

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.13684 of 2010

Order:

This Writ Petition is filed to declare the action of the respondents in not revising the contract work rate of the petitioner by including 1% towards labour cess at the risk and costs of the respondents in respect of payments made after 26.06.2007 pertaining to execution of Sattenapalli Water Supply Improvement Scheme – HUDCO Phase-III – Construction of 1904 ML capacity Summer Storage Tank at Vaddavalli village, Guntur district, allotted to the petitioner by revising the estimates as per U.O. Note No.4763/PFS.F8(A1)/98-4, Finance (W&P) Department, dated 28.02.2008, and in deducting 1% labour cess from out of the payments made and being made to the petitioner after 26.06.2007 as arbitrary and illegal.

When the matter is taken up for hearing today, both the learned counsel for the petitioner and learned Government Pleaders submitted that the subject matter of this Writ Petition is squarely covered by the decision of this Court in WP No.15913 of 2009 and batch, dated 12.10.2018, wherein this Court by following the judgment of the Hon'ble Supreme Court reported in Lanco Anpara Power Limited v. State of Uttar Pradesh¹, dismissed the writ petitions by observing as follows.

“It is submitted by the learned counsel for the petitioners as well as the learned Government Pleaders appearing for the respondents that the issue involved in these Writ Petitions pertains to 1% labour cess required to be paid by the builders and construction companies in terms of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and it is no longer *res integra* in view of the

¹ 2016(10) SCC 329

judgment of the Apex Court in Lanco Anpara Power Limited v. State of Uttar Pradesh and others.

In the light of the above, all these Writ Petitions are dismissed.”

Following the same, this Writ Petition is dismissed on the same and similar terms. There shall be no order as to costs.

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

KONGARA VIJAYA LAKSHMI, J.

Date: 14.11.2018
Nsr



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