

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

**PUBLIC INTEREST LITIGATION NO.188 OF 2022**

Shrihari S/ Anant Shidore ...Petitioner  
Vs  
The Commissioner/Administrator ...Respondent

**WITH**

**INTERIM APPLICATION NO.16240 OF 2024**

GVPR Engineers Ltd Through  
the Senior Manager Projects,  
G. Mahender s/o Sri, G, Somla ...Applicant

**Vs**

Shrihari S/ Anant Shidore ...Respondent

**WITH**

**INTERIM APPLICATION NO.16241 OF 2024**

Evrascon VPSC CIPL JV. Through  
Its Authorized Representative  
Mr. R. Shakthivel ...Applicant

**Vs.**

The Commissioner/Administrator ...Respondent

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Mr. Amit A. Mukhed, Advocate for the Petitioner.

Mr. Sachin Deshmukh Amicus Curiae.

Mr. A. B. Girase, Government Pleader a/w. Mr. M. M. Nerlikar,  
AGP for the State-Respondent Nos.5, 8 to 10.

Mr. S. S. Tope, Advocate for the Chchatrapati Sambajinagar  
Municipal Corporation-Respondent Nos. 1 to 4.

Mr. Rajendra Deshmukh, Senior Advocate i/b. Mr. Vinod Patil, Adv.  
Kunal Kale and Mr. Amol G. Vasmatkar, Advocate for Respondent-  
MJP.

Mr. S. B. Deshpande, Senior Advocate a/w. Ms. Priyanka  
Deshpande, Ms. Sulkshana Ghule i/b. Mr. D. S. Manorkar, Advocate

for the Respondent-NHAI.

Mr. Ajay Talhar, the Assistant Solicitor General for Union of India.

Mr. R. N. Dhorde, Senior Advocate h/f. Mr. S. N. Suryawanshi, Advocate for Respondent No.15.

Mr. G. K. Naik Thigle a/w. Amay Sirsikar, Advocate for the Applicant.

Mr. Ram S. Malani h/f. A. S. Bajaj, Advocate for Respondent No.10.

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**CORAM : RAVINDRA V. GHUGE &  
RAJESH S. PATIL, JJ.**

**DATE : 9<sup>th</sup> JANUARY, 2025.**

**P.C. :-**

1. After a marathon hearing from 03.00 p.m to 5.45 pm, we have noted the submissions of the learned Government Pleader, Shri. Girase and Mr. M. M. Nerlikar, Additional Government Pleader on behalf of the State of Maharashtra, Mr. R. N. Dhorde, Senior Advocate on behalf of the Project Contractor, Mr. Rajendra Deshmukh, Senior Advocate on behalf of the MJP, Mr. S. B. Deshpande, Senior Advocate on behalf of the NHAI, Mr. Talhar, the learned Deputy Solicitor General on behalf of the Union of India, Mr. Sachin Deshmukh, Amicus Curie, Mr. Sambhaji Tope on behalf

of the Municipal Corporation and the learned Advocates appearing for the parties.

2. At the outset, we have considered the submissions of the learned Amicus Curie as well as the Stake Holders and, therefore, to ensure continuity in the progress of this project, we direct that Mr Dilip Gawade, the Divisional Commissioner of Chhatrapati Sambhajnagar Region and Mrs. Manisha Palande, the Chief Engineer of the MJP, shall not be transferred from their present positions without the leave of the Court.

### **REPORTS OF THE HCCC**

3. The learned Government Pleader has tendered a copies of the Reports of the Meetings held by the High Court Constituted Committee (HCCC) chaired by the Divisional Commissioner, on 13<sup>th</sup> December, 2024 and 1<sup>st</sup> January, 2025. The report of the meeting dated 13<sup>th</sup> December, 2024 (10 pages) with a covering letter dated 16<sup>th</sup> December, 2024, is taken on record and marked as '**X-48**' for identification. The report of the meeting dated 1<sup>st</sup> January, 2025 (23 pages) along with a covering letter dated 3<sup>rd</sup> January, 2025

is taken on record and marked as 'X- 49' for identification.

4. We have perused the contents of the report '**X-49**' wherein the submissions of the MJP, the NHAI and the directions issued by the High Court Constituted Committee ('HCCC'), have been recorded. Mr. Girase has pointed out that though the project work is progressing, the jackwell and pump house construction has not picked up pace. According to Annexure - A on page 10 of the report, the jackwell has reached 44% of the progress. The work on the jackwell has been on going and the rainy season is a serious hurdle to the construction and erection of the jackwell. The last two rainy seasons at Chhatrapati Sambhajnagar, were not as heavy as they were predicted to be and, therefore, the progress in the jackwell could be taken forward even during those rainy seasons.

5. Mr. Dhorde, the learned Senior Advocate submits that there are several activities involved in this project and the jackwell as well as the approach bridge and approach Bund (Embankment), are being worked upon.

6. The learned Government Pleader has then pointed out

that though the pipe supply for Raw Water Rising Main (RWRM) is 100%, the pipe laying is at 88% and the Hydraulic testing is at 8.84%. He has drawn our attention to the various aspects of the said report including the Pure Water Rising Main, the Low level and High level Major Balancing Reservoirs, Pure Water Leading Main, Distribution System, Elevated Storage Reservoir, etc.

7. Mr. Dhorde, Senior Advocate submits that the project contractor is deeply involved in this project and there is no reason to have any apprehension about the progress being made. He submits that there are several obstacles in the path and each obstacle is being tackled. He has placed on record a compilation of photographs and documents (85 pages), which is marked '**Y-61**' for identification.

