



\$~4

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

+ **W.P.(C) 15192/2024**

JITENDRA MAHAJAN

.....Petitioner

Through: Mr. Kirti Uppal, Sr. Advocate with
Mr. Satya Ranjan Swain, Mr.
Sandeep Tyagi, Mr. K. K. Mishra and
Mr. Aditya Raj, Advocates

versus

**GOVERNMENT OF NATIONAL CAPITAL
TERRITORY DELHI & ORS**

.....Respondent

Through: Mr. Sameer Vashisht, Standing
Counsel for R-1 & 2/GNCTD.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

%

16.01.2025

CM APPL. 63700/2024

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 15192/2024

3. The petitioner has filed the present petition *inter alia* praying as under:-

“a) Issue a direction in the nature of mandamus or any other writ, order or direction to the Respondents to either repair or reconstruct the ROB and RUB at Nand Nagri, Delhi built by DTTDC at Road No. 68 Nathu Colony Chowk; AND



- b) Issue directions to the Respondents to immediately commence the repair or reconstruction of the ROB and RUB built by DTTDC at Road No. 68 Nathu Colony Chowk, Delhi and open the same for all vehicles after due audit as per rules and requirement in a time bound manner;”

4. The learned counsel appearing for the respondent submits that the concerned authorities have taken up the issue of repair of the ROB. Further, it is stated that on 02.12.2024, a meeting was held under the Chairmanship of the Hon'ble Chief Minister of Delhi for discussing the way forward for repairing and re-opening of ROB and RUB at Railway Level Crossing Road No. 68, Near Nand Nagri, Delhi. The relevant extract of the said minutes is set out below:-

“2. The following points were discussed and decisions taken:

i. It was informed by DTTDC that construction of the whole project was carried out by M/s Gammon India Ltd for DTTDC. The project was awarded on 21.04.2009. DTTDC was carrying out the works for PWD as deposit work. The ROB was handed over to PWD by DTTDC on 13.01.2016. Although, major construction cost has already been paid to the contractor but there is still some balance claims of the contractor are pending.

ii. Hon'ble CM expressed her displeasure that a newly constructed ROB at Nandnagri was closed for heavy traffic on 20.04.2019 owing to cracks that appeared in deck slab of the ROB. Accordingly, she directed to hold a detailed inquiry to ascertain and fix the responsibility of officers/Engineers, the contractor (M/s Gammon India Ltd), design consultant and third party audit agency etc in the matter and also to ascertain the extent of defects and deficiencies in construction of Road Over Bridge (ROB).

iii. It was informed that report on defects/deficiencies in the construction which is being prepared by the consultant (M/s B&S consultant) would be available only on after five months. This would include time of four months required to conduct load test by NSUT.



iv. Further, the engineers of PWD informed that it would take an estimated period of 18 months to reconstruct the deck slab, if required as per the technical report.

V. After due deliberations, the agency to undertake the repair of ROB would be decided once the technical report is available.

vi. DTTDC informed that they have already issued a notice under the relevant clause of the agreement to remove defects/deficiencies to M/s Gammon India Limited else the removal of defects & deficiencies shall be carried out at their risk and cost.”

5. It is clear from the above that the concerned authorities have now taken up the task by addressing the repair/reconstruction of the ROB at the given site. The learned counsel for the respondent also submits that the final steps to commence the work required would be initiated within a period of three months from date.

6. In view of the above, no further orders are required to be passed in the present petition.

7. The petition stands disposed of.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 16, 2025

Aj

Click here to check corrigendum, if any