

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.19981 OF 2023

ORDER:

The present Writ Petition is filed seeking the following relief:

"..declaring the action of the Respondent Authorities in not returning the Earnest Money Deposit 1 percent at the time of Tender Submission, Earnest Money Deposit 1.5 percent 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 to pass..."

2. Heard Sri A.Pandu Ranga Rao, learned counsel for the petitioner, learned Assistant Government Pleader for Panchayat Raj and Sri J.Ugranarashimha, learned Standing Counsel.
3. Learned Counsel for the petitioner in elaboration to what has been stated in the affidavit contended that, the respondent authorities are not paying the legally entitled amounts of Earnest Money Deposit (EMD) given at the time of tender submission, EMD given at the time of agreement, Security Deposit for 2 RA bills along with withheld amount and etc., (i.e., Rs.2,68,768/-) to the petitioner. As such, the present writ petition is filed and prayed to pass appropriate orders in that regard.

4. On the other hand, learned Standing Counsel on written instructions dated 19.08.2023 submitted that, an amount of Rs.1,94,025/- has already been paid to the petitioner through cheque no.202792007 dated 20.05.2020 but the same was not clearly stated in the affidavit. As such, this Court cannot entertain the present writ petition as there are some disputed facts in the writ petition and if at all the petitioner has any grievance regarding the payment of amounts, he has to approach Competent Court in that regard. As such, prayed to pass appropriate orders in that regard.

5. Perused the record.

6. It is the case of the petitioner that the authorities have to pay certain amounts whereas the respondent authorities on written instructions submitted that, they have already paid the amounts by way of cheque. In the said circumstances, this court cannot adjudicate whether the respondents have to pay any amount to the petitioner or not and the respondents have paid or not. As such, this Court cannot entertain the disputed facts under Article 226 and cannot adjudicate the same. As such, this Court is not inclined to entertain this writ petition and it is liable to be dismissed.

Accordingly, the writ petition is **dismissed**. However, the petitioner is at liberty to avail alternative remedies, if so advised, for recovery of amount, if any, in accordance with law. No costs.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI