

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION NO.188 OF 2022
WITH
INTERIM APPLICATION (ST) NO. 33042 OF 2025**

Shrihari S/o Anant Shidore & Ors. ...Petitioners
Versus
The Commissioner/Administrator & Ors. ...Respondents

**WITH
INTERIM APPLICATION (ST) NO. 30644 OF 2025**

Manisha Palande D/o Mohan Palande ...Applicant/
Intervener

IN THE MATTER BETWEEN

Shrihari S/o Anant Shidore & Ors. ...Petitioners
Versus
The Commissioner/Administrator & Ors. ...Respondents

**WITH
WRIT PETITION NO. 2651 OF 2025**

Raju Nanasaheb Chavan ... Petitioner
Versus
The State of Maharashtra ... Respondent

Mr. Shambhuraje Deshmukh, Amicus Curiae a/w Mr. Amit Mukhedkar,
Advocate for the Petitioner (Through V.C.)

Mr. A.B. Girase, Government Pleader (Through V.C.) a/w Smt. G.R.
Raghuwanshi, AGP, Smt. Priyanka Chavan, AGP for the Respondent/
State.

Mr. Rajendra Deshmukh, Senior Advocate (through VC) h/f Mr. Vinod Patil
& Mr. Amol Vasmatkar, Advocate for Respondent No.6-MJP.

Mr. S.S. Tope, Advocate for Respondent No.4/Municipal Corporation.

Mr. R.N. Dhorde, Senior Advocate i/by Mr. S.N. Suryawanshi, Advocate for Respondent No.15- Project Contractor.

Mr. Ratan L. Adhe, Advocate for the Applicant in IA(ST)/33042/2025.

Ms. Asifa Ansari, Advocate for the Applicant in IA(ST)/30644/2025 (Through V.C.).

Mr. D.S. Manorkar a/w Mr. D.P. Madkar for the NHAI.

Ms. Manisha Palande, Chief Engineer, MJP, Chh. Sambhaji Nagar, present (Through V.C.)

Mr. A.S. Ranga Naik, Member Secretary of the MJP, present.

**CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.**

DATE : 14th OCTOBER, 2025

P.C:

1. An urgent hearing in this matter was scheduled today, considering the controversy that arose on account of the long pending bills of the Project Contractor. Our order dated 10th October 2025, clearly indicates as to what has transpired and why, unprecedentedly, the Court was required to address the issue of the pending bills of the Contractor.

2. Mr. A.S. Ranga Naik, the Member Secretary of the Maharashtra Jeevan Pradhikaran ('MJP') is present in the Court hall. With our permission, he has addressed the Court.

3. The learned Senior Advocate, Shri. Dhorde, tenders a compilation of 21 Pages, which is taken on record and marked as 'Y-97' for identification.

4. In the light of the above, he draws our attention to the letter dated 10th October, 2025, which was issued immediately after we dictated the order in the upon Court in these matters. Vide the said letter, the Chief Engineer of the MJP at Chh. Sambhaji Nagar, informed the Project Contractor that the price variation is refused. Such letter is pitted against the decisions taken in a special meeting held in the chamber of Principal Secretary, Water Supply and Sanitation Department on 28th February 2025, more particularly, the decision mentioned on Page No.11 of the compilation, which indicates as under :-

अ. क्र.	मुद्दा	चर्चा	बैठकीच्या अनुषंगाने मा.प्रधान सचिव (पा.पु.व स्व.) यांचे निर्देश	कार्यवाहीचा विभाग
		व्यवस्थेद्वारे पाणी पुरवठा करण्याचे प्रस्तावित असल्याचे सांगितले. मे. जी. व्ही. पी. आर. यांनी महाराष्ट्र शासनाच्या	३) दि.२९/०६/२०२२ रोजीचा असाधारण भाववाढीसाठी विशेष मदतीचा	मुख्य अभियंता तथा विशेष

