

HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No. 5716 of 2004

ORDER:

Heard the learned counsel for the petitioner as well as the respondents.

The present writ petition is filed seeking a mandamus declaring the action of the 4th respondent in withholding Rs.44,69,387/- due and payable under the Agreement No.71/APERP/99-2000 dated 04.08.1999 as illegal and arbitrary and consequently direct the 4th respondent to pay the petitioners a sum of Rs.44,69,387/- due and payable under Bill No. XI dated 22.01.2003.

The learned counsel appearing on behalf of the petitioner would mainly contend that the agreement entered into between the petitioner and the respondents is not governed by the provisions of P.S. to A.P.S.S. since there is no clause in the copy of the agreement signed between the parties.

Per contra, the learned Government Pleader appearing on behalf of the respondents 1 to 4 placed before the Court the original agreement bond entered into between the respondents and the petitioner. Perusal of the same would reveal that at Serial No.12 it is mentioned that the contractor has signed the additional copy of A.P.S.S. and its addenda. Therefore, the plea taken by the petitioner that he has not governed by the provisions of P.S. to

A.P.S.S, is not available to him. Therefore, there is no merit in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs. However, it is open for the petitioner to take steps available to him as per law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P. KESHA VA RAO,J

Date:19.01.2018
ccm



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