

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

PUBLIC INTEREST LITIGATION NO.188 OF 2022

Shrihari S/o Anant Shidore ...Petitioner
Versus
The Commissioner/Administrator ...Respondent

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

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

**WITH
INTERIM APPLICATION NO.16240 OF 2024**

GVPR Engineers Ltd Through
the Senior Manager Projects,
G. Mahender S/o Sri. G. Somla ...Applicant
Versus
Shrihari S/o Anant Shidore ...Respondent

Mr. Shambhuraje Deshmukh, Amicus Curiae a/w. Mr. Amit A. Mukhedkar for the Petitioner (through video conferencing).

Mr. Sanjeev Deshpande, Senior Advocate a/w. Mr. D. S. Manorkar and Mr. Manesh Swami for the Respondent – NHAI (through video conferencing).

Mr. S. S. Tope for the Chhatrapati Sambhajinagar Municipal Corporation - Respondent Nos.1 to 4 (through video conferencing).

Mr. Amarjeet Girase, Government Pleader a/w. Ms. G.R. Raghuwanshi, AGP for Respondent Nos.5, 8 to 10/State.

Mr. R. N. Dhorde, Senior Advocate a/w. Mr. Rohan Kaiche i/b. Mr. S. N. Suryawanshi for Respondent No.15.

Ms. Manisha Palande, Chief Engineer, MJP, Chhatrapati Sambhajinagar (through video conferencing).

Mr. Rajendra S. Deshmukh, Senior Advocate i/b. Mr. Vinod Patil,
Mr. Amol G. Vasmatkar for Respondent No.6 - MJP.

Mr. Mahindra G., AGM present.

Mr. Ashrith Reddy, Associate Director present.

**CORAM : RAVINDRA V. GHUGE
&
GAUTAM A. ANKHAD, JJ.**

DATE : 1st AUGUST, 2025

P.C. :

1. Considering that the earlier Amicus Curiae, Mr. Sachin Deshmukh, has now been elevated as the Hon'ble Judge of this Court, the Board Department shall indicate the name of Mr. Shambhuraje Deshmukh as the Amicus Curiae in these proceedings, along with Mr. Amit A. Mukhedkar, the learned Advocate for the Petitioner. On the Government side, in addition to the learned Government Pleader, Mr. Girase, Mr. Mahendra M. Nerlikar, learned Additional Government Pleader, was also appearing as counsel. However, since Mr. Mahendra M. Nerlikar has also been elevated as the Hon'ble Judge of this Court, the Board Department shall ensure that his name is no longer reflected as appearing on behalf of the State in these proceedings.

HIGH COURT CONSTITUTED COMMITTEE (HCCC)

2. The learned Government Pleader has placed on record, two reports of the HCCC. The first report, comprising 15 pages, pertains to the meeting of the HCCC held on 16th July, 2025. The said report, accompanied by a covering letter dated 24th July 2025, is taken on record and collectively marked as **'X-61'**, for identification. Similarly, the second report, comprising of 27 pages, pertains to the meeting held on 28th July, 2025 and is submitted along with a covering letter dated 30th July, 2025. This report is also taken on record and collectively marked as **'X-62'**, for identification.

ROAD MAP SUBMITTED BY THE CONTRACTOR

3. In the last order dated 11th July, 2025, we had recorded in paragraphs 10 and 11 that the project contractor would tender an affidavit along with relevant documents, to give a reasonable idea of the pace of the project and the completion of various levels and stages thereunder, within a particular timeline and also indicate the entire strength of the labourers presently deployed by the project contractor for this project.

4. The learned Senior Advocate, Mr. Dhorde, has placed on record an affidavit (page nos.1 to 14), along with various documents annexed thereto (page nos.15 to 166), aimed at demonstrating the progress achieved at different stages and levels of the project, as well as indicating the approximate further time required for its completion. The affidavit along with its annexures (1 to 166), is taken on record and collectively marked as 'Y-83', for identification.

