APHC010277192026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3327]**
(Special Original Jurisdiction)

MONDAY, THE 16th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

WRIT PETITION NO: 27307/2026

Between:

1. M/S MADHAVI ENGINEERING CONSTRUCTIONS, MADHAVI ENGINEERING CONSTRUCTIONS, HAVING ITS REGISTERED OFFICE AT 7-270, SUJATHA NAGAR, 3RD LANE, NEAR POLICE GROUND, ONGOLE, PRAKASAM DISTRICT 523001, REPRESENTED BY IT MANAGING DIRECTOR, KALLURI AJAY KUMAR GHOSH.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, WATER RESOURCES DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT- 522238.
2. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF FINANCE AND PLANNING, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT- 522238.
3. THE ENGINEERINCHIEF IRRIGATION, WATER RESOURCES DEPARTMENT, NEAR P.W.D. GROUNDS, VIJAYAWADA, NTR DISTRICT- 520010.
4. THE SUPERINTENDING ENGINEER, P.I.P.FTM.C. CIRCLE, ELURU, ELURU DISTRICT 534001.
5. THE EXECUTIVE ENGINEER, P.I.P.R.M.C. DIVISION NO. 2, TADEPALLIGUDEM, WEST GODAVARI DISTRICT- 534101.

6. THE PAY AND ACCOUNTS OFFICER, WORKS AND ACCOUNTS, ELURU, ELURU DISTRICT 534001.

...RESPONDENT(S):

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 a Writ or Order or direction, more particularly one in the nature of WRIT OF MANDAMUS, declaring the inaction of the respondents in releasing the deposit amounts (Earnest Money Deposit E.M.D.) payable to the Petitioner to a tune of Rs. 17,03,251/- Rupees Seventeen Lakhs Three Thousand Two Hundred and Fifty-One only for the works executed by the Petitioner as illegal, arbitrary, unreasonable and against the Articles 14 and 21 of the Constitution of India, 1949 and consequently direct the respondentsto pay the deposit amounts (Earnest Money Deposit- E.M.D.) payable to the Petitioner to a tune of Rs. 17,03,251/- Rupees Seventeen Lakhs Three Thousand Two Hundred and Fifty-One only and pass

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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 pleased to condone the delay of 83 days in representing the W.P.S.R. No. 22222 /2026 before this Hon'ble Court and pass

Counsel for the Petitioner:

1. BANDLA PAVAN

Counsel for the Respondent(S):

1. GP FOR IRRI AND CAD
2. GP FOR FINANCE PLANNING

The Court made the following:

O R D E R

This Writ Petition is filed seeking the following relief:

> "….to issue a Writ or Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction of the respondents in releasing the deposit amounts (Earnest Money Deposit E.M.D.) payable to the Petitioner to a tune of Rs. 17,03,251/- for the works executed by the Petitioner as illegal, arbitrary, unreasonable and against the Articles 14 and 21 of the Constitution of India and consequently direct the respondents to pay the deposit amounts (Earnest Money Deposit- E.M.D.) payable to the Petitioner to a tune of Rs.17,03,251/- and pass such other order…"

2. Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Irrigation and the learned Assistant Government Pleader for Finance and Planning.

3. The petitioner claims to be engaged in the execution of civil works and that it was entrusted with various works on a tender basis. It is the case of the petitioner that it was awarded a contract for execution of the works viz. (1) Earth work excavation of and forming Embankment from Km.18.993 to Km.19.775 of PIPRMC Package.II, (2) Earth work excavation from Km.36.500 to Km.37.00 of PIPRMC Package No.II and (3) Construction of Single Lane Bridge @Km.31.100 PIPRMC Package.II. It is the case of the petitioner that it executed the works to the satisfaction of the authorities concerned, and upon completion of the works, the respondent authorities measured the same and recorded the measurements in the Measurement Books.

4. It is the grievance of the petitioner that notwithstanding the completion of the works and its measurement by the competent authorities, the Earnest Money Deposit (EMD) amount due has not been paid till date. According to the petitioner, although the works were completed long back, the respondent

authorities are not releasing the admitted E.M.D. amount payable to it. Aggrieved by the non-payment of the said amount, the petitioner filed the present Writ Petition.

5. Learned Assistant Government Pleader for Irrigation, on written instructions received from the Executive Engineer, PIPRMC Division No.2, Tadepalligudem-5th respondent herein, submits that due to technical issue encountered while uploading the bill on the NIDHI Portal the payment could not be processed. He further submits that necessary efforts are being made to resolve the technical issue and process the payment at the earliest. The written instructions are placed on record.

6. Since the amount payable is admitted and undisputed, Writ Petition is maintainable. In ***M/s.Utkal Highways Engineers and Contractors v. Chief General Manager & Ors***[1], it was held at Para No.8 as under:

> "Be that as it may, the High Court has not dealt with the merits of the Writ Petition. Moreover, it is not an inviolable rule that no money claim can be adjudicated upon in exercise of writ jurisdiction. Non-payment of admitted dues, inter alia, may be considered an arbitrary action on the part of respondents and for claiming the same, a Writ Petition may lie. Further, throwing a Writ Petition on ground of availability of alternative remedy after 10 years, particularly, when parties have exchanged their affidavits, is not the correct course unless there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence."

7. Having regard to the fact that there is no dispute with regard to the works executed by the petitioner and the amount payable to it, and in view of the submissions of the learned Assistant Government Pleader for Irrigation, the respondent authorities are directed to release admitted Earnest Money Deposit (E.M.D.) amount of Rs.17,03,251/- to the petitioner within a period of Eight (8) weeks from the date of receipt of a copy of this order.

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[1] 2025 SCC OnLine SC 1400

8. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE K. SREENIVASA REDDY

Date: 16.11.2026
MS / DS

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Writ Petition No.27307 of 2026

Date: 16.11.2026

MS