		२९/०६/२०२२ रोजीच्या पाणी पुरवठा योजनांच्या निविदेत भावभिन्नता कलमाचा समावेश करणे व सध्याच्या असाधारण भाववाढीसाठी विशेष मदत हा शासन निर्णय सुधारीत करून त्याप्रमाणे मदत देण्यात यावी अशी मागणी केली. मुख्य अभियंता यांनी सदर कामासाठी लागणारे मनुष्यबळ / मजुर वाढवून कामाची गती वाढवण्यात यावी असे सुचना मे. जी. व्ही. पी. आर. यांनी केली.	शासन निर्णयाचा सखोल अभ्यास करून प्रस्ताव सादर करावा. ४) सदरची योजना पूर्ण करण्यासाठी लागणारे मजूर तातडीने वाढविण्यात यावे.	कार्य अधिकारी, मंत्रालय/म. जी. प्रा. मे. जी. व्ही. पी. आर
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5. Considering the letter dated 10th October, 2025 at Page No.21 below 'Y-97', we find that the said letter should not have been issued since the Chief Engineer was called upon to submit a special report to the Principal Secretary. Instead of submitting the said report, on 10th October, 2025, the letter has been issued.

6. We express our displeasure at the manner in which the said letter has been issued. The Chief Engineer ought to keep in mind that we had exercised our discretion by directing that she should not be moved out of her position, to avoid any change in the officers who were connected with the project. We had directed that the Divisional Commissioner of Chh. Sambhaji Nagar Division and the Chief Engineer of the MJP, would continue in their positions for the purpose of this project, subject to our

orders. The said order passed by us was purely discretionary, and neither the Divisional Commissioner nor the Chief Engineer, can canvass before us on any count, that a right to continue in the said position was created in their favour.

7. The learned Senior Advocate, Shri. Deshmukh, submits that the Chief Engineer informs him that the letter dated 10th October 2025, would stand withdrawn and a report, as is expected to be submitted to the Principal Secretary in view of the above reproduced decision (Marathi reproduced portion), would be tendered after carrying out proper study and with reasons.

8. Insofar as the Interim Application (St.) No.30644 of 2025, filed by the CE, MJP is concerned, we make it clear to the Applicant that, the cause taken up in the said Application is restricted only to the averments and grievance set out therein. That cause of action has nothing to do with the discretion exercised by us, for continuing the Chief Engineer of the MJP on the said project.

9. We, therefore, deem it appropriate to record that the Member Secretary would be the final Authority with reference to the ongoing

project and the Chief Engineer of the MJP at Chh. Sambhaji Nagar shall not independently pass orders, without the approval of the Member Secretary. Needless to state, that the Member Secretary of the MJP would exercise Administrative Authority vested in him, for furthering the cause of this project, which is in the crucial and final stages towards completion. This would be subject to our discretion and further orders.

10. The learned Government Pleader, Shri. Girase has informed us that in a period of around two weeks, an amount of Rs.822 Crores would be transferred to the Corporation. We are sure that the Corporation is aware that the said amount is to be spent purely for this project and for no other head of expenditure. The learned Advocate for the Corporation, Shri. Tope, on instructions, informs us that the amount, as may be received, would be transferred to the MJP, within 2 weeks. The learned Senior Advocate, Shri. Deshmukh for the MJP, submits that the said amount would be transferred to the MJP as soon as possible and surely within a period of two weeks.

11. We, therefore, direct the MJP to complete the formalities of clearing the bills, strictly in accordance with the procedure laid down and make the payment to the Project Contractor, strictly in accordance with the approved bills. We make it clear, that we have not expressed any opinion as

regards the legality of the pending bill, which shall be scrutinised strictly in terms as may be applicable. Insofar as the clearance of the payments and disbursement of the amounts, we would direct the Member Secretary of the MJP to himself monitor such payment.

12. Since we are informed that the next meeting of the High Court Constituted Committee ('HCCC') would be held on 27th October 2025, we are listing these matters on **7th November, 2025 at 3:00 p.m.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)