



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

[3330]

**TUESDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 31295/2025

Between:

1. VYSHNO CONSTRUCTIONS, H NO. 1-207, CHINNA VEEDHI
UBALANKA VILLAGE, RAVULAPALEM MANDAL, DR BR AMBEDKAR
KONASEEMA DISTRICT REP BY ITS MANAGING PARTNER CH. V.
KRISHNA REDDY

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRI. SECRETARY,
R AND B DEPARTMENT SECRETARIAT, VELAGAPUDI,
AMARAVATHI, GUNTUR DISTRICT.
2. THE STATE OF A P, REP BY ITS PRI. SECRETARY, FINANCE
DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI,
GUNTUR DISTRICT.
3. THE CHIEF ENGINEER, R AND B DEPARTMENT, VIJAYAWADA,
NTR DISTRICT.
4. THE SUPERINTENDING ENGINEER, R AND B, ELURU, ELURU
DISTRICT.
5. THE EXECUTIVE ENGINEER, R AND B, BHIMAVARAM, WEST
GODAVARI DISTRICT.

...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 toPleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents in paying the amount of Rs.28,69,870/- (Rupees twenty eight lakhs sixty nine thousand eight hundred and seventy) relating to the agreement No.66/2023-24 as illegal, arbitrary, violation of principals of natural justice and violation of article 14 of constitution of India and consequently direct the respondents to pay the said amount of Rs. Rs.28,69,870/- (Rupees twenty eight lakhs sixty nine thousand eight hundred and seventy) to the petitioner with interest and12 percentage from the date of pass orders till the date of payment and pass

IA NO: 1 OF 2025

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 direct the respondents to pay the amount of Rs.28,69,870/- (Rupees twenty eight lakhs sixty nine thousand eight hundred and seventy) to the petitioner pending disposal of the writ petition in the interest of justice and pass

Counsel for the Petitioner:

1.CH B R P SEKHAR

Counsel for the Respondent(S):

1.GP FOR ROADS BUILDINGS

2.GP FOR FINANCE PLANNING

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION No.31295 OF 2025

ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents in paying the amount of Rs.28,69,870/- (Rupees twenty eight lakhs sixty nine thousand eight hundred and seventy) relating to the agreement No.66/2023-24 as illegal, arbitrary, violation of principals of natural justice and violation of Article 14 of Constitution of India and consequently direct the respondents to pay the said amount of Rs.28,69,870/- (Rupees twenty eight lakhs sixty nine thousand eight hundred and seventy) to the petitioner with interest and 12 percentage from the date of orders till the date of payment and pass such other order or orders...”

2. Heard Sri Ch B R P Sekhar, learned counsel for petitioner and learned Government Pleader for respondents.

3. Precisely, the writ petition is filed challenging the action of the respondents in withholding an amount of Rs.28,69,870/- (Rupees twenty eight lakhs sixty nine thousand eight hundred and seventy) for the works executed by the petitioner *vide* agreement No.66/2023-24 dated 30.12.2023.

4. Learned Government Pleader for respondents filed counter-affidavit and it is stated after execution of work as per agreement conditions, the bill was recorded in the Measurement Book and passed (a) LS 1st & part bill for a Gross Amount of Rs.1,13,07,515/- (One crore thirteen Lakhs Seven thousands five hundred and fifteen only) and Net Amount of Rs.1,01,08,006/-

respectively *vide* M-Book No.7394A. already paid (B) LS 2nd & part bill for a Gross Amount of Rs.1,06,85,885/- (One crore six Lakhs eighty five thousands eight hundred and eighty five only) and Net Amount of Rs.1,01,89,590/- respectively *vide* M-Book No.7386A. already paid (c) LS 3rd & Final bill for a Gross Amount of Rs.42,86,319/- (forty two Lakhs eighty six thousands three hundred and nineteen only) and Net Amount of Rs.28,69,870/- respectively *vide* M-Book No.7425A. The bill was token generated in Nidhi portal *vide* bill No.2025-9106739 (CFMS ASP No.2025-1190694) and the same was transmitted to pay and Accounts Officer (WA) Eluru on 24.07.2025. The same bill was approved by PAO on 30.07.2025 total value of work done by the petitioner Gross amount of Rs.42,85,319/- and net payable to the petitioner is Rs.28,69,870/- and the bill is waiting for funds clearance respectively.

5. Insofar as the interest component, the respondents contended that the petitioner should approach the appropriate forum, relying on the order of the Division Bench in W.A.791 of 2022 dated 26.04.2022. The Division Bench affirmed the Single Judge's order, directing the petitioner to seek relief regarding interest from the appropriate forum. In a catena of cases, this Court had held that where dispute revolves round questions of fact, the matter ought not be entertained under Article 226 of the Constitution of India.

6. In the present case, the respondents have not disputed the payment due to the petitioner for the work executed and the respondents have manifested in their written instructions that they will pay the amount to the

petitioner. Once the work executed by the petitioner to the respondents is admitted, the payment due to the petitioner is not disputed by the respondents, there was hardly any need for this Court to refer the matter to any forum or for arbitration for passing an arbitral award assuming that any condition in the agreement to that extent. Hence, this Court directs the respondents to pay the admitted amount to the petitioner.

7. In ***The D.F.O., South Kheri And Ors. vs Ram Sanahi Singh***¹, the Hon'ble Apex Court held that when a State decides not to pay the dues with mala fide, with ulterior motives or arbitrarily or when the State avoids payment of the dues with mala fide, with ulterior motives, arbitrarily or when the State discriminates, while making payment dues, such a decision of the State not to pay or such an act of the State of not paying its dues cannot be said to be wholly beyond the reach of Article 226, for asking the writ Court to do is to force the State to act in accordance with its constitutional obligation by adhering to the letter and spirit of Articles 14 and 21 of the Constitution of India.

8. In view of the above, the present Writ Petition is disposed of with following directions:

(a) The respondents are directed to clear the due amount to the petitioner within a period of six (06) weeks from the date of receipt of a copy of this order.

¹ (1971) 3 SCC 864

(b) With regard to interest, the petitioner is at liberty to approach appropriate forum.

There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 27.01.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.31295 of 2025

Date: 27.01.2026

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