

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

PUBLIC INTEREST LITIGATION NO. 188 OF 2022

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

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

Raju Nanasaheb Chavan	...Petitioner
<i>Versus</i>	
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
<i>Versus</i>	
Shrihari S/o Anant Shidore	...Respondent

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

Mr. Sachin Deshmukh Amicus Curiae/Mr. Shambhuraje Deshmukh.

Mr. A.B. Girase, G.P. a/w Mr. M.M. Nerlikar, Addl. G.P., Smt. G.R. Rahuwanshi, AGP for Respondent Nos.5, 8 to 10/State.

Mr. S. S. Tope, Advocate for the Chhatrapati Sambajinagar Municipal Corporation-Respondent Nos.4.

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

Mr. S. B. Deshpande, Senior Advocate a/w 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. A. S. Bajaj, Advocate for Respondent No.10.

Mr. Anil M. Gaikwad, for MSETCL.

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

DATE : 26th FEBRUARY, 2025

P.C. :-

**REPORT OF THE HIGH COURT CONSTITUTED COMMITTEE
(HCCC)**

1. The learned Additional G.P., Mr. Nerlikar has tendered a copy of the Minutes of the Meeting held by the High Court Constituted Committee (HCCC) on 20th February, 2025 (30 Pages), along with the Covering Letter dated 25th February, 2025. The said report along with the covering letter is taken on record and marked as 'X-51' for identification.

2. He has drawn our attention to the issue with regard to the meeting chaired by the Hon'ble Chief Minister of Maharashtra on 9th January, 2025, which is referred to as the Hon'ble Chief Minister's War Room Meeting, with regard to exploring a long term solution in terms of the new alignment for the National Highway, to

be designed carefully and land acquisition to be done. The discussion on this subject in the HCCC meeting has been reproduced on Paragraph No.2, onwards.

3. The two options have been discussed, which are explicitly set out in the discussions with the respective departments and the directions issued by the HCCC. There is unanimity between the technical experts from the Maharashtra Jