

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.41223 OF 2017

O R D E R

This writ petition is filed for a writ of mandamus declaring the action of the respondents in withholding / non payment of the so called maintenance charges @1% in addition to 7.5% from the bills of the petitioner/contractor in the absence of such an enabling provision in agreement No.12SE/2007-2008 dated 17-08-2007, as illegal and arbitrary and consequently direct the respondents to forthwith release and pay the additional maintenance charges and direct the respondents not to withhold 1% towards maintenance charges in addition to 7.5%.

The learned counsel for the petitioner submits that the issue involved in the present writ petition is squarely covered by an order of this court in W.P.No.10418 of 2012 dated 13.04.2012. The learned Government Pleaders appearing for the respondents does not dispute the same.

The operative portion of the order dated 13.04.2012 in W.P.No.10418 of 2012 reads as under:

“In the result, the writ petition is allowed declaring that the respondents are not entitled to retain any amounts from the running bills of the petitioner-contractor over and above 7.5% of the retention amount as warranted by and in terms of Clause – 47 of the Conditions of Contract set out in Part-A Volume 1 of the contract between the parties and that deduction of 1% amount towards maintenance charges over and above 7.5% recovered in Clause 47 cannot be retained by the respondents.”

The present writ petition is allowed in terms of the above order of this court.

Miscellaneous petitions pending, if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE:20—12—2017
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