

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.38350 of 2018

ORDER:

The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.3 in issuing the proceedings dated 03.05.2018, rejecting the request of the petitioner for refund of deposit amount by canceling the agreement due to the failure of the respondents in handing over and marking the site for special repairs to Nalgonda to Elchuru road by providing C.C.Pavement from Kms.29/0 to 29/900 (Muthukunamalli village limits) in Guntur District, and consequently issuing the proceedings dated 24.09.2018, by respondent No.4 for encashment of bank guarantee of Rs.1,90,300/- submitted by the petitioner firm basing on the incorrect report submitted by respondent No.4, dated 06.01.2018, as illegal and arbitrary.

2. Pursuant to the orders passed by this Court on 13.11.2018, learned Government Pleader placed on record the instructions received from the office of the Executive Engineer dated 15.11.2018.

3. The contents of the instructions would show that the petitioner – firm has approached the Superintending Engineer (R&B) Circle, Guntur – respondent No.3 and gave their consent to execute the above work, pursuant to which, the matter was discussed with the Chief Engineer (R&B) MDRs, Vijayawada on 15.11.2018, by respondent No.3, wherein it was decided to revoke the contract, on the following conditions:

- “1. The Firm shall extend the BG/ DD as per relevant and suitable Clause of the Agreement.
2. The clause No.48 of the Agreement shall be taken into consideration and suitable LDs shall be imposed while revoking the Contract.

3. The work need to be completed in all respects within, not more than 6 months. Period of extension shall be 6 months or less than 6 months as approved by the competent authority.
4. All other Agreement conditions shall remain unaltered”.

4. Having regard to the above, no further orders are necessary in the present Writ Petition.

5. Accordingly, the Writ Petition is closed.

6. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Date:27.11.2018.
vnb



C.PRAVEEN KUMAR, J