

GAHC030004532022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/13/2022

Sh. Zomuanpuia
R/o Venglai East
Kolasib District, Mizoram

VERSUS

M/S Sadguru Engineers and Allied Services, Pvt. Ltd. and 5 Ors
R/b Mukesh Jalan, Director,
406, Hanuman Tower, 4th Floor,
Sati Jaymati Road, Athgaon
Gauhati - 781001 2:The State of Mizoram
R/b The Secretary
Public Works Department
Mizoram
Aizawl

3:The Engineer-in-Chief
Public Works Department
Mizoram
Aizawl

4:The Chief Engineer (Roads)
Public Works Department
Tuikhuahtlang
Aizawl

5:The Superintending Engineer
Public Works Department
Western Circle
Kawrthah Division
Mamit District
Mizora

Advocate for the Petitioner : Ms. Rosalynn L Hmar

Advocate for the Respondent : Mrs. H Lalmalsawmi (GA, Mizoram) for R2-R6

ORDER

BEFORE

**HONOURABLE MRS. JUSTICE MARLI VANKUNG
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

28.08.2024

(Marli Vankung, J)

Heard Ms. Rosalynn L. Hmar, learned counsel for the petitioner alongwith Mr. Samuel Vanlalhriata Chhange, learned counsel for the respondent No. 1 and Mrs. Linda L. Fambawl, learned Addl. AG for the State respondents.

The respondent No. 1 has filed their additional affidavit, wherein it has been highlighted at paragraph no. 53 regarding the percentage of completion of the works as under:-

“53. That, it is humbly submitted that the overall percentage of progress as on date financially is 66.78% approximately completed over all of the project where bridge proper is completed 65.35%, copy of RA-VI Bill dated 17.06.2024. Whereas, for the protection work 68.98% of which the last measurement sheet. So, the overall progress financial is coming to 66.78% and physical progress will be coming to 70% approximately. At present 30 personnel work force are present at the bridge proper site, and whereas 20 person are working at our fabrication yard for the BUSG span”.

It is also been submitted that though the works was expected to be completed on 30.06.2024, but due to technical reasons and other reasons solely attributable to the Department which is that the bills were previously not

cleared by the Department, the tentative date of completion is now said to be on 31.05.2025.

Mrs. Linda L. Fambawl, learned Addl. AG submits that as on date there are no pending bills and therefore, there shall be no hindrance in the continuation of the works for the completion of the BUSG Bridge (80 mtr span) over R. Teirei at Ch. 7.00Kmp on Bairabi – Zamuang Road which was estimated at a cost of Rs. 12,76,64,257.00 and subsequently revised to Rs. 21,75,29,765.43.

Ms. Rosalynn L. Hmar, learned counsel for the petitioner prays for time to file a reply to the additional affidavit filed by the respondent No. 1 and submits that she may be given time to verify the facts stated in the additional affidavit filed by the respondent No. 1.

Accordingly, list this matter after 2 (two) weeks.

JUDGE

JUDGE

Comparing Assistant