



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO.27/2025

Dinesh s/o. Sheshrao Thakre and Anr.

Vs.

Union of India and Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. I. Dhattrak, Advocate for Petitioners.
Mr. S. A. Chaudhari, Advocate for Respondent No.1.
Mr. A. A. Kathane, Advocate for Respondent No.2.
Mr. D. V. Chauhan, G.P./Sr.Advocate with Mr. N.S.Rao, A.G.P. for
Respondent Nos.3 to 7.
Mr. A. C. Jaltare, Advocate for Respondent No.8.
Mr. Avnish Deshpande, Advocate for Respondent No.9.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : 02/05/2025.

Heard.

2. Letter of Acceptance was issued by National Highway Authority of India (NHAI) on 30.03.2021 to the respondent No.9 - Contractor, the work was to be completed by 28.10.2023.

3. Citing reason that the environmental clearance *qua* the Wild Life Corridor subsequently cropped up, the project is not taken to its logical end till this date.

4. From the available pleadings, we can infer that there is a failure on the part of the respondent NHAI so also the respondent No.9 in completion of the project or taking the same to its logical end though there was no embargo ordered by the Forest Department.

5. As a sequel of which, the commuters for last more than three years are required to suffer. The

respondent No.9 in spite of service has chosen not to file reply in the matter whereas the respondent NHAI has filed reply stating that after permissions were received on 28.09.2023 they offered the respondent No.9 to complete the work. However, the respondent No.9 has not acted in the interest of the public so also in accordance with the terms of the contract.

6. This could have prompted us to accept the contentions raised by the petitioners which is also supported by the learned Counsel for the NHAI thereby directing exemplary costs to be recovered from the respondent No.9. However, since the learned Counsel submits that by Monday (05.05.2025), he shall file the reply on behalf of the respondent No.9, we deem it appropriate to defer the hearing to 06.05.2025 as the respondent No.9 has undertaken to file reply on 05.05.2025.

7. Similarly, the same appears to be the case of respondent No.8- contractor. We also grant him time till 05.05.2025 to file reply.

8. In the meantime, we would like to have assistance of the learned Government Pleader and learned Senior Counsel Mr. Chauhan as to whether for violating the terms of the contract, it is the commuters, who are required to suffer for last about five years and whether such conduct can be viewed as violation or an offence under the provisions of the Motor Vehicles Act.

9. As far as the order directing payment of costs vide order dated 23.04.2025 is concerned, we have

perused the explanation tendered by the respective respondents, we recall the order to the extent of respondent Nos.3 to 7.

10. Stand over to 06.05.2025.

11. We record the presence of respondent No.5, who is virtually connected.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)