

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

B E F O R E

HON'BLE MR. JUSTICE NELSON SAILO
HON'BLE MRS. JUSTICE MARLI VANKUNG

21.07.2023

(Nelson Sailo, J)

Parties are represented by their respective counsels. The respondent No. 1 has filed an affidavit on 14.06.2023, wherein at paragraph No. 7 a chart has been provided. As per the chart, the initial contract value for construction of Double Lane Built Up Steel Girder Bridge over river Teirei on Bairabi-Zamuang Road was revised by signing of a supplementary Agreement on 07.12.2020 and the contract value was increased from Rs. 12, 76, 64, 257 to Rs. 21, 75, 29, 765.43 and thereby, having a difference in contract value with an increase of 70%. The time for completion was extended from 05.08.2019 to 30.06.2021. Despite the extended timeline, on account of various impediments including compensation events, the contractor had to seek for extension of time up to 30.06.2024. However, the State respondents in the Public Works Department granted extension of time only up to 31.03.2023.

Mr. Samuel Vanlalhriata Chhangte, learned counsel submits that so far the

percentage of work completed is 55% approximately and that work is in progress. He submits that as of now, the payment due to the contractor approximately is around Rs. 5 crores. Upon asking as to when the work will to be completed, the learned counsel submits that he is not in a position to say so without instructions. Mrs. Linda L Fambawl, learned Government Advocate appearing for the State respondents submits that she may be given some time to obtain instructions as to what has happened to the pending bills of the contractor and whether any further consideration is being made for extending the time for completion of the work.

Mr. Lalramdinthara, learned counsel for the petitioner also submits that he has received a copy of the affidavit filed by the respondent No. 1 and that he may be given 2 (two) weeks' time to file a reply affidavit. Prayer is allowed.

We have noticed that the progress of the work is very slow since it was said that 31.04% of the work was completed as on 12.05.2022 in terms of the information given to the applicant who submitted RTI application as can be seen from page 155(a) of the writ petition. This Court also takes note of the fact that the original timeline for completion of the work was 24 months i.e., 02.05.2019 to 05.08.2019. Upon the signing of the supplementary agreement on 07.12.2020, further time was granted w.e.f., 06.08.2019 to 30.06.2021. Therefore, it appears that at the current rate of progress of the work, the work may not be completed even if time is granted up to 30.06.2024 as prayed for by the contractor unless done on a war footing.

Considering the fact that the completion of the construction of the Bridge concerned is vital for better connectivity in the region, the contractor as well as the State authorities should take all necessary steps to ensure that the work is completed without further delay. Therefore, on the next date of listing, the respondent No. 1 through their counsel shall inform the Court without fail the timeline they intend to follow for completion of the Bridge. The learned Government Advocate shall also inform the Court about the steps taken for payment of the amount due, to the

contractor and as to whether any further consideration has been made for extending the time for completion of the bridge as requested by the contractor.

List the matter again **after 3 (three) weeks.**

JUDGE

JUDGE

Comparing Assistant