

(SHOW CAUSE NOTICE BEFORE ADMISSION)

[3332]

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE



:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI ✓

WRIT PETITION NO: 19981 OF 2023 ✓

Between:

M/s.JBR Constructions Pvt.Ltd., Rep. by its Director and Authorized Signatory, B.Janardhan Reddy, S/o. B. Adhinarayana Reddy, Aged about 48 years, R/o. Flat No.109, Raja Hamsa Palace, Near RTC Bus Stand, Anantapur, Anantapur District, Andhra Pradesh.

Petitioner —

AND

1. The Andhra Pradesh Industrial Infrastructure Corporation Limited, Corporation Limited (APIIC), Represented by its Executive Director, APIIC Towers, Mangalagiri, Guntur District, Amaravathi, Andhra Pradesh.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Finance and Planning Department, Secretariat, Velagapudi, Guntur District
3. The Zonal Manager, APIIC Ltd., Industrial Park, Hindupur, Sri Sathya Sai (erstwhile Anantapur) District, Andhra Pradesh.
4. The Deputy Zonal Manager, APIIC Ltd., Industrial Park, Hindupur, Sri Sathya Sai (erstwhile Anantapur) District, Andhra Pradesh

Respondents —

WHEREAS the Petitioner above named through his Advocate SRI.ANCHA PANDURANGA RAO presented this 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, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondent Authorities in not returning the Earnest Money Deposit @ 1% at the time of Tender Submission, Earnest Money Deposit @ 1.5 % at the time of Agreement, and Security Deposit for 2RA Bills along with Withheld Amount, etc., to the petitioner, i.e., (1) Rs.2,68,768/- towards work done vide Repairs and Maintenance at Damaged Portions of Road No.MR1 (Part) at IP-Gollapuramu, Hindupur Mandal, Anantapuramu District under IALA Funds for the year 2016-17 with Agreement Number vide 01/ZM/APIIC/ATP/2016- 17 dated 08.07.2016 and (2) Rs.1,62,758/- towards work done vide Repairs and Maintenance at Damaged Portions of Road No.1 (part) and Road No.4 at Growth Center, Hindupur Mandal, Anantapuramu District under IALA Funds for the year 2016-17 with Agreement Number vide 02/ZM/APIIC/ATP/2016-17, dated 08.07.2016, as illegal, arbitrary and

violative of provisions i.e., Clause 68 of the Andhra Pradesh Detailed Preliminary Standard Specification and unconstitutional and consequently direct the Respondent Authorities to release the same to the Petitioner Firm forthwith.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SRI.ANCHA PANDURANGA RAO Advocate for the Petitioner, Sri.J.Ugra Narasimha, Standing Counsel for Respondent Nos.1, 3 & 4 and Assistant Government Pleader for Finance & Planning for Respondent No.2, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Executive Director, Andhra Pradesh Industrial Infrastructure Corporation Limited, Corporation Limited (APIIC), APIIC Towers, Mangalagiri, Guntur District, Amaravathi, Andhra Pradesh.
2. The Principal Secretary, Finance and Planning Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District
3. The Zonal Manager, APIIC Ltd., Industrial Park, Hindupur, Sri Sathya Sai (erstwhile Anantapur) District, Andhra Pradesh.
4. The Deputy Zonal Manager, APIIC Ltd., Industrial Park, Hindupur, Sri Sathya Sai (erstwhile Anantapur) District, Andhra Pradesh

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted on or before 16.08.2023 on which date the case stands posted for hearing.

THE COURT MADE THE FOLLOWING ORDER:

"Notice before admission.

Learned Assistant Government Pleader for Finance & Planning takes notice on behalf of Respondent No.2.

Sri.J.Ugra Narasimha, Standing Counsel for Andhra Pradesh Industrial Infrastructure Corporation Limited, takes notice on behalf of respondent Nos.1, 3 & 4.

Learned counsel for the respondents sought one (01) week time to get instructions.

At their request, post the matter on 16.08.2023, in the motion list.

//TRUE COPY//

**SD/-V.SAVITHRI GOWRI
ASSISTANT REGISTRAR**

For ASSISTANT REGISTRAR

To,

1. The Executive Director, Andhra Pradesh Industrial Infrastructure Corporation Limited, Corporation Limited (APIIC), APIIC Towers, Mangalagiri, Guntur District, Amaravathi, Andhra Pradesh.
2. The Principal Secretary, Finance and Planning Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District
3. The Zonal Manager, APIIC Ltd., Industrial Park, Hindupur, Sri Sathya Sai (erstwhile Anantapur) District, Andhra Pradesh.
4. The Deputy Zonal Manager, APIIC Ltd., Industrial Park, Hindupur, Sri Sathya Sai (erstwhile Anantapur) District, Andhra Pradesh (1 to 4 by RPAD- along with a copy of petition and affidavit)
5. One CC to SRI.ANCHA PANDURANGA RAO Advocate [OPUC]
6. Two CCs to GP FOR FINANCE & PLANNING, High Court Of Andhra Pradesh. [OUT]
7. One CC to Sri.J.Ugra Narasimha, Standing Counsel (OPUC)
8. One spare copy

SRL

HIGH COURT

RCJ

DATED:08/08/2023

NOTE: POST THE MATTER ON 16.08.2023 IN THE MOTION LIST

NOTICE BEFORE ADMISSION

WP.No.19981 of 2023

