

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.18132 of 2017

ORDER :

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the letter issued by the 3rd respondent vide Letter No.EE/ VGP/ DRL/ DB/ AEE/ T1/ 2017/ 100M, dated 24.04.2017 wherein and where under the 3rd respondent requested the petitioner to submit escalation proposals towards fuel escalation and labour, machinery and other materials by deducting VAT and seigniorage in the R value i.e., value of work done and excess of payment made towards fuel escalation and labour, machinery and other materials upto 10/ 2016 will be deducted in future bills, as being illegal, arbitrary and against the principles of natural justice and contrary to law and contrary to Clause 46.3 of Agreement No.10/ 2007-08 dt.21.06.2007 and also contrary to GO Ms.No.22 dated 23.02.2015 and as well as against the Articles 14, 19, 21 and 300-A of the Constitution of India and more so against the orders passed by this Hon’ble Court dated 24.03.2017 in W.P.No.7853 of 2017 and consequently to set aside the same in the interest of justice and pass such other order or orders as this Hon’ble Court may deem fit and proper.”

Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation representing respondents and perused the prayer and also the writ petition affidavit with enclosed material.

During the course of hearing, it is the submission of the learned Government Pleader for Irrigation that since the writ petition is filed questioning the impugned letter dated 24.04.2017 of the 3rd respondent-Executive Engineer, VGP Division, Dornala, which is not issued in a proper way, the respondents-Authorities are not acting upon and withdrawing the same.

Recording the above submission, the Writ Petition is disposed of at the stage of admission. It is needless to state that mutual agreement prevails on both the parties, without prejudice to the right of the respondents to issue a detailed letter after seeking clarification and to pass appropriate orders.

Consequently, miscellaneous petitions, if any, pending shall stand closed. No costs.

Dr. B.SIVA SANKARA RAO J,

Date:09.06.2017
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