



NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.7005 OF 2019

NAGAM JANARDHAN REDDY

PETITIONER

VERSUS

STATE OF TELANGANA & OTHERS

RESPONDENTS

ORDER

The petitioner herein had filed Writ Petition (PIL) No.338 of 2017 before the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, seeking the following reliefs:

“It is respectfully prayed that this Hon’ble Court, in the interests of justice, be pleased to issue a Writ, Order or Direction, more particularly one in the nature of *Writ of Mandamus* declaring the action of respondents 1 to 7 in fraudulently revising the value of Electro Mechanical (E&M) Equipments for Palamuru Ranga Reddy Lift Irrigation Scheme for package 1, 5, 8 and 16 from Rs.5960.79 crores as estimated by Engineering Staff College of India to Rs.8386.86 crores by the Advisor and the Departmental Committee thereby causing loss of sum of Rs.2426.07 crores to the public exchequer and not taking any action on the representation made by the petitioner dated 11.01.2017, 29.07.2017 and 29.09.2017

as illegal, unreasonable, arbitrary and capricious and consequently set aside all consequential actions of the respondents relating to PRRLIS for packages 1,5,8 and 16 and further direct respondent no.10 to conduct an investigation into the above and submit report to this Hon'ble Court and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. The said writ petition is said to have been filed in public interest.
3. The petitioner was elected as a Member of the Legislative Assembly of Nagar Kurnool Assembly Constituency six times and has held Ministerial positions in the erstwhile State of Andhra Pradesh for nearly a decade and he has also been the Deputy Leader of Opposition and Chairman of the Public Accounts Committee (PAC) from 2009-2011.
4. The Public Interest Litigation was filed by the petitioner herein being aggrieved by the manner in which the estimates prepared for various works including for Electro Mechanical (E&M) equipments, in Palamuru Ranga Reddy Lift Irrigation Scheme (PRRLIS) were revised by not adhering to the public trust reposed in the authorities, thereby resulting in loss of sum of Rs.2426.07 crores to the public exchequer.

5. The Writ Petition was heard by the Division Bench of the High Court and was dismissed by the impugned order dated 03.12.2018. Hence, this Special Leave Petition.

6. We have heard Shri Prashant Bhushan, learned counsel for the petitioner and learned senior counsel appearing for respondent no.1/State and learned counsel and learned senior counsel appearing for the respective respondents and perused the material on record.

7. During the course of submissions, learned counsel for the petitioner drew our attention to the prayer(s) sought for by the petitioner in the writ petition filed before the High Court. The prayers have been extracted above.

8. We note that a two-fold prayer was sought by the petitioner in the writ petition. The first was to issue a Writ in the nature of mandamus declaring the action of respondent nos. 1 to 7 revising the value of Electro Mechanical (E&M) Equipments for PRRLIS for packages 1, 5, 8 and 16 from Rs.5960.79 crores, as estimated by Engineering Staff College of India, to Rs.8386.86 crores by the

Advisor and the Departmental Committee, as fraudulent and bad in law. As a result, according to the petitioner, there is a loss of Rs.2426.07 crores to the public exchequer.

9. The second prayer sought for by the petitioner herein was that there ought to be an investigation conducted by respondent no.10/Central Bureau of Investigation (CBI) into the illegal, unreasonable, arbitrary and capricious actions of the official respondents relating to PRRLIS for packages 1, 5, 8 and 16 and the report of the CBI ought to be submitted to the High Court for further orders.

10. The High Court has considered the aforesaid two prayers and has ultimately dismissed the writ petition.

11. Learned counsel for the petitioner submitted that the High Court ought not to have summarily dismissed the writ petition. Instead, it ought to have gone into the records and considered either referring the matter for investigation to the CBI, or alternatively, devised the procedure by which the truth could have been unraveled, in which event, the fraud in the estimates made as

aforesaid would have emerged and consequent actions could have been taken. It was further submitted that the High Court has considered the contentions of the petitioner summarily without going into the depth of the matter and has simply dismissed the writ petition.

12. The further contention of learned counsel for the petitioner Shri Prashant Bhushan was that the relevant documents, papers and records may be perused which would clearly indicate that there is a fraud committed in revising the estimates causing a grave loss to the State exchequer. He therefore urged this Court to have a detailed hearing of this matter so that the prayers sought for by the petitioner herein could be granted. In this regard, our attention was also drawn to order dated 18.12.2024 passed by this Court in the present SLP.

