APHC010481412014

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Bench Sr.No:-12 [3584]

WRIT APPEAL NO: 190 of 2014

The Superintendent Engineer, I & Cadd, Indira Sagar Left Main Canal and Others ...Appellant(s)

Vs.

M/s Patel Soma JV, A Joint Venture Entity of M/s Patel and Others ...Respondent(s)

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CORAM : THE CHIEF JUSTICE LISA GILL

SRI JUSTICE CHALLA GUNARANJAN

DATE : 2nd November 2026

Present:

Advocate for Appellant: GP FOR IRRIGATION & COMM AREA DEV

Advocate(s) for Respondent(s): S V S CHOWDARY,

GP FOR FINANCE & PLANNING

JUDGMENT: (per Hon'ble Sri Justice Challa Gunaranjan)

This appeal is directed against order dated 05.05.2010 in W.P. No. 10973 of 2010, whereby learned Single Judge allowed the writ petition following order dated 19.07.2005 in W.P. No.23750 of 2000 and batch.

2. (a) 1st respondent filed writ petition challenging the action of appellants in withholding and deducting 0.25% of gross bill amounts, purportedly based on G.O.Ms.No.98, Irrigation & CAD (PW-COD) Department, dated 05.07.2000, G.O.Ms.No.61, TR & B Department, dated 11.04.2000 and G.O.Ms.No.159, TR & B Department, dated 30.10.2004, as illegal, arbitrary, and unconstitutional and consequently sought for refund of the amounts already deducted.

(b) 1st respondent had been entrusted with the contract of design and execution of works comprising Survey Site Clearance, Earthworks, Site Access Road Works Site Offices and Associated works of Polavaram Left Main Canal Package - I under agreement dated 17.03.2005. In the process of release of payment of the bills for works executed, it is stated that appellants, by virtue of G.O.Ms.No.98, dated 05.07.2000, G.O.Ms.No.61, dated 11.04.2000 and G.O.Ms.No.159, dated 30.10.2004, deducted an amount of 0.25% of gross bills in order to remit the same to National Academy of Construction and Chief Minister's Relief Fund.

(c) Challenging the same, writ petition was filed. Writ Court disposed writ petition following the order dated 19.07.2005 passed

in W.P. No.23750 of 2000, which was upon consent of both learned counsels for the parties. The appellants/respondents were also directed to refund the amounts to writ petitioners, if any, already recovered from the bills.

3. Heard learned Government Pleader for Irrigation for appellants and Sri S.V.S.Chowdary, learned counsel appearing for 1st respondent.

4. Learned counsel for 1st respondent, at the outset, submits that, firstly, the impugned order under challenge was passed based on consent, thus, very filing of appeal itself is misconceived. Even otherwise, order dated 19.07.2005 in W.P. No.23750 of 2000 has been confirmed by Division Bench of common High Court in **State of Andhra Pradesh v. National Academy of Construction, Hyderabad**[1]. Following the same, by order dated 28.06.2011, another Division Bench of Common High Court in **M/s.National Academy of Construction, Hyderabad v. M/s.IVRCL Infrastructures and Projects Limited**[2] allowed Writ Appeal. Further, SLP(C) C.C. Nos.8998 of 2012 and batch and SLP(C) C.C. Nos.19964 of 2010 and batch, so preferred against both the

[1] 2010 SCC OnLine AP 558 = (2010) 5 ALD 591
[2] W.A. No.279 of 2009, order dated 28.06.2011

judgments, ended in dismissal. Thus, it is stated that present appeal is also squarely covered in favour of 1st respondent and against the appellants. Thus, pleaded for dismissal.

5. We have gone through judgments passed by Division Bench of common High Court in aforesaid appeals as well as orders in SLPs. Issues raised in the present appeal and the one subject matter in aforesaid cases, since are one and the same, we do not find any merit in the appeal.

6. Accordingly, this writ appeal stands dismissed. No costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

LISA GILL, CJ **CHALLA GUNARANJAN, J**

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