

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO. 2326 OF 2023

ORDER:

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

".....may be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the respondents in not releasing the refund of Earnest Money Deposit (EMD) and Future Security Deposit (FSD) amounts as Rs.5,68,896/- and Rs.5,68,896/-, even after completion of defect liability period, refund payable to the petitioner in relation to the work i.e., "Revival of Kondepi Lift Irrigation Scheme on Musi River in Kondepi Mandal of Prakasam District on turnkey basis and Maintenance of the scheme for two years, vide Agreement No.120/2016-17, dated 04.02.2017" is questioned, as the same is illegal, arbitrary and consequently direct the respondents refund of Earnest Money Deposit (EMD) and Future Security Deposit (FSD) amounts as Rs.5,68,896/- and Rs.5,68,896/- with interest @24% per annum for the delayed amount to the petitioner in respect of above-mentioned work forthwith and pass...."

2. Heard Sri Bathala Ramesh, learned counsel for the petitioner, learned Assistant Government Pleaders for Finance and Irrigation Departments and Sri V.Raja Manohar, learned Standing Counsel for APSIDC.

3. Sri V.Raja Manohar, learned Standing Counsel for APSIDC submitted that after filing counter, the petitioner's bills for an amount

of Rs.10,10,167/- have been approved and the said bills are under process and would be paid in due course and sought six weeks time. He also submitted that, in similar set of facts this Court passed Order dated 28.06.2022 in W.P.No.17411 of 2022 wherein granted six (06) weeks' time for payment and accordingly, prayed to consider in the same lines.

4. To the said submission, learned counsel for the petitioner reported no objection.

5. Taking into consideration the submissions of both the learned counsel, this Writ Petition is also **disposed of**, at the admission stage, in terms of the orders passed in W.P.No.17411 of 2022, dated 28.01.2022.

Accordingly, the respondents are directed to release the admitted/legally entitled amount to the petitioner at the earliest, and at any rate, within a period of six (06) weeks from the date of receipt of a copy of this order.

However, with regard to interest is concerned the petitioner is at liberty to approach appropriate forum, if so advised.

There shall be no orders as to costs.

Miscellaneous applications, pending if any, shall stand closed.

23rd August, 2023

GBS/DSV

JUSTICE RAVI CHEEMALAPATI

157

HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

W.P.No.2326 OF 2023

DT: 23.08.2023

GBS/DSV