

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

PUBLIC INTEREST LITIGATION NO.188 OF 2022

Shrihari S/o Anant Shidore	...Petitioner
<i>Versus</i>	
The Commissioner/Administrator	...Respondent

**WITH
INTERIM APPLICATION NO.16240 OF 2024**

GVPR Engineers Ltd Through the Senior Manager Projects, G. Mahender s/o Sri, G, Somla	...Applicant
<i>Versus</i>	
Shrihari S/o Anant Shidore	...Respondent

**WITH
INTERIM APPLICATION NO.16241 OF 2024**

Evrason VPSC CIPL JV. Through Its Authorized Representative Mr. R. Shakthivel	...Applicant
<i>Versus</i>	
The Commissioner/Administrator	...Respondent

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Mr. Amit A. Mukhed, Advocate for the Petitioner.

Mr. Sachin Deshmukh Amicus Curiae.

Mr. M. M. Nerlikar, Addl.G.P. a/w Smt. G.R. Rahuwanshi, AGP for the Respondent Nos.5, 8 to 10/State.

Mr. S. S. Tope, Advocate for the Chchatrapati Sambajinagar Municipal Corporation-Respondent Nos. 1 to 4.

Mr. Rajendra Deshmukh, Senior Advocate i/b. Mr. Vinod Patil, Adv. Kunal Kale and Mr. Amol G. Vasmatkar, Advocate for Respondent-MJP.

Mr. S. B. Deshpande, Senior Advocate a/w. Mr. Shreyas Deshpande, i/b. Mr. D. S. Manorkar, Advocate for the Respondent-NHAI.

Mr. Ajay Talhar, the Assistant Solicitor General for Union of India.

Mr. R. N. Dhorde, Senior Advocate h/f. Mr. S. N. Suryawanshi, Advocate for Respondent No.15.

Mr. G.K. Naik Thingle a/w Mr. Amay Sirsikar, Advocate for the Applicant in IA/16241/2024.

Mr. A. S. Bajaj, Advocate for Respondent No.10.

**CORAM : RAVINDRA V. GHUGE
&
RAJESH S. PATIL, JJ.**

DATE : 24th JANUARY, 2025

P.C. :-

**REPORT OF THE HIGH COURT CONSTITUTED
COMMITTEE (HCCC)**

1. The learned Addl. G.P. Mr. Nerlikar has tendered a compilation of 37 pages. The covering letter is issued by the Joint Commissioner, Municipal Council Administration Department, Divisional Commissioner's Office, Chhatrapati Sambhaji Nagar, addressed to the learned Government Pleader dated 23rd January, 2025. The said compilation is taken on record and marked as 'X-50' for identification.

2. The progress report of the HCCC is from Page No.1 onwards until Page No.8. It is pointed out by the learned Addl. G.P. that the minutes of the Hon'ble Chief Minister's War Room Meeting, on 9th January, 2025, are at Page Nos.9 to 20. The issue pertaining to the new water pipeline being executed by the Maharashtra Jeevan Pradhikaran (MJP), is on Page No.12. Three major issues were covered thereunder. **Firstly**, the clearance required by the National Highways Authority of India (NHAI), which is accorded. Hence, the decision arrived at was that the Divisional Commissioner would ensure that 200 MLD water will be available for the Corporation until 31st March, 2025 by resolving the various problems at various locations. **Secondly**, insofar as the long term solution of laying the new pipeline project, the new alignment for NHAI project, to be designed carefully and the land acquisition, will be done in close coordination with NHAI, MJP and the Divisional Commissioner. The deadline is upto 30th June, 2025. **Thirdly**, the line shifting charges to be paid to the MSEDCL has been dealt with by issuing the utilization certificate.

3. Mr. Dhorde, Sr. Advocate along with the learned Advocate Mr. Suryawanshi, representing the Project Contractor, has

pointed out that the NHAI needs to lay the new Highway at certain segments like Pimpalwadi-Chitegaon Bridge (Nisarg Nursery), the Saibaba Temple area and the Hanuman Temple near Bidkin. He submits that this work has not been descoped by the NHAI. The learned Sr. Advocate, Mr. Deshpande along with the learned Advocate Manorkar, representing the NHAI submits that he needs to take instructions, in view of the said statement, because the NHAI has descoped work for a distance of almost 10 kms.

4. Mr. Dhorde, Sr. Advocate points out Item No.2 on Page No.3 of 'X-50', as regards the Saibaba Temple bottleneck. The NHAI has already been directed to expedite the completion of the remaining bridge. He then refers to Item No.3 with regard to Hanuman Temple, where the bridge work is yet not completed. The Committee has directed that no local individual or group should be allowed to obstruct or hinder the progress of the work. The Committee has directed the SP (Rural) to look in to the same and solve the issue.

5. Mr. Dhorde, Sr. Advocate, then points out that the Chittegaon bridge is semi-complete, and we find that the Committee

has directed the construction of the retaining walls for the bridge approaches. It is expected that the bridge would be opened to the traffic within 6 to 7 days. The SP (Rural) has also been directed to ensure traffic diversion for 25 days, until the completion of the pipelines.

6. Mr. Dhorde, Sr. Advocate, then points out the bottleneck near Dhorkin village. The submission of the MJP, as is set out in the report, is pointed out by Mr. Deshmukh, Sr. Advocate that approximately 800 mtrs. Drainage line, is disturbing the alignment of the pipeline. The Sarpanch and villagers had stopped the pipeline laying work and demanded that the drainage work should be first completed, and then the pipeline work should be commenced in the Dhorkin area.

