



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1086 PUBLIC INTEREST LITIGATION NO. 34 OF 2022

SHRIHARI ANANT SHIDORE AND OTHERS
VERSUS
THE COMMISSIONER /ADMINISTRATOR AND OTHERS

...

**WITH
PUBLIC INTEREST LITIGATION NO. 20 OF 2021**

SURAJ PRADIP KUMAR AJMERA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

**WITH
CIVIL APPLICATION NO. 3382 OF 2024
IN PIL/34/2022**

PARASMAL PUKHRAJ BAFNA
VERSUS
THE COMMISSIONER ADMINISTRATOR AND OTHERS

...

**WITH
CIVIL APPLICATION NO. 8332 OF 2022
IN PIL/34/2022**

SHRIHARI ANANT SHIDORE AND OTHERS
VERSUS
THE COMMISSIONER/ADMINISTRATOR AND OTHERS

...

Advocate Mukhedkar Amit A., Petitioner in Person.
Advocate Shri Sachin S. Deshmukh, Amicus Curiae.
Shri S.S. Tope, Advocate for Respondent Nos.1 to 4/ Municipal Corporation.
Shri A.B. Girase, Government Pleader for Respondent Nos.5, 8 to 10/State.

Shri A.G. Talhar, DSGI for Respondent Nos.7, 12 and 14/UoI.
Shri R.S. Deshmukh, Senior Advocate i/by Shri Vinod Patil,
Advocate for Respondent No.6/MJP.
Shri S.B. Deshpande, Senior Advocate i/by Shri D.S.Manorkar,
Advocate for Respondent No.11/NHAI.
Shri R.N. Dhorde, Senior Advocate i/by Shri Sanket N.
Suryawanshi, Advocate for Respondent No.15/ Contractor.
Shri A.S. Bajaj, Advocate for Respondent No.13.

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 13th August, 2024

Per Court :-

High Court Constituted Committee

1. The learned Government Pleader has placed on record the report of the meeting of the High Court constituted Committee, held on 07.08.2024 (15 pages). The same is placed before the Court with the covering letter dated 12.08.2024, addressed to the learned Government Pleader by Ms.Alice Pore, Deputy Commissioner, Municipal Administration. There are several colour photographs and ready reference charts from page Nos.16 to 38, which are annexed to the report. The entire compilation is taken on record and marked as 'X-45' collectively, for identification.

2. Our attention is drawn by the learned Amicus Curiae to the fact that the project work is proceeding at a slow pace. The ESR and GSR construction work has to be given a priority. The learned Government Pleader has drawn our attention to the Sub Division Work at page Nos.27 and 28, which carry the ready reference chart with regard to the present status of the project work.

NHAI ROAD

3. Considering the simultaneous work of the water pipeline project, as well as the road construction project of connecting Chhatrapati Sambhajnagar to Paithan, the learned Senior Advocate Shri Deshpande, appearing on behalf of the NHAI submits that the NHAI is thinking of foreclosure proposal for the said project keeping in view that simultaneous working on the water pipeline project as well as the new road project, is not only creating a cumbersome situation, but in several areas, the situation has turned risky since the project contractor is digging the side margins of the road for laying the pipelines and at some places, the road work is going on, inclusive of the construction of small bridges. The situation has turned dangerous and is accident prone. He, therefore, submits on instructions that

the NHAI is resorting to foreclosure proposal for the time being and after the water pipeline project is completed, it would resume the said work.

4. The report (X-45) indicates that the Committee has requested the NHAI to reconsider and postpone its probable decision of foreclosure proposal.

ESR and GSR

5. The learned Senior Advocate Shri Dhorde appearing on behalf of the project contractor points out that, as assured earlier, 04 ESRs would be handed over to the Municipal Corporation by 31.08.2024 and 03 more ESRs would be handed over by 30.09.2024. He submits that 02 ESRs have already been handed over to the Municipal Corporation.

6. We are of the view that since 09 ESRs would be at the disposal of the Municipal Corporation, it would be within the authority of the Municipal Corporation to supply water to the residents in the localities where the ESRs are being commissioned, at least once in four days, if not once in three

days.

7. Shri Tope, the learned Advocate representing the Municipal Corporation, submits that the water quantity is available to cater to the need of the residents of Chhatrapati Sambhajinagar. However, lack of adequate ESR/storage capacity was the impediment. With the addition of 07 ESRs, the Municipal Corporation would be at ease in some areas.

8. We find that Shri Tope is very guarded in making the statement as regards distribution of sufficient quantity of water at high frequency and by reducing time interval between two spells of supply of water by the Municipal Corporation. He is instructed by Shri Kashinath Phalak, Executive Engineer, who has been constantly instructing him in the Court, from 2022-2023. Be that as it may, with every addition of ESR, the interval between two spells of water supply, should be reduced giving much relief to the residents of Chhatrapati Sambhajinagar. We can also see that he is trying to balance the situation in view of various difficulties that the Municipal Corporation is facing. Nevertheless, the local administration/civic body has to ensure

that at least, water should be supplied with greater frequency keeping in view that Chhatrapati Sambhajanagar city has now a population of almost 18 lacs and the need of water is 285 MLD per day, whereas the supply today is 120 MLD because of the deficiency in storage capacity. Shri Tope adds that after all the 53 ESRs are handed over to the Municipal Corporation, the residents would be supplied with potable water once in two days.

9. Keeping our fingers crossed with regard to the hope of providing water once in two days, now that 07 ESRs would be with the Municipal Corporation at it's disposal until 30.09.2024 and 02 ESRs which are already functional, the areas covered by these 09 ESRs should be benefited with supply of water. We, therefore, direct the Municipal Corporation that once these 07 ESRs are also commissioned, water in those areas should be supplied to the residents at least once in four days. The Municipal Corporation shall make the most use of these 09 ESRs.

Plantation

10. The learned Senior Advocate Shri Deshmukh, representing the MJP, tenders the abstract data of saplings

plantation at the hands of the Project Contractor and under the supervision of the MJP. The said chart is taken on record and marked as ‘Y-57’ for identification. He informs us that insofar as the Jalgaon road is concerned, the plantation has commenced near Garware industry and would be travelling southward upto CIDCO Bus Stand, Jalna Road ‘T’ point. The number of plants, which have been planted, is around 3740 in 11 areas, which appears to be encouraging. We, however, expect the MJP to supervise the continued watering and protection of the plants in order to ensure their normal growth and for increasing the survival rate.

Amount Expended towards the Project

11. Shri Tope has placed on record the communication addressed by the Accounts Officer of the Municipal Corporation to the Executive Engineer, Water Supply Department, Shri Kashinath Phalak, dated 13.08.2024. The same is taken on record and marked as ‘Y-58’, for identification. He points out that the Central Government has already provided Rs.645.71 crores for this project. The State Government has provided Rs.1162.67 crores. The total amount received is Rs.1808.39 crores. This

entire amount is handed over to the MJP, which is supposed to clear the bills of the project contractor at regular intervals, after scrutinizing the same and on getting them verified from the High Court constituted Committee.

12. We are informed that the next meeting of the High Court constituted Committee is scheduled on 21.08.2024. We, therefore, **list the PIL proceedings on 29.08.2024 at 04:30 PM for further hearing.**

Civil Application No.3382/2024

13. At the outset, we may record that it would not be appropriate for the residents of Chhatrapati Sambhajnagar to file Civil Applications in this PIL proceedings, as if this PIL is a counter opened for dealing with the individual/personal issues of water taps and sufficient supply of water to individual residents.

14. As an exception, we are entertaining this Civil Application, which is filed by a retired District Judge who is 88 years of age. A new water pipeline is laid in his colony. Since the Applicant's house is located at the end of the colony, water does

not reach his home, besides the fact that it is supplied once in 08 to 09 days. The Applicant is said to have been living without water for a long time.

15. Shri Tope assures that the Municipal Corporation authorities would resolve the problem of the Applicant within a week's time.

16. In view of the above, **Civil Application No.3382/2024 is disposed off.**

Civil Application No.8332/2022

17. The learned Advocate for the Applicants submits that the orders in this Civil Application have been passed and the same can be disposed off.

18. In view of this statement, **Civil Application No.8332/2022 stands disposed off.**