

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND**

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION NO: 21722 OF 2014

Between:

M/s. Jaiprakash Associates Limited, Rep. by its President Sri Anil A.Kamat, S/o.Atmaram Kamat, Aged about 63 years, H.No.6-3-1099/1100, Plot No.10, Behind Babukhans Millennium Centre, Somajjiguda, Raj Bahvan Road, Hyderabad.

.....PETITIONER

AND

1. The Government of Telangana, Rep. by its Principle Secretary, I and CAD Department, Secretariat, Hyderabad.
2. The Chief Engineer (Project), I & CAD Department,, Mahaboobnagar, 3rd Floor Jalasoudha, Errum Manzil, Khairatabad, Hyderabad.
3. The Superintending Engineer, AMRP SLBC Circle No.1, G.V.Gudem, Nalgonda.
4. The Pay and Account Officer, Finance (Works and Projects) Department, Nalgonda.

.....RESPONDENTS

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 any writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not refunding the amount already collected towards labour cess and/or in not adjusting the said amount by revising and enhancing the project cost by 1% pertaining to the contract for the Tunneling work of Aliminet Madhava Reddy project work (AMRP) bearing L.S.agreement No. 54 SE/2005-2006 dated 25-08-2005 as arbitrary illegal and

unconstitutional and consequently direct the respondents to refund the 1% cess amount already collected.

I.A.NO:1 OF 2014 (WPMP.NO:27252 OF 2014)

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 to direct the respondents to refund the amount deducted from the petitioner company as labour cess @ 1% in pursuant to the L.S.agreement No. 54 SE/2005-2006 dated 25-08-2005 pending disposal of the writ petition.

Counsel for the Petitioner : SRI RAJA REDDY KONETI (NOT PRESENT)

Counsel for the Respondents : Ms. S.SWATHI, AGP APPEARS FOR Ms. SHANTHI NEELAM, GP FOR IRRI AND COMM AREA DEVELOPMENT

The Court made the following ORDER

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

WRIT PETITION No.21722 of 2014

ORDER: (per the Hon'ble the Chief Justice Alok Aradhe)

None for the petitioner.

Ms. S. Swathi, learned Assistant Government Pleader appears for Ms. Shanthi Neelam, learned Government Pleader for Irrigation & Command Area Development, for respondent Nos.1 to 3.

2. In this Writ Petition, the petitioner has prayed for the following relief:

"For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue any writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not refunding the amount already collected towards labour cess and/or in not adjusting the said amount by revising and enhancing the project cost by 1% pertaining to the contract for the Tunneling work of Aliminet Madhava Reddy project work (AMRP) bearing L.S. agreement No.54 SE.2005-2006 dated 25.08.2005 as arbitrary illegal and unconstitutional and consequently direct the respondents to refund the 1% cess amount already collected..."

3. Learned Assistant Government Pleader has produced before this Court a copy of communication dated 03.10.2024

which states that the labour cess has already been paid to the petitioner for the work "Investigation, Design Engineering, Testing and Execution of Tunnel-1 and Tunnel-2 including Head Regulator at the Entrance Portal of Tunnel-1 of Srisaillam Left Bank Canal Tunnel Scheme of Alimineti Madhava Reddy Project (AMRP) from Neelam Sanjeeva Reddy Sagar Project in Nagarkurnool and Nalgonda District of Telangana State" and the same is placed on record.

4. In view of aforesaid, the grievance of the petitioner does not survive for consideration.

5. Accordingly, the Writ Petition is disposed of.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/- A. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Government of Telangana, I and CAD Department, Secretariat, Hyderabad.
2. The Chief Engineer (Project), I & CAD Department, Mahaboobnagar, 3rd Floor Jalasoudha, Errum Manzil, Khairatabad, Hyderabad.
3. The Superintending Engineer, AMRP SLBC Circle No.1, G.V.Gudem, Nalgonda.
4. The Pay and Account Officer, Finance (Works and Projects) Department, Nalgonda.
5. Two CCs to GP FOR IRRRI AND COMM AREA DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to SRI RAJA REDDY KONETI, Advocate [OPUC]
7. Two CD Copies

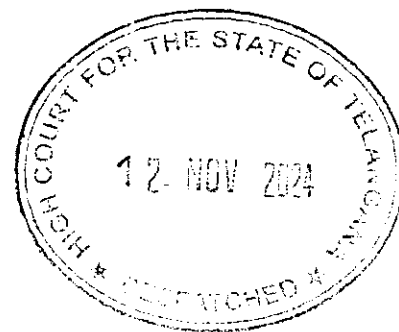
SA
LS

HIGH COURT

DATED:14/10/2024

ORDER

WP.No.21722 of 2014



**DISPOSING OF THE W.P
WITHOUT COSTS.**

(10) Copies

*Suo
25/10/24*