8. There are three major aspects that he has actually flagged in the view of his concerns. **Firstly**, as regards the road from Chhatrapati Sambhajinagar to Paithan being laid above the ground beneath which the pipeline is being laid. **Secondly**, payment has to be made to two property holders namely Shri Mule and Mr. Shaikh, with regard to which an earlier has already been passed by this Court. **Thirdly**, that the High Court Constituted Committee

(‘HCCC’) has approved the latest method (technological development) of Radiographic Testing and Ultra Sound Testing for Raw Water Rising Mains. This innovation and modern technology is believed to more productive and accurate and is now a replacement for hydraulic testing of the pipelines. He places on record the minutes of the meeting of the ‘HCCC’ dated 17<sup>th</sup> October, 2024 in which a reference to the earlier meeting dated 9<sup>th</sup> October, 2024 is made (6 pages). The same is taken on record and marked as ‘Y-62’ for identification.

9. In so far as the payment to be made to Mr. Mule and Mr. Shaikh, Mr. Tope, the learned Advocate for the Corporation submits that cheques to be issued to these two persons are ready and the same would be delivered shortly. He further submits that the Corporation would ensure that these two persons immediately remove their structures which have become an impediment in the path of laying the pipelines at the Dhorkin segment. He further submits that Mr. Santosh Bhavle, who is a Chief Accountant Finance Department with an Additional charge of removing encroachment, would ensure these two persons remain present at the site and the said structures are removed with the monitoring of the

Corporation and the payment would be made to these two persons, forthwith. This activity would be completed within a span of five days, approximately.

10. In so far as the testing of the Raw Water Rising Main and Pure Water Rising Main in the light of the minutes of the meeting ‘Y-62’, it is apparent that there were 16 persons who participated in the said meeting held on 17<sup>th</sup> October, 2021. Most of the 16 members were technical experts. Considering the latest innovation, they agreed that certain pipes would be tested hydraulically and some of the pipes would be tested by Radiography Test and Ultra Sound Test. We approve the same.

11. In this view of the Technical Committee on the said aspect, we would appreciate if the Disha Committee refrains from making parallel suggestions, keeping in focus the order passed by this Court [Dipankar Datta, CJ (His Lordship now being the Hon’ble Judge of the Supreme Court) & Ravindra V. Ghuge, J.] dated 22<sup>nd</sup> July, 2022, when the High Court Committee was Constituted under the orders of this Court. Since the High Court is monitoring this project with the assistance of various departments of

the State Government, and with the assistance of the High Court Constituted Committee and some Technical Committees as and when required, it would be appropriate that no other body issues parallel directions or makes suggestions. If such suggestions are to be made, they should be tendered to the High Court Constituted Committee, which would then place the said suggestions before this Court in this Public Interest Litigation.

12. Considering the above, the communication by Shri. D. H. More, Executive Engineer of the MJP addressed to the Superintendent Engineer, MJP Circle, Chhatrapati Sambajinagar dated 1<sup>st</sup> January, 2025, with due respect to the Hon'ble Guardian Minister, would be kept in abeyance.

#### **ROAD ALIGNMENT AND PIPELINES BENEATH THE ROAD**

13. In so far as the issue of the road alignment either having got changed or having got drifted, needs to be gone into with more details to be furnished to the Court. Mr. Dhorde, the learned Senior Advocate has placed on record a compilation of large sized coloured photographs (21 sheets). The same are collectively marked

as 'Y-63' for identification.

14. The learned Government Pleader as well as Mr. Deshmukh, the learned Senior Advocate on behalf of the MJP and Shri. Deshpande, the learned Senior Advocate on behalf of the NHAI, inform us that the Hon'ble Chief Minister of the State of Maharashtra is personally looking into this aspect considering the gravity and seriousness of the fact of having the water pipelines beneath the new road connecting Chhatrapati Sambhajnagar and Paithan, being laid by the NHAI. He submits that he is yet to gather details about the discussion in the said meeting being held today by the Hon'ble the Chief Minister and he would appraise this Court of the same on the next date.

15. Mr. Dhorde, the learned Senior Advocate submits that the details as regards the hazards of having a pipeline of this nature beneath a road would be highlighted before the Court on the next date.

### **PROJECT MANAGEMENT CONSULTANT**

16. In so far as the Project Management Consultant is

concerned, Mr. Deshmukh, the learned Senior Advocate submits that the Chief Engineer of the MJP would look into the aspect and assess the extent to which the PMC has involved itself in this project and the assistance that it has rendered. We make it clear that if we find that the PMC has not rendered assistance up to the mark for the purpose for which it was engaged, we may have to think of whether the PMC needs to be discontinued. We leave this issue to be discussed and considered on the next date.

17. The learned Government Pleader and Mr. Sachin Deshmukh, the learned Amicus Curie submit that the next date of the meeting of the High Court Constituted Committee ('HCCC') is 22<sup>nd</sup> January, 2025, which is supposed to be held twice a month. He also submits that the report will have to be generated so as to be tendered to the Court.

18. In view of the above and with the consent of the learned Senior Advocates, the learned Government Pleader and the learned Advocates for respective sides, we suggest that the said meeting be preponed to 15<sup>th</sup> or 16<sup>th</sup> of January, 2025.

19. List this Petition on 24<sup>th</sup> January, 2025 at 3.00 p.m.
20. High Court Registry to indicate District Chhatrapati Sambhajanagar, in this Public Interest Litigation No.188 of 2022.

**(RAJESH S. PATIL, J.)**

**(RAVINDRA V. GHUGE, J.)**