

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE TWENTY EIGHTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 38830 OF 2014

Between:

M/s Hyderabad Coach Builders and Fabricators, a proprietary concern, having its unit at Plot No. 45/A, Phase I, I.D.A. Jeedimetla Hyderabad, rep. by its sole proprietor Mr. M. Ramesh son of Sri M. Ramaswamy aged 62 years, R/o Sainikpuri, Secunderabad

...PETITIONER

AND

1. Andhra Pradesh State Road Transport Corporation, Hyderabad, rep. by its Vice Chairman and Managing Director
2. Executive Director (Engineering), Andhra Pradesh State Road Transport Corporation, Hyderabad
3. Chief Mechanical Engineer, (Chassis and Bodies) Andhra Pradesh State Road Transport Corporation, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of Mandamus declaring the high handed action of the respondents in unilaterally reducing the basic price of the super luxury bus bodies from the agreed price of Rs.5,74,000/- to Rs.5,29,346/- in respect of work order Nos. 2/2013-MED dt. 27.5.2014, 2-T/2013-MED dt. 27.5.2014 and work order No. 2/2013-MED dated 21.8.2014 by issuing No. TL5/74(1)/2014 - MED dated 16.7.2014, and unilaterally recovering the amounts from the bills payable to the petitioner in respect of the said work orders besides recovering the difference of amounts of the already paid bills, without considering and disposing of the several representations of the petitioner as being illegal, arbitrary, without jurisdiction,

contrary to the principles of natural justice and violative of Art. 14 of the Constitution of India, and consequently set aside the letter dt. 16.7.2014 by directing the respondents to forthwith refund the recovered amounts from the petitioner till date in respect of the above said work orders

I.A. NO: 1 OF 2014(WPMP. NO: 48623 OF 2014)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to Lr. No. TL5/74(1)/2014 - MED dated 16.7.2014 issued by the respondents, including recovery of the amounts from the bills submitted by the petitioner in respect of three work order Nos. 2/2013-MED dt.27.5.2014, 2-T/2013-MED dt.27.5.2014 and 2/2013-MED dt.21.8.2014, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI M. KARUNA SAGAR

Counsel for the Respondents: SRI THOOM SRINIVAS (SC FOR TSRTC)

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.38830 OF 2014

ORDER:

No representation on behalf of learned counsel for the petitioner when the case is called on 16.08.2023. Though the matter is listed under the caption "for dismissal" today i.e., on 28.08.2023, yet there is no representation on behalf of learned counsel for the petitioner when the case is called.

2. Learned counsel appearing on behalf of the respondents brings to the notice of this Court that the cause of action in the present writ petition does not survive for adjudication.

3. Bringing the said submission on record, the writ petition is dismissed as infructuous. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ

Petition, shall stand closed.

//TRUE COPY//

**SD/- G. SIREESHA
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. One CC to Sri M. Karuna Sagar, Advocate [OPUC]
2. One CC to Sri Thoom Srinivas (SC for TSRTC) [OPUC]
3. Two CD Copies

TJ
GJP



HIGH COURT

DATED:28/08/2023

ORDER

WP.No.38830 of 2014



**DISMISSING THE WP
AS INFRUCTUOUS
WITHOUT COSTS.**

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MMA
19/9/2023