

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
Commissioner/Administrator ... Respondents

WITH
INTERIM APPLICATION NO.12742 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.188 OF 2022

Manisha Palande ... Petitioner
Versus
Shrihari Anant Shidore & Ors. ... Respondents

WITH
INTERIM APPLICATION (ST) NO.35504 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.188 OF 2022

V.V.P.R Engineer Pvt Ltd ... Applicant
Versus
Shailendra S/o Shirhari Shidore ... Respondent

WITH
INTERIM APPLICATION NO.12740 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.188 OF 2022

Shrihari Anant Shidore & Ors. ... Applicants
Versus
Commissioner/Administrator ... Respondents

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/ Anant Shidore

... Respondent

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

Mr. A. B. Girase (Through V.C.), Government Pleader a/w.
Mr.O.A.Chandurkar, Addl. GP and Mrs. G. R. Raghuwanshi, AGP for the
Respondent-State.

Mr.Rajendra Deshmukh, Senior Advocate i/by Mr. Vinod Patil & Mr. Amol
Vasmatkar, Advocate for Respondent No.6/MJP.

Mr. S. S. Tope (Through VC), Advocate for Respondent No.4/Municipal
Corporation.

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

Mr.Nitin Gaware Patil, Advocate for Respondent Nos.16 & 17 in
PIL/188/2022 & Applicant in IA/12742/2025.

Mr.S.B.Deshpande, Senior Advocate with Mr.Shreyas Deshpande and
Mr. D.P.Madkar i/b. Mr.D.S.Manorkar for the Respondent – NHAI.

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**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : JANUARY 30, 2026

P.C:

HCCC MEETING

1. The learned Government Pleader has tendered the minutes of the meeting dated 23.01.2026, along with a covering letter dated 29.01.2026 (1 + 35 pages). The same is collectively marked as 'X-75' for identification. The learned Government Pleader has taken us through the various features of the minutes.

2. The works such as the Jackwell, Electro-Mechanical Works, and Raw Water Rising Main (RWRM), have been completed. Regarding the Water Treatment Plant (WTP) at Nakshatrawadi, the work of erecting the chlorine tonner room has been undertaken. The Master Balancing Reservoirs (MBRs) have also been completed in order to achieve partial commissioning of the project.

3. It is contended that with regard to the Pure Water Leading Main MS (PWLM), the contractor has submitted only the design and

drawings for the Gabion Walls. He needs to provide a detailed cost estimate. The discussion at Item No. 6 regarding the PWLM indicates that the Contractor is now being asked to replace the Gabion Walls by carrying out the pipeline on RCC chairs, as per the approved tender.

4. At this juncture, the learned Senior Advocate, Mr. Dhorde, submits that if the Maharashtra Jeevan Pradhikaran (MJP) is going to retract its earlier decisions, it would create a different type of obstacle for the project. The Gabion Walls work had already been approved, and work has commenced by spending large amounts. A change in decision now, requiring the use of RCC chairs, is not only imposing an additional monetary burden on the Contractor, but would also consume further time, thereby causing a delay in the project.

5. The learned Senior Advocate, Mr. Deshpande, representing the National Highways Authority of India (NHAI), has brought to our notice that the issue at the Chittegaon Village junction is the subject matter of Writ Petition No. 13736 of 2024 (Dnyaneshwar Gidhane versus State of Maharashtra). He informs us that interim orders have been passed by the learned Single Judge Bench. Due to the issue raised by Dnyaneshwar

Gidhane, the present project has been paused, and NHAH would be requesting the learned Single Judge Bench to grant priority to the said Writ Petition. We have noted that the learned Senior Advocate, Mr. Deshpande, would be requesting the learned Single Judge Bench for an out-of-turn hearing in the said matter.

6. The learned Amicus has pointed out that digging work is taking place in areas such as N-3 and N-4, CIDCO, in connection with the installation of internal network of underground water pipelines. His grievance is that pits are dug for the said work and, after laying of the pipelines, the pits are not being filled in.

7. Mr. Tope, the learned Advocate for the Municipal Corporation, submits that only five Elevated Service Reservoirs (ESRs) have been commissioned. Mr. Dhorde submits that the Project Contractor would pay special attention to the issue relating to ESRs. The construction of 27 ESRs has been completed and within a short time, they would be handed over to the Municipal Corporation.

