

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO. 132 OF 2014

Navnath s/o Mahadeo Alte
& another

Petitioners

Versus

The State of Maharashtra
& others

Respondents

Mr. S.B. Gastgar, advocate for petitioners.

Mr. S.B. Yawalkar, A.G.P. for respondent no. 1.

Mr. V.D. Hon, Senior Counsel instructed by Mr. A.V. Hon, advocate
for respondent no. 2.

Mr. A.A. Nimbalkar, advocate for respondent no. 3.

CORAM : R.M.BORDE &

SMT. VIBHA KANKANWADI, JJ.

DATE : 11th OCTOBER, 2017

PER COURT:

1. Instant Public Interest Litigation is presented raising objection in respect of the commercial complex constructed by the contractor.

2. It is true that the contractor has exceeded the time limit in completing the construction however, the time span required and the delay has been explained by the contractor as well as the Commissioner, Municipal Corporation, Latur. Petitioners raised objection in respect of lack of facilities provided by the contractor in terms of the agreement. It is specifically contended that the contractor has not adhered to the agreement in respect of constructing internal roads, providing lift in the shopping complex

as well as constructing public toilets for utilisation by the general public as well as occupants of the shopping complex.

3. It is informed that construction of shopping complex is complete and the shops have also been allotted to the allottees. So far as construction of toilets is concerned, it is recorded in the affidavit-in-reply tendered on behalf of Municipal Corporation that since there was change in the location of toilet blocks, the toilets are provided at two locations; one for the use of public at large and another for use of shop keepers in the shopping complex. It is further stated that the Corporation has invited tenders to operate and maintain toilets and proper steps would be taken in that regard.

4. If at all, there are certain deficiencies in respect of providing amenities to the occupants of the shopping complex, it shall be the responsibility of the Municipal Corporation to look into such grievances. Apart from this, if the occupants of the shopping complex make any complaint or grievance in respect of failure of contractor to adhere to the terms of the contract or any deficiency in executing the contract work, such grievance can be separately looked into.

5. Another objection that has been raised by petitioners is in respect of failure of contractor to raise construction of quarters for the employees of the Municipal Corporation. It is the contention of contractor that since the Municipal Corporation did not provide space/land to raise construction of the residential quarters, the part of the agreement putting obligation on the contractor could

not be executed. It is informed that recently the Municipal Corporation has made available land out of survey no. 83/1 and 83/2 to the extent of 60 x 50 mtrs. for providing residential quarters to the officers and members of staff of Municipal Corporation. It is also informed by the Corporation that the work order has also been issued to the contractor on 04.09.2017 and, in terms of the work order, the project work is required to be completed by 30.12.2018. It would be obligatory on the part of the contractor to complete the work as per the work order issued by the Municipal Corporation.

6. In view of developments as stated above, grievance raised by petitioners in the instant Public Interest Litigation stands redressed. Public Interest Litigation as such stands disposed of.

7. In terms of order passed by this Court, the petitioners have deposited an amount of Rs. 50,000/- in this Court. Out of said amount, an amount of Rs. 25,000/- considering submission of petitioner, shall be transferred to High Court Bar Association Library, Aurangabad and, the balance amount of Rs. 25,000/- shall be refunded to the petitioners.

8. Pending civil application, if any, does not survive and stands disposed of.

SMT. VIBHA KANKANWADI
JUDGE

R.M.BORDE
JUDGE