7. The Committee has recorded that the work of utility shifting is to be done by the NHAI, which is going slow as it has descoped the portion of the road work at Dhorkin and other areas. Therefore, the Committee has instructed the MJP that they should complete the shifting of the drainage pipeline for Dhorkin and other areas as an additional work as per the prevailing rules and regulations.

8. We expect the MJP to look into the this aspect with urgency and clear the drainage pipeline. At the same time, we direct the local Administration that if any Sarpanch or villagers create any obstacle in this project, keeping in view our earlier orders passed in the context of obstruction, that First Information Reports be registered against those obstructing the project, inasmuch as, if the names of such persons are disclosed to our Court, we would direct *suo moto* contempt of Court proceeding against them.

9. Mr. Dhorde, Sr. Advocate, vehemently submits that for such acts of violation of Court orders, such a Sarpanch needs to be disqualified under the provisions of The Maharashtra Village Panchayats Act, 1959. We leave this legal option open.

10. Moreover, we would direct the District Collector, Chhatrapati Sambhaji Nagar and the SP (Rural) to co-ordinate on this issue and ensure that all such obstructions are cleared with grave urgency and promptitude, in order to ensure that such obstructions would not stall the project work.

11. With regard to the Surge Tank Location-1 and Surge Tank Location-4, we have perused the submissions of the MJP and the Project Operator Agency, as well as the directions given by the Committee. We approve the directions of the Committee. Since the construction of the Surge Tank is at the MSEDCL 33kV sub-station chainage 3270, located at Isarwadi Paithan, the Committee has directed the Municipal Corporation to initiate steps for acquiring land, if it is necessary. The MSEDCL would render assistance to make the required land available without compromising the protocol of the 33kV sub-station chainage 3270.

12. Mr. Deshpande, Sr. Advocate has tendered an affidavit in reply on behalf of Respondent No.11 NHAI (Page Nos.1 to 23) and the documents (Page Nos.27 to 202), along with the list of documents (Page Nos.24 to 26). The said compilation is taken on record and marked as ‘Y-64’. The learned Sr. Advocates Mr. Dhorde and Mr. Deshpande submit that they have received ‘Y-64’ in the Court hall and need some time to apply their mind. If required, they may enter an additional affidavit with regard to the contents of ‘Y-64’. Leave granted.

PROJECT MANAGEMENT CONSULTANT (PMC)

13. Mr. Deshmukh, Sr. Advocate has placed before us a copy of the letter dated 22nd January, 2025, issued by the Executive Engineer (Incharge), Maharashtra Jeevan Pradhikaran, addressed to the Project Management Consultant M/s. Fortress Infra/Yash Innovative Solutions Pvt. Ltd, Chhatrapati Sambhaji Nagar Branch. The same is taken on record and marked as **‘Y-65’**.

14. Mr. Deshmukh, Sr. Advocate submits that the most serious aspect is that this PMC has issued a letter dated 13th January, 2025 and directed all its Engineers and Site Officers to suddenly stop working from 15th January, 2025. Mr. Deshmukh, Sr. Advocate submits that a unilateral decision has been taken by the PMC to stop the work, as a result of which, several Engineers on the work site have been withdrawn, practically creating a serious obstacle in the path of this new water pipeline project.

15. As such submissions were being canvassed before us, a person stood up before the Court and requested for time to address the Court. He has given his name as Mr. Sameer Sudhakar Joshi,

who is the Authorized Signatory and Partner of the Project Management Consultant. He submitted that time and again, his agency has been requesting the MJP to accord an extension in writing since the period earlier granted, had expired on 31st June, 2024. He continued to perform work without an extension until 14th January, 2025. According to him, he became exasperated and stopped his involvement considering that the MJP is not issuing a letter of extension of his contract. He submits that he has been time and again requesting the MJP for such continuation, but in vain.

16. At the out set, we deprecate this act, as well as, the tendency of the PMC to make an attempt to strangle the project by practically resorting to a strike. All the Engineers and Site Officers have been withdrawn. The learned Advocate for the MJP submits that a new consultant has been appointed in place of the earlier PMC.

17. We grant liberty to the PMC represented by Mr. Sameer Joshi to approach the HCCC, which is scheduled to meet on 5th February, 2025 and put forth his grievance. The Committee would endeavour to look into the said grievance and arrive at an

appropriate decision. We leave it open to the MJP to consider whether to utilize the services of the said PMC, provided only if no rights and equities are created by any contract in the new PMC, which is now said to have been engaged. In short, any grievances that may be borne out by the PMC, including as regards the pending bills presented by Mr. Sameer Joshi, would be placed before the HCCC. Any decision taken by the HCCC, would be placed before us. As has been ordered earlier, if the HCCC approves the payment in consultation with the MJP, the said aspect shall be brought to the notice of this Court.

18. Considering the urgency involved in this matter and since the learned Sr. Advocates Mr. Dhorde and Mr. Deshmukh, need to respond to the affidavit of NHAI, 'Y-64', we are listing the further hearing in this matter on **31st January, 2025 at 3:30 p.m.**

INTERIM APPLICATION NO.16241 OF 2024

19. Heard. The learned Advocate for the Applicant submits on instructions that he seeks leave to withdraw this Application.

20. In view of the above, this **Interim Application is disposed off** as withdrawn, on instructions.

21. The withdrawal of this Application, would not be an impediment to the Applicant to avail of a remedy, as is permissible in law, limited only to his grievance, as he assures that he has nothing to do with the MJP Project and no relief is going to be sought qua the project. It is fairly stated that there is no reason for this Applicant to seek any injunctory orders qua the MJP project.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)