8. Mr. Dhorde has already tendered a compilation of photographs and details regarding the progress made on various head works, dated

30.01.2026 (35 pages). The same is taken on record and collectively marked as 'Y-107' for identification.

BILLS OF THE PROJECT CONTRACTOR

9. The learned Senior Advocate, Mr. Deshmukh, tenders a compilation of documents and communications (18 pages). All these documents and communications are taken on record and collectively marked as 'Y-108' for identification. He points out that Rs. 21 crores, as directed by this Court in the earlier order dated 19.01.2026, has been released and that the Contractor has received the said payment.

10. Mr. Dhorde, the learned Senior Advocate, has today raised an issue regarding the mounting bills of the Project Contractor.

11. We have noticed in the earlier hearing in this proceeding that Mr. Dhorde, the learned Senior Advocate, has shown a lot of restraint and had softly raised the grievances regarding the bills. Today, under instructions, he submits that the Project Contractor is now facing a very difficult situation. Outstanding bills have mounted to Rs. 200 crores and plus. The Municipal Corporation keeps on asking for approved bills with vouchers and the MJP keeps on taking the stand that the bills are being

scrutinized. Vide a communication dated 14.01.2026, from an Executive Engineer of MJP, Mr. Dipendra Korate, the Municipal Corporation is demanded an amount of Rs. 111.46 crores. An outward number is also mentioned in the said communication, which was read out to the Court by the learned Senior Advocate, Mr. Deshmukh.

12. Mr. Tope, the learned Advocate for the Municipal Corporation, submits that the Executive Engineer, Mr. Korate, is present in the Court at the Aurangabad Bench. He informs the Court that a simplicitor bill has been forwarded in the form of a letter and that there are no supporting vouchers or approvals from the MJP.

13. We are amazed as to why such communication was sent to the Municipal Corporation, if it was not to be accompanied by vouchers, which are generated only after the bills have been scrutinized and approved by the MJP. The said Executive Engineer is aware that such communication would be a waste paper unless it is supported by vouchers. It appears to be an eyewash to impress the Court that the MJP is working on the Project Contractor's outstanding bills.

14. In view of the above, and considering that the Project

Contractor has stated that he is in a precarious condition since the Sub-Contractors are quitting work on account of pending payments, we direct the Member Secretary of MJP to file an affidavit providing a ready reference chart indicating the details of the bills submitted by the Project Contractor to the MJP from 01.01.2025 to 31.01.2026. The chart would also indicate whether the bills were scrutinized and cleared by MJP, along with the dates on which such bills were cleared and claims were raised with the Municipal Corporation, as well as the dates on which approvals were granted. The affidavit would further contain details of the amounts disbursed to the Project Contractor in relation to each particular bill.

15. Let this affidavit be prepared and affirmed by 12.02.2026. Copies of the same shall be served upon the learned Advocates appearing for the respective sides in this proceeding. We would not grant a single day of extension of time. The project Contractor is at liberty to file a rejoinder affidavit.

16. We expect the Member Secretary of MJP and the Chief Engineer posted at Aurangabad to be present in the Court at the Principal Seat, on the next date.

OBSTRUCTION IN THE PROJECT AT HINA NAGAR

17. Mr. Dhorde, the learned Senior Advocate, submits that a Junior Engineer, Mr. Balasaheb Shivajirao Shejul, of the PWD Department at Chikalthana, has suo moto stopped the Project work in the Chikalthana region on the pipeline leading to Hina Nagar, without seeking permission from this Court.

18. We are informed that he has not even sought permission from the highest officer of the PWD Department at Aurangabad. He also lodged a complaint with Chikalthana Police Station, which was transferred to the Additional Chief Judicial Magistrate, Court No. 9 at Chh. Sambhajinagar, who had issued a warrant against the Project Contractor. The Project Contractor approached the said Court by following the due procedure, and for the present, the warrant has been cancelled.

19. We direct the learned Government Pleader, Mr. Girase, to look into this issue, which has obstructed the work for about eight months in the Chikalthana area on the road leading to Hina Nagar, and to bring the details before this Court. On the next date, he would call upon the Chief Engineer

of the PWD Department, or any other highest authority at Aurangabad, and get accurate details to be conveyed to the Court.

20. List this proceeding on **18.02.2026 at 3.00 pm.**

(ABHAY J.MANTRI, J.)

(RAVINDRA V. GHUGE, J.)