

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8368 of 2021

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NH-31-Elevated corridor in Begusarai town, Dist.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India, New Delhi.
- 2.1. The Union of India through Secretary, Ministry of Road Transport and Highways, New Delhi.
- 2.2. The Secretary, Ministry of Road Transport and Highways, New Delhi.
3. The Chairman, National Highway Authority of India, New Delhi.
4. The Chief Secretary Govt. of Bihar.
5. The Development Commissioner Govt. of Bihar.
6. The Additional Chief Secretary, Road Construction, Govt. of Bihar.
7. The Additional Chief Secretary, Revenue Deptt. Govt. of Bihar.
8. The Principal Secretary Finance Deptt, Govt. of Bihar.
9. The National Highway Authority G-5 and 6, Dwarka, New Delhi.
10. The Regional Officer NHAI, S.K. Puri, Patna.
11. The District Magistrate, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate, Amicus Curiae
For the State of Bihar	:	Mr. Anjani Kumar, A.A.G. 4
		Mr. Alok Kumar Rahi, AC to AAG 4
		Mr. S.N. Pathak, Advocate
For the Union of India		Mr. Dr. K.N. Singh, ASG
		Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

4 31-01-2022 This order is in continuation of our previous orders.



We are dealing with NH-31-Elevated corridor in Begusarai town, Dist.- Begusarai.

We have perused the affidavit dated 31st of January, 2022 filed by Shri Prashant Kumar Sinha, Project Director of 4 lane elevated section at Begusarai Town from Kilometer 221.047 to Kilometer 225.302 of National Highway-31.

The D.P.R. of the project already stands completed. In fact way back on 10th of May, 2020, the consultant had filed the detailed project report.

Even though the affidavit does not indicate the amount which is spent on this project, but nonetheless, what we notice is that now the bid for construction of the work stands invited, in fact, they were to open on 28th of January, 2022 and it is expected that the contract would be finalized, some time by the end of February, 2022. the relevant portion of the affidavit:

“5. The Total Project Length (including approaches & tapering arrangements on both sides) is 4.255 km. The project shall start from Design Chainage Km. 221.047 near Kapasya Chowk traverses through congested urban areas of Begusarai Town & finally end at Km. 225.302 on NH-31 near junction leading to Samastipur/Rosera Road Over Bridge.

6. The project scope includes construction of 4-Lane elevated section and at



grade improvement of existing 4-lane/4-lane with Service Road configuration along with the construction of service road & RCC drain of 1.4 Km. Viaduct portion consists of 105 nos. 30m span & 3 nos. 40m span totaling 3270m Construction period has been proposed as 30 months. The entire project has been planned to be bid out in single package.

7. Bid for procurement of Civil Contractor for execution work has been opened by NHAI HQ on 28.01.2022 & it is expected to be awarded by the end of February, 2022.

8. Presently, there is no issue in the project nor any hurdle has come in the process of Feasibility Report prior to the DPR and well within the time NHAI is going to give final shape of the project.”

We direct the respondent National Highway Authority of India to ensure that before February, 2022, the contract is awarded in terms of the bids which already stand invited.

Needless to add, such exercise has to be strictly in accordance with law.

In view of the said affidavit, we close the present proceedings with the direction to the Project Director to file his affidavit of compliance in terms of the averments reproduced (supra).



Needful be done within next two months.

Liberty reserved to any public spirited person to agitate the issue, should the need arise subsequently.

We appreciate the efforts put in by the learned *Amicus Curiae*, as also all the learned counsel appearing in this matter in rendering effective and valuable assistance to the Court.

(Sanjay Karol, CJ)

(S. Kumar, J)

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