LABOUR FORCE

5. Insofar as the labour force deployed on this project is concerned, a list of workers has been placed on record from page nos.141 to 145 under 'Y-83'. However, the font used in the said list is too micro in nature, that we are unable to read the details contained therein. Mr. Dhorde, learned Senior Advocate, submits that an enlarged copy of the said list will be placed on record on the next date of hearing so as to apprise the Court of the actual strength of the labour force deployed. Nevertheless, on instructions, Mr. Dhorde submits that approximately 850 workers are presently engaged at various stages and levels on the ongoing project.

ELEVATED STORAGE RESERVOIRS (ESR)

6. The learned Senior Advocate Mr. Dhorde has placed before us a communication dated 1st August, 2025 addressed by the Sub Divisional Engineer of the MJP to the Executive Engineer of the Quality Control and Vigilance Section. The said communication indicates the confirmation of six ESR have already been commissioned. The photostat copy of the said communication is taken on record and marked as 'Y-84', for identification.

7. The learned Senior Advocate has drawn our attention to the data from page nos.57 to 60 under 'Y-83'. The current status/achieved progress in percentage with regard to the ESR indicates that four ESR are already functional. Six ESR are ready to be used. The project contractor has achieved progress to the extent of 65% to 96% in around 15 to 18 ESRs. Page no.59 indicates around 12 to 13 ESRs, which are under construction and the progress is between 15% to 46%. Seven ESRs have just taken off and are at 3% to 9%.

8. It appears from the current status and the completion dates mentioned in the said chart that almost half of the ESRs would be ready by 31st December, 2025, besides those which have already been completed and have become functional, as mentioned above. Some of the ESRs would be ready in stages by 31st January, 2026, 30th April, 2026 and 31st May, 2026. Seven ESRs would be taking time in between 31st August, 2026 to 30th September, 2026.

9. In view of the above, since an extensive affidavit along with its annexures, 'Y-83', has been tendered before us, it would be advantageous to permit the learned Advocates representing the appearing parties to study the same. If they have any issues which need a debate or need to be addressed, the same may be raised in the meetings of the HCCC scheduled on 12th August, 2025, and the subsequent meeting planned on 26th August, 2025. The HCCC will consider those suggestions or issues being raised by the Members of the Committee and the project contractor would be obliged to deal with those suggestions or questions that may be posed. The minutes of the meetings would reflect the debate on such issues so as to apprise us, in brief, as regards the steps to be taken by the project contractor to achieve

better results in quick time.

PAYMENT OF BILLS OF THE PROJECT CONTRACTOR

10. The learned Senior Advocate, Mr. Dhorde, informs the Court that the project contractor has submitted bills amounting to more than Rs.160 Crores, approximately, one and a half months ago. These bills pertain to extra project works that were completed over a year ago. Now that the bills have been submitted, the MJP needs to verify the same and clear the bills.

11. The learned Senior Advocate, Mr. Rajendra Deshmukh, representing the MJP submits, on instructions, that these bills are being verified. He further submits that wherever required, better details are being sought from the project contractor and an endeavour would be made to clear the said bills.

12. The learned Senior Advocate Mr. Rajendra Deshmukh and the briefing learned Advocate Mr. Vinod Patil submit that the regular bills are being cleared on regular basis. The bills pertaining to Rs.160 Crores and plus, are with regard to the revised bills as well as various extra heads, on which the project contractor has

spent from his pocket without causing any pause in the project, considering the urgency in which the project work has to be progressed. Mr. Rajendra Deshmukh further submits that even these revised bills are being scrutinised and would be tendered to the Member Secretary of the MJP who would initiate steps for clearing the said bills.

13. It requires no debate that the project contractor will have to be paid for the work that he has done. As the project contractor proceeds to make a progress in the project, simultaneously, the bills need to be cleared after due verification. We, therefore, expect that at least 75% of the said bills for the revised/extra works done more than a year ago, would be cleared on or before 31st August, 2025, if not yet cleared. The remaining 25 % be cleared till 15th September, 2025.

14. Stand over to **22nd August, 2025 at 3.00 p.m.**

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)