



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO. 27 OF 2025

Dinesh S/o. Sheshrao Thakre & Anr. Vs. Union of India & 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. Dhatrak, Advocate for the Petitioners.
Mr. S.A. Chaudhari, Advocate for Respondent No.1.
Mr. A.A. Kathane, Advocate for Respondent No.2.
Mr. D.V. Chauhan, Senior Advocate and Government Pleader with Mr. N.S. Rao, Assistant Government Pleader for Respondent Nos.3 to 7.
Mr. A.C. Jaltare, Advocate for Respondent No.8.
Mr. A.S. Deshpande, Advocate with Mr. A.H. Lohiya, Advocate for Respondent No.9.

CORAM : NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.
DATE : 8th MAY, 2025.

P.C.

Heard.

2. The respondent No.9/Contractor was initially allotted the work of the Nagpur - Katol stretch, which is having length of 48.2 kms. for a total tender costs of Rs.600 crores. Of the 48.2 kms., we are informed that the Tiger Corridor covers 12.2 kms. and pursuant to the objection of the Forest Authorities, even if said fact is ignored to the extent of 12 kms., still the respondent No.9, who should have completed the work by 28.10.2023 till this date i.e. May, 2025, has not completed the entire work.

3. It is claimed that the respondent No.9 has executed the work to the extent of 28.2 kms. and even of the said work executed by him only 86.76% work is completed till this date.

4. In response to the Court's query, Mr. Kathane, learned counsel appearing for the respondent No.2/NHAI states that though

memos and warning letters were issued to the Contractor and no extension is granted, still the respondent No.9 has continued to work.

5. This really raises one's eyebrows over the conduct of not only the Project Director but also the Contractor as to how both are acting hand in glove have continued to execute the work beyond the prescribed period by the NHAI in the tender document and that too without extension being granted in favour of the respondent No.9.

6. This would have promoted us to direct the inquiry in the conduct of the Officers; however, we are first keen on ensuring that the project which is in the public interest must be taken to its logical end.

7. Mr. Kathane, learned counsel appearing for the NHAI, has invited our attention to the re-tendering of the project in question and the oral assurances given in the matter of completion of the project in question. We hardly see any commitment on affidavit to that effect.

8. As such, we direct the Project Director of the NHAI to file an affidavit explaining the period within which the entire stretch shall be completed.

9. Needless to clarify that the affidavit of the Project Director shall be taken as an undertaking to this Court.

10. As regards whether the Contractor and the Officials of the NHAI could be prosecuted for an offence under Section 125 of the Bharatiya Nyaya Sanhita (BNS) which corresponds with the provisions of Section 308 of the Indian Penal Code shall be

considered on the next date of hearing, particularly when the Government Pleader shall place on record the details of the accident and loss of human life because of the non-completion of the work by the respondent No.9 and also NHAI.

11. Such material which is placed on record by the Government Pleader in the matter of accidents which have occurred on the said road, we permit the respondent No.9 so also the NHAI to submit their response to the same before the next date of hearing.

12. We post the matter for further consideration on 11.06.2025 with PIL No.22/2019.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Vijaykumar