13. *Per contra*, learned senior counsel appearing for respondent no.13/Project Proponent contended that the High Court was right in dismissing the writ petition filed by the petitioner herein, not only for the reasons which have been discussed in the impugned order but also for the fact that the very maintainability of the writ petition

is a serious issue. In this regard, our attention was drawn to a chart submitted during the course of submissions to contend that earlier PIL Nos.28/2016, 179/2016 and 338/2017 were filed by the very same petitioner, which were disposed of taking into consideration the very same contentions raised by the petitioner at various stages of the very same project and therefore, long after the commencement of the project and portion of it having been completed at a belated stage, the writ petition in the present case was filed, which has been nevertheless considered and the contention has been answered by the High Court. Therefore, this Court may not consider the prayers sought for by the petitioner herein at this point of time. In support of this contention, our attention was also drawn to an earlier order dated 25.08.2022 passed by this Court wherein the objections raised by respondent nos.1 to 7 as preliminary objections relating to the maintainability of the present Special Leave Petition was also drawn. In that order, this Court has recorded that the writ petition filed by the petitioner before the High Court was firstly barred by the principle of constructive *res judicata* and secondly, there was suppression of material facts in the synopsis filed in the present petition and therefore this Special Leave Petition ought to be heard

on the preliminary objection before the matter is considered on merits.

14. It was further submitted that insofar as this very project is concerned, the Central Vigilance Commission has submitted its report. In this regard, our attention was also drawn to an Office Memorandum issued by the Director, Office of the Central Vigilance Commission dated 12.09.2017 to the effect that the complaint regarding contract of PRRLIS packages 5 and 8 worth Rs.8153 crores, was a false complaint and was not at all substantiated. This was on examination of the said complaint by the Commission.

15. Therefore, it was submitted that this Court may not pursue this matter any longer having regard to the aforesaid contentions.

16. By way of response to these contentions, learned counsel for the petitioner urged that there has been a grave fraud in the revision of the values of Electro Mechanical (E&M) Equipments in respect of PRRLIS for packages 1, 5, 8 and 16 and this is a fit case where the High Court ought to have exercised its jurisdiction and at least considered the second prayer made by the petitioner herein by

referring the matter to the CBI for the purpose of conducting an investigation and submitting a report as the State exchequer has been put to jeopardy on account of fraudulent revision in the estimate of the project.

17. We have considered the submissions advanced at the Bar. Primarily, we are on the question as to whether the High Court was justified in dismissing the writ petition having answered certain contentions raised by the petitioner herein as to whether the High Court ought to have exercised its discretion in granting the prayer(s) made by the petitioner herein.

18. We have extracted the prayers sought for by the petitioner herein. As far as the first prayer is concerned, it is for a declaration that the action of respondent nos.1 to 7 was fraudulent in revising the estimates of the project in question. We find that those are aspects which would call for determination of facts or in other words, a factual adjudication which cannot be done in a writ petition filed under Article 226 of the Constitution of India.

19. Insofar as the second prayer for referring the matter to the CBI is concerned, we find that the High Court on considering the contentions raised by the petitioner herein has given its answer to the same and has declined to exercise its discretion to refer the matter to the CBI for the purpose of conducting an investigation and to submit a report to the Court. We find that the High Court was justified in not exercising its discretion and jurisdiction to refer the matter to the CBI. We do not think that in this Special Leave Petition, we can sit in judgment over the non-exercise of discretion in favour of the petitioner herein and consequently granting the prayer of the petitioner for referring the matter to the CBI for the conduct of an investigation.

20. In the circumstances, we do not find any reason to interfere with the impugned order.

21. Before parting with this matter, we would also like to record the fact that the petitioner has been pursuing the matter right from the time of issuance of the tender to the project proponent and BHEL. Writ Petition (PIL) No.81/2016 is pending consideration whereas the other petitions have been concluded, against which

there have been no further challenge before this Court and it is stated that only a review petition has been filed with regard to PIL No.28/2016. We would also like to record the fact that the Central Vigilance Commission by its order dated 12.09.2017, on examination of the complaint made by the very petitioner herein, has stated that it was unsubstantiated and had decided to put the matter to rest.

22. In the circumstances, we are not inclined to consider this Special Leave Petition any further. Hence, the same is dismissed.

Pending application(s) including the application for intervention/impleadment shall stand disposed of.

..... J.
(B.V. NAGARATHNA)

..... J.
(SATISH CHANDRA SHARMA)

**NEW DELHI;
MAY 21, 2025**