

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 174 OF 2014

Nirbhay Foundation. ... Petitioner.
V/s.
Mumbai-Nashik Expressway Ltd & others. ... Respondents.

Mrs.Indrayani M. Koparkar for the petitioner.

Shilpan Gaonkar with Ms.Devyani Deshmukh i/b. Kondukar Asso.
for respondent No.1.

Naresh Dharujal i/b. M.V.Kini for respondent No.2.

V.N.Sagare, AGP for respondent No.3.

**CORAM : NARESH H. PATIL AND
A.S. GADKARI, JJ.**

DATED : 28th January 2015.

PC.

The grievance of the petitioner is that respondent No.1 contractor should be stopped from collecting toll tax after recovery of total expenditure made in respect of Gonde-Vadpe road. According to the agreement of 2010, the contractor is to collect toll tax for 20 years. The petitioner contends that the roads are not maintained properly and certain vehicles are exempted from toll tax. The petitioner, therefore, seeks necessary direction to the respondents to stop collecting tax.

2. Learned counsel appearing for respondent No.1 submits that except making allegations in the petition, the petitioner has not produced any evidence to show that the roads are not properly maintained. It is submitted that according to the agreement, respondent No.1 has sufficient time to collect toll tax.

3. Heard learned counsel for the parties. Perused record.

4. Except communication made by the Chief General Manager (BOT) of National Highways Authority of India and the chart of traffic data, the petitioner has not placed on record any document to justify that respondent is not maintaining the roads and therefore should not collect toll tax in future.

5. We observe that the respondent- contractor is responsible for maintaining the roads in proper condition. In case the respondent fails to maintain the roads in proper condition, then the State would take steps in accordance with the agreement executed between the parties. We have not expressed any opinion regarding condition of the road or liabilities of the parties. Petitioner is at liberty to move in future if cause of action arises.

6. With this observation, petition is disposed of.

(A.S. GADKARI, J.)

(NARESH H. PATIL, J.)