

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 50 OF 2018

Shri Anna Kisanrao More. ... Petitioner
Vs.
State of Maharashtra and others. ... Respondents

Mr. Anna K. More, Petitioner in person.
Mr. K. S. Thorat, AGP for Respondent Nos. 1 to 5, 7 and 8.

**CORAM : PRADEEP NANDRAJOG, C.J.
AND NITIN JAMDAR, J.**

DATE : 1 August 2019.

P.C. :

We have heard the Petitioner in person and the learned Assistant Government Pleader.

2. The Petitioner has made a grievance regarding the quality of National Highway No. 222 between Km. 58/100 to 95/570. The Petitioner in paragraphs-1 and 2 described himself and the parties. The Petitioner then makes usual averments in paragraphs-3, 4 and 5. He refers to an application under the Right to Information Act seeking photo copies of tender registration of entire

National Highway from the Public Works Department. Then he states that after inspecting these documents he found a specific case of Contractor M/s.Jai Bharat Construction, Respondent No.6. According to the Petitioner, this Contractor was overpaid an amount to the tune of ₹3,02,00,000/-. The Petitioner claims to have special knowledge in the subject being a Senior Clerk in the Irrigation Department. He states that the price escalation was in violation of the Government Resolution dated 10 January 1992. He states that all the authorities and the Contractor have acted in hand-in-glove in siphoning off funds. He then seeks prosecution of the Executive Engineer for the loss incurred. The Petitioner then avers that Respondent No.6 had purchased certain quantity of asphalt, however, the bills did not tally. It is further avered that he made a representation to the Lok Ayukta. The Petitioner then prays for a direction to Respondent Nos.7 and 8 i.e. the Commissioner of Police and Director General of Anti Corruption Bureau to submit a preliminary enquiry report and Respondent Nos.1 to 5 to declare the responsibility for the extra payment of the amount of ₹3,02,00,000/- to be recovered from them.

3. The Sub-Divisional Officer, National Highway Sub Division has filed a reply. He has stated that the GR dated 10 January 1992 was superseded by the GR dated 16 May 2005. He has asserted that the payment made to the Contractor is as per GR dated 16 May 2005. He has asserted that the bills submitted by the

Contractor were scrutinized by the authorities including the representative of the Accountant General of the State of Maharashtra.

4. In the petition, we do not find basic averments. The Petitioner seeks to portray that the price escalation for which the Respondent No.6 was paid was wrong in law. On the basis of vague pleadings the Petitioner calls upon us to launch prosecution and recover moneys. We are afraid we cannot proceed to direct such serious action against the Respondents on the basis of such sketchily drafted petition. There is no excuse that the Petitioner is appearing in person for such a sketchy pleadings as he claims to have special knowledge. The position, thus, is that the petition is bereft of any particulars. It proceeds on the assumption that the GR dated 10 January 1992 was applicable to the works in question. The Petitioner has not taken any averments in what manner the GR dated 16 May 2005, though finds reference in the petition, was breached.

5. The GR of 2005 deals with saleable commodities and escalation in the prices of cement, steel, tar and construction material. GR states that the average preceding three months from issuance of tender as specified would be considered as star rates and to be considered as a foundation. It is provided that price variation of the basic construction material would be as per the star rate. In spite of the fact that the reply was filed a year ago, the Petitioner has not filed any rejoinder and has not demonstrated before us how these assertions are not correct as per GR dated 16 May 2005.

6. It is not possible for us to issue any direction in this matter. It appears that the Petitioner has already approached the office of Lok Ayukta and the proceedings before the Lok Ayukta are pending. We decline to proceed further in this public interest litigation. The petition is accordingly disposed of.

NITIN JAMDAR, J.

CHIEF JUSTICE