

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.25164 of 2017

ORDER:

Heard learned counsel for the petitioners and the learned Standing Counsel for the respondents.

Petitioners herein are the contractors, executing the works of the fifth respondent-Mandapeta Municipality.

In the present Writ Petition, the grievance of the petitioners is the impugned action on the part of the fifth respondent-Mandapeta Municipality in not adhering to the orders of the Government issued in G.O.Ms.No.94 dated 16.04.2008. Vide the said orders, the State Government introduced the benefit of price adjustment to the contractors as per sub-clause No.viii of para No.5. The said orders are made applicable to the local bodies also. It is also brought to the notice of this Court that, earlier, the second petitioner herein approached this Court when similar problem cropped up in respect of some other work vide W.P.No.16319 of 2011. A learned Single Judge of this Court dismissed the said Writ Petition by way of an order dated 02.12.2011. Assailing the same, the second petitioner herein preferred W.A.No.112 of 2012. A Division Bench of this Court, by virtue of an order dated 25.01.2012, allowed the said Writ Appeal, declaring that the appellant therein would be entitled to price escalation in terms of the said Government order vide G.O.Ms.No.94 dated 16.04.2008.

It is not the case of the respondents herein that the instructions of the Government issued vide G.O.Ms.No.94 dated 16.04.2008 have been superseded. So long as the said Government Order continues to be in force, the fifth respondent herein is obligated to adhere to the said conditions of the said G.O.

Accordingly, the Writ Petition is allowed, directing the respondents herein to extend the benefit of G.O.Ms.No.94 dated 16.04.2008 to the petitioners herein and to act accordingly.

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

10th October, 2017.
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A.V.SESHA SAI, J

