

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3035 of 2022**

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Mukesh Kumar Thakur (NH- 327E-4L of Galgalia - Bahadurganj Section Pkg-I and II on EPC) Son of Maheshwar Thakur Resident of Mohalla - Budh Nagar, Road No. 3, Kankarbagh, P.S. - Kankarbagh, District- Patna.

... .. Petitioner

Versus

1. The Union of India Through the Secretary, Department of Ministry of Road Transport and Highway Authority of India, New Delhi.
2. The Secretary, Department of Ministry of Road Transport and Highway Authority of India, New Delhi.
3. The National Highway Authority Through its Chairman.
4. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
5. The District Magistrate, Kishanganj.
6. The District Magistrate, Araria.

... .. Respondents

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**Appearance :**

For the Petitioner : Mr. Mukesh Kumar Thakur (In Person)  
For Respondent Nos3,9 & 10 : Dr. Iti Suman, Advocate  
For the Respondent/ : Mr. Dr. K.N. Singh (Asg)

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

8      24-12-2025                      The present writ application has been filed in the  
  
form of public interest litigation for the following relief:-

*“For issuance of an appropriate writ(s)/order(s)/direction(s) for commanding the respondent authorities to construct and complete the project of National High No. 327E, Galgalia-Bahadurganj (Package-I & II) Road with utmost sincerity and promptitude within timeline fixed for the completion of the aforesaid project.”*



2. As the construction work in question has already been completed, learned counsel appearing on behalf of the NHAI has placed on record the completion certificates before this Court, which reads as under:-

**SCHEDULE - J**

(See Clause 14.3)

**PROVISIONAL CERTIFICATE**

1. I, S. K. SINHA, M/s Chaitanya Projects Consultancy Pvt. Ltd. in JV with K & J Projects Pvt. Ltd. acting as Independent Engineer, under and in accordance with the Concession Agreement dated 17<sup>th</sup> April 2021, for development and operation of the Construction of Four-Laning of Bahadurganj-Araria section of NH-327E from Km.49+000 to Km.93+983 (Package-II) in the State of Bihar (the "Project") on design, build, operate and transfer (the "Hybrid Annuity") basis, through M/s GR Bahadurganj Araria Highway Private Limited, hereby certify that the Tests specified in Article 14 and Schedule-I of the Agreement have been undertaken for the Project/sections from Km. 49+000 to Km.73+730, Km.73+930 to Km.75+800, Km.75+000 to Km.82+400, Km.82+750 to Km.83+400 and Km.83+750 to Km.93+983 [Total 43.683 Km.] of the Project to determine compliance thereof with the provisions of the Agreement.
2. Construction Works forming part of the Project/section of the Project that were found to be incomplete and/or deficient have been specified in the Punch List appended hereto, and the Concessionaire has agreed and accepted that it shall complete and/or rectify all such works in the time and manner set forth in the Agreement. Some of the incomplete works have been delayed as a result of reasons attributable to the Authority or due to Force Majeure and the Provisional Certificate cannot be withheld on this account. I am satisfied that having regard to the nature and extent of such incomplete works, it would not be prudent to withhold commercial operation of the Project sections from Km.49+000 to Km.73+730, Km.73+930 to Km.75+800, Km.75+000 to Km.82+400, Km.82+750 to Km.83+400 and Km.83+750 to Km.93+983 [Total 43.683 Km.] of the Project, pending completion thereof.
3. In view of the foregoing, I am satisfied that the Project/section of the Project can be safely and reliably placed in commercial service of the Users thereof, and in terms of the Agreement, the Project/sections from Km. 49+000 to Km.73+730, Km.73+930 to Km.75+800, Km.75+000 to Km.82+400, Km.82+750 to Km.83+400 and Km.83+750 to Km.93+983 [Total 43.683 Km.] of the Project is hereby provisionally declared fit for entry into commercial operation on this the 10<sup>th</sup> day of August 2024.

**ACCEPTED, SIGNED, SEALED AND DELIVERED**

For and on behalf of  
**CONCESSIONAIRE by:**

  
(Sunil Agarwal)  
Authorized Signatory  
M/s GR Bahadurganj Araria Highway  
Private Limited



**SIGNED, SEALED AND DELIVERED**

For and on behalf of  
**INDEPENDENT ENGINEER by:**

  
(S.K. Sinha)  
Managing Director/ Authorized  
Signatory, M/s Chaitanya Projects  
Consultancy Pvt. Ltd. in JV with K & J  
Projects Pvt. Ltd.



**SCHEDULE - J**  
**(See Clause 14.3)**

**PROVISIONAL CERTIFICATE**

1. I, S.K. Sinha, M/s Chaikanya Projects Consultancy Pvt. Ltd in JV with K & J Projects Pvt. Ltd, acting as Independent Engineer, under and in accordance with the Concession Agreement dated 17<sup>th</sup> April 2021, for development and operation of the Construction of Four-Laning of Galgalla-Bahadurganj section of NH-327E from Km 0+000 to Km 49+000 (Package-I) in the State of Bihar Project (the "Project") on design, build, operate and transfer (the "DBOT Amenity or Hybrid Amenity") basis, through M/s Galgalla-Bahadurganj Highway Private Limited, hereby certify that the Tests specified in Article 14 and Schedule-I of the Agreement have been undertaken for the Project/sections from Km. 0+000 to Km. 9+500, Km. 10+850 to Km. 33+370, Km. 33+650 to Km. 39+260 and Km. 39+600 to Km. 49+000 [Total 47.030 Km.] of the Project to determine compliance thereof with the provisions of the Agreement.
2. Construction Works forming part of the Project/section of the Project that were found to be incomplete and/or deficient have been specified in the Punch List appended hereto, and the Concessionaire has agreed and accepted that it shall complete and/or rectify all such works in the time and manner set forth in the Agreement. Some of the incomplete works have been delayed as a result of reasons attributable to the Authority or due to Force Majeure and the Provisional Certificate cannot be withheld on this account. Though the remaining incomplete works have been delayed as a result of reasons attributable to the Concessionaire, I am satisfied that having regard to the nature and extent of such incomplete works, it would not be prudent to withhold commercial operation of the Project/sections from Km. 33+370 to Km. 33+650 and Km. 39+260 to Km. 39+600 [Total 0.620 Km] of the Project, pending completion thereof.
3. In view of the foregoing, I am satisfied that the Project/section of the Project can be safely and reliably placed in commercial service of the Users thereof, and in terms of the Agreement, the Project/sections from Km. 0+000 to Km. 33+370 Km. 33+650 to Km. 39+260 and Km. 39+600 to Km. 49+000 [Total 47.030 Km. Excluding 1.35 Km constructed by other Agency] of the Project is hereby provisionally declared fit for entry into commercial operation on this the 6th day of April 2024.

**ACCEPTED, SIGNED, SEALED  
DELIVERED**

For and on behalf of  
**CONCESSIONAIRE by:**



(Sunil Agarwal)  
Authorized Signatory  
GR Galgalla Bahadurganj  
Highway Private Limited

**SIGNED, SEALED AND  
DELIVERED**

For and on behalf of  
**INDEPENDENT ENGINEER by:**



S.K. Sinha  
Managing Director/Authorized Signatory

3. From a perusal of the said completion certificates, it appears that the construction of the project in question has been duly completed and the project has been provisionally declared fit.

4. In light of the aforesaid completion certificates, no further order is required to be passed in the present writ



application.

5. With the aforesaid observation, the present writ application stands disposed of.

6. Pending application(s), if any, shall stand disposed of.

**(Sudhir Singh, ACJ)**

**(Rajesh Kumar Verma, J.)**

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