

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.31249 of 2018

ORDER :

Heard Sri S.Satyam Reddy, learned Senior Counsel appearing for Ms.K.V.Rajasree, learned counsel for petitioner and the learned Government Pleader for Irrigation appearing for respondents.

2. Petitioner has assailed the proceedings dt.20-08-2018 of the 3rd respondent directing the petitioner to remit Rs.7,18,60,000/- to the 2nd respondent and threatening to invoke the Bank Guarantees worth Rs.4,96,95,000/- given by petitioner in regard to execution of certain civil works in connection with Mid Manair dam, which had been entrusted to him on 10-02-2006 and a portion of which works were withdrawn on 06-08-2011.

3. Learned counsel for petitioner contends that the invocation of Bank Guarantees by 2nd respondent is illegal, arbitrary and violates Articles 14 and 300-A of the Constitution of India and that the very claim of 2nd respondent is time barred. He also contends that petitioner wants to submit a representation to the 2nd respondent in relation to the impugned notice and that the said representation be directed to be considered by 2nd respondent.

4. Learned Government Pleader for Irrigation appearing for respondents supports the impugned proceedings.

5. In view of the request of the learned counsel for petitioner, the Writ Petition is disposed of permitting the petitioner to make a representation to the 2nd respondent in regard to petitioner's pleas regarding the validity thereof and other matters within one week from today, and the 2nd respondent is directed to consider the same in accordance with law and communicate his decision to the petitioner within four (04) weeks thereafter. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 30.08.2018

Vsv

