

APHC010046322023



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

[3330]

**FRIDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

**PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

WRIT PETITION No: 2395/2023

Between:

M/s. Vishnu Engineers And Contractors

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. BATHALA RAMESH

Counsel for the Respondent(S):

1. GP FOR FINANCE PLANNING

The Court made the following:

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:-

"... 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 Future Security Deposit (FSD) amount as Rs.2,16,452/- vide CFMS number 2022-1124147, even after completion of defect liability period, refund payable to the petitioner in relation to the work i.e., "Construction of 20 Nos lemon trading shops Electrification works and covered auction platform at Market Yard Kanigiri under AMC Kanigiri, vide Agreement No. 238/2011-12, dated 09.11.2011" is questioned, as same is illegal, arbitrary and consequently direct the respondents refund of Future Security Deposit (FSD) amount s as Rs.2,16,452/- vide CFMS number 2022-1124147 with interest @24% per annum for the delayed amount to the petitioner in respect of above-mentioned work forthwith and pass such other order....."

2. Precisely, the Writ Petition is filed for aggrieved by the action of the respondents in not releasing the refund of Future Security Deposit (FSD) amount as Rs.2,16,452/-, even after completion of defect liability period, refund payable to the petitioner.

3. The 2nd respondent, i.e., the Special Commissioner and Director of Agricultural Marketing, Guntur, filed brief instructions and at paragraph No.5, it is stated that the Secretary, Agricultural Market Committee, Kanigiri, has prepared the EMD amounts of the bills and uploaded in the CFMS Portal as per the statement mentioned therein, which is extracted hereunder:

Sl. No.	Name of the work	Amount in Rs.	CFMS Bill No.	Date
1	Construction of 20 Nos. Lemon trading shops, electrification works and covered auction platforms at Market Yard Kanigiri of AMC Kanigiri.	2,16,452.00	2022-2523904 migrated to 2023-236438	31.01.2023

4. As seen from the above instructions, CFMS Bill No.2022-2523904 is migrated as 2023-236438 in CFMS Portal with the Finance Department. As such, there is no dispute with regard to the execution of the work done by the petitioner. In fact, the respondents have admitted the amounts which are due to the writ petitioner herein and the bill is also generated in favour of the writ petitioner herein in CFMS Portal of the Finance Department.

5. Therefore, the Writ Petition is disposed of, directing the respondents herein to pay the amount due to the writ petitioner within a period of four (4) weeks from the date of receipt of a copy of this order, as the amount is so meager amount, failing which, the writ petitioner is entitled to interest @ 6% per annum from the date of this order till the date of realization. There shall be no order as to costs.

As a sequel, interlocutory applications pending, if any, in this Writ Petition shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 06.12.2024

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.2395 OF 2023

Date: 06.12.2024

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