date 17-6-2012 to the Irrigation Department ie., DD / Cheque in favour of Pay and Accounts Officer, Nirmal payable at Nirmal for taking up restoration work by the Irrigation Department.”

2. The petitioner challenges the impugned communication on several factual and legal submissions. The foremost contention which is not seriously disputed by the respondents is that the 2nd respondent, either while issuing the impugned communication, dated 05.06.2012, or at any one of the pre-decisional stages, did not put the petitioner on notice, for if the 2nd respondent had put the petitioner on notice and the places/extent of filling up is measured and determined in the presence of either petitioner or its officers, there would have been

accuracy in the actual amount payable by the petitioner and according to the petitioner in the case on hand, a notional figure basing upon the report submitted by the Irrigation Department, the amount payable is determined and impugned communication is issued.

3. The learned Assistant Government Pleader tried to persuade this Court by drawing the attention of the Court to various replies in the counter affidavit filed on behalf of the respondents. What is important to note is that the counter affidavit filed by respondent No.3 cannot and could not answer the allegation of violation of principles of natural justice by the 2nd respondent. The amount now called upon from the petitioner is reasonably substantial. It is, therefore, expedient that the 2nd respondent causes enquiry into the allegations, extent of filling up, location, etc., in the presence of petitioner and appropriate orders are passed within stipulated period. I am satisfied that on the first objection, there is no serious dispute.

4. The Writ Petition is disposed of as follows:

The impugned letter, dated 05.06.2012, is set aside and the matter is remitted to the 2nd respondent for consideration afresh after giving opportunity to the petitioner to make representation or participate in the enquiry that the 2nd respondent intends to conduct in this behalf. The 2nd respondent concludes the enquiry within a period of six (6) weeks from the date of receipt of a copy of this order. The amount retained by respondent Nos.3 and 4 is directed to be continued in the same account till a final decision is taken and communicated to the parties.

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

S.V. BHATT, J

Date: 4th April, 2016

Note: Issue C.C. in one (1) week.

(B/o.)
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HON'BLE SRI JUSTICE S.V. BHATT

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Date: 4th April, 2016

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