

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

TUESDAY, THE TWENTY SEVENTH DAY OF MARCH,
TWO THOUSAND AND EIGHTEEN

:PRESENT:
THE HON'BLE SRI JUSTICE **A.V.SESHA SAI**

I.A.NO: 1 of 2018
IN
W.P.NO: 9970 of 2018

Between:

M/s. Megha Engineering and Infrastructures Limited, S-2, Technorat Industrial Estate,
Balanagar, Hyderabad, rep by its Authorized Signatory, T.Ashok Reddy, S/o. T.Prathap
Reddy, Occ: Associate Vice President, MEIL, Hyderabad

Petitioner
(Petitioner in WP.No : 9970 of 2018
on the file of High Court)

AND

1. State of Telangana, Rural Water and Sanitation Department, Secretariat, Hyderabad, rep by its Principal Secretary.
2. Engineer-in-Chief, Rural Water Supply and Sanitation Department, Panchayat Raj and Rural Development, SRTGN Bhavan, 5th Floor, Erramanzil, Hyderabad.
3. The Superintending Engineer, TDWSP (RWS & S) Circle Office, Yadadri Bhongir District – 508 116.
4. The Executive Engineer, TDWSP Division, Mishan Baghiratha, Shanthi Nagar, Choutuppal, Choutuppal Mandal, Yadadri, Bhongir District – 508 252.
5. The Assistant Pay and Accounts Officer, MPDO Office, Near Old Bus Stand, Yadadri Bhongir District – 508 116.

.....Respondents
(Respondents in -do-)

COUNSEL FOR PETITIONER: Sri O.Manohar Reddy

COUNSEL FOR RESPONDENTS 1 to 4: G.P. for Panchayat Raj (TG)

COUNSEL FOR RESPONDENT NO.5: G.P. for Finance & Planning (TG)

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in the W.P., the High Court may be pleased to restrain the respondents from recovering/deducting 1% labour cess from the running account bills of the petitioner in respect of the work being executed in pursuance of the agreement No. 03/2015-16 dated. 23-10-2015, pending disposal of WP.No. 9970/2018 on the file of the High Court.

The Court while directing issue of notice to the Respondents herein to show cause why this petition should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

“ By Memo, dated 08.06.2011, issued by the Principal Secretary to Government, Irrigation & CAD (PW-Reforms) Department, instructions were issued not to deduct any amount towards labour cess unless the corresponding amount is included in the estimates. It is the specific assertion of the petitioner that in the case of the subject contract, the labour cess was not included in the estimates.

Learned Government Pleader is unable to state at this stage, whether the labour cess is included or not.

..2..

Inasmuch as the Memo provides for non-deduction of the amount towards labour cess, there shall be interim direction to the respondents not to deduct 1% labour cess unless the same has been included in the estimates."

SD/- K. TATA RAO
ASSISTANT REGISTRAR

// TRUE COPY //


for ASSISTANT REGISTRAR

To

1. The Principal Secretary, Rural Water and Sanitation Department, State of Telangana, Secretariat, Hyderabad.
2. The Engineer-in-Chief, Rural Water Supply and Sanitation Department, Panchayat Raj and Rural Development, SRTGN Bhavan, 5th Floor, Erramanzil, Hyderabad.
3. The Superintending Engineer, TDWSP (RWS & S) Circle Office, Yadadri Bhongiri District – 508 116.
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5. The Assistant Pay and Accounts Officer, MPDO Office, Near Old Bus Stand, Yadadri Bhongiri District – 508 116.
(1 to 5 by RPAD)
- 6 Two CCs to G.P. for Panchayat Raj (TG), High Court, Hyd(OUT)
- 7 Two CCs to G.P. for Finance & Planning (TG), High Court, Hyd(OUT)
8. One CC to Sri O.Manohar Reddy, Advocate(OPUC)
- 9 One spare copy.

SAH

HIGH COURT

AVSSJ

DATED: 27-03-2018

ORDER

IA.NO. 1 OF 2018
IN
WP.NO. 9970 OF 2018

INTERIM DIRECTION



A handwritten signature in black ink, consisting of a stylized 'A' followed by a long horizontal stroke.