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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5830/2022, CM APPL. 17504/2022 & CM APPL. 5398/2024**

MANJEET SINGH CHUGHPetitioner

Through: Petitioner in person.

versus

GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Ms. Anjesh Dahiya, Advocate for Mr. Jawahar Raja, ASC (Civil) GNCTD for R-1.

Ms. Sangeeta Bharti, Standing Counsel, DJB with Ms. Malvi Balyan and Ms. Vidushi Gupta, Advocates for R-3/DJB.

Mr. Mukesh Gupta and Ms. Divya Prakash Pande, Standing Counsel with Mr. Shashi Gupta, Mr. Arnav Gupta and Mr. Chirag Chaturvedi, Advocates for MCD.

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Date of Decision: 5th September, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present Public Interest Litigation has been filed under Article 226 of the Constitution of India praying for issuance of mandamus thereby directing the



respondents to lay/construct the road on Gurudwara Road and the adjoining roads thereto at Kotla Mubarakpur, New Delhi.

2. The grievance of the petitioner is in relation to the condition of the public roads i.e., the Gurudwara Road, and the adjoining roads thereto at Kotla Mubarakpur, New Delhi. The petitioner has placed on record photographs to show the condition of the roads.

3. During the pendency of the present petition, the respondent-MCD by way of the status report dated 10th May, 2024 has apprised this Court about the execution of road construction works done in the subject area i.e. Kotla Mubarakpur. As per the averments in the affidavit, the work of “improvement of Gurudwara Road from the Gurudwara to Dharam Bhawan Road in Ward no.60 in Central Zone” was awarded to the agency viz., M/s J.R. Construction *vide* work order no.111 dated 23rd February, 2023. It has been stated that on account of substandard work of road construction, action in accordance with the NIT conditions was taken against the contractor by forfeiting the earnest money deposited. It is also stated that the said agency has been demoted under Clause 23.1, sub clause (a) of Enlistment Rules, 2016 *vide* letter dated 31st January, 2024 and simultaneously, compensation at the rate of 10% of tender amount has been imposed under Clause 2 *vide* letter dated 5th March, 2024.

4. It is also stated that consequent upon recall of the aforesaid work contract, a fresh work order to complete the unfinished work was issued to M/s S.N. Malhotra & Sons *vide* work order No.132 dated 26th December, 2023. It is also stated that this work was completed on 6th March, 2024. Apart from the above, the repair and improvement/strengthening of remaining roads in Kotla



Mubarakpur are stated to have been taken up by the respondent and completed.

The details are as under:-

S. No.	Name of Work	W.O. Date &	Agency	Contractual Amount
1.	Improvement/ repair of damaged portions on different locations at Gurudwara road, Aliganj Mandi, Jood Bagh, Shanchand Marg, Community Centre to Sanchand Marg in Kotla Mubarakpur in ward No.60-S/Central Zone.	15 dated 18.05.22	M/s. Surbhi Consts.	Rs.9,26,136/-
2.	Improvement and strengthening of road by pdg. Dense Carpeting of Hargyan Singh Marg from Ring Road to Community Centre, H.No.D-53 to D-62, D-55 to C-24, D-1 to D-19 and J-35 to J-91 in NDSE-1 in Ward No.60 (Kotla Mubarakpur), Central Zone.	19 dated 02.06.22	M/s. M.C. Construction Co.	Rs.29,12,457/-
3.	Improvement of road by pdg. Dense Carpeting and improvement of open section drain from Arya Samaj Mandir to Subhash Chowk in Kotla Mubarakpur in Ward No.60/Central Zone.	110 dated 23.02.2023	M/s. Jaswant Singh Dabas	Rs.67,35,635/-
4.	Improvement of Gurudwara Road by pdg. RMC from Gurudwara to Dharambhawan Road in	132 dated 26.12.2023	M/s. S.N. Malhotra & Sons.	Rs.61,66,688/-



	Kotla Mubarakpur in Ward No.60 (Kotla Mubarakpur), Central Zone.			
			Total	Rs.1,67,40,916/-

5. So far as the improvement of road by Ready Mix Concrete in respect of the road from Dispensary Bapu Park to H.No. 65 and Sheetla Mata Mandir to H.No. C-9 in Bapur Park in Ward No. 60 (Kotla Mubarakpur), Central Zone is concerned, an estimate is stated to have already been prepared. It is stated that the estimated cost of the said project is around Rs.77,38,052/-. It is also stated that the budget for the same has not been allocated due to paucity of funds. It is assured by the respondent that the work shall be taken up in future once the funds are available.

6. Having perused the status report as mentioned above, we are of the considered opinion that so far as the allegations against M/s J.R. Construction, the erstwhile contractor and officials of the respondent-MCD acting in collusion with each other and indulging in corrupt practices are concerned, we are satisfied with the administrative action taken by the respondent against the said erstwhile contractor. In case the petitioner still has any grievances, he would be at liberty to take appropriate remedies in accordance with the law.

7. In regard to the remaining work as noted in para 5 above is concerned, we direct the respondent-MCD to conclude the improvement/strengthening and if required, reconstruction of the said stretches of road mentioned above within a period of three months. Since the matter has been pending on the board of this Court from the year 2022, we do not find any justification for



further delay of improvement/strengthening and if required, reconstruction of the said stretches of road.

8. A compliance report shall be filed within four weeks thereafter.

9. In view of the above, the present writ petition stands closed.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 05, 2024/*rl*