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

PUBLIC INTEREST LITIGATION NO. 75 OF 2015

Vikrant Chandrahas Tawde

.....Petitioner

V/s.

The Municipal Corporation of City of Thane
through its Commissioner and others

.....Respondents

Mr. Kishor S. Patil for the petitioner

Mr. Mandar Limaye for respondent No. 1

Ms. Nisha Mehra AGP for respondent No. 2

Mr. Y. R. Mishra a/w Mr. D. A. Dube a/w Upendra Lokegaonkar for
respondent No. 3-Union of India

**CORAM : PRADEEP NANDRAJOG, CJ. &
N. M. JAMDAR, J.**

DATE : APRIL 23, 2019.

P.C.

Heard. The writ petition raises an issue of two bus depots established by the Municipal Corporation of Thane. The depots are called Wagale Estate Depot and Kalwa Depot.

2 Under the Jawaharlal Nehru National Urban Renewal Mission, the Municipal Transport Department of the Municipal Corporation of

Thane submitted a Detailed Project Report seeking financial assistance from the Ministry of Urban Development and the State Government. The projected requirement was of 660 buses and taking note of the fact that 313 buses were plying in the city, the proposal was to purchase 400 additional buses at project cost of Rs. 208.78 Crores.

3 As is usual with the project report, they are full of grandeur. The project report envisaged workshop at the two depots for repair and maintenance of buses and skilled labour force. For the purpose of justifying finances, buildings required to be constructed and manpower to be deployed was detailed. It also envisaged a command and control centre to track the movement of buses by installing GPS devices. The Detailed Project Report also highlighted the existing infrastructure arrangements. The petitioner brought to the notice of the Court that of the 274 buses at Wagale Estate depot only 143 buses were in working condition and at Kalwa depot, of the 79 buses, only 46 were in working condition. Meaning thereby, 40% of the buses were not plying on the road.

4 Directions have been issued in the Public Interest Litigation from time to time requiring Corporation to ensure that the buses purchased are made road worthy. The reason is obvious. The object of purchasing buses is to strengthen public transport in the city of Thane.

5 Pleadings brought on record from time to time bring out that with passage of time buses are required to be junked and augmentation by adding more buses to the strength of the Transport Department of the Corporation.

6 An affidavit filed on 19/07/2018 by the Transport Manager of the first respondent in this Court after the petition was filed, discloses steps being taken for development of a depot at Owala and for which financial sanction has been obtained. Notice inviting tender has been issued.

7 The issue of number of buses purchased, under maintenance and plying in the municipal limits of the city of Thane would require

constant monitoring and in our opinion, the task has to be assigned to a responsible officer of the Corporation.

8 Disposing of the writ petition, we direct the Transport Manager of the Thane Municipal Corporation to be the responsible officer.

9 The Transport Manager would ensure that all buses purchased by the Municipal Corporation which are not to be treated as junk and would be repaired and maintained for which the Corporation shall sanction the requisite budget as sought for by the Transport Manager. It would be ensured that at least 75% of the fleet buses would be on the road and at no point of time, more than 25% of the buses would be kept in the workshop for maintenance and repair. If augmentation of mechanics is required, same shall also be effected.

10 The petition is disposed of with aforesaid directions.

N. M. JAMDAR, J.

CHIEF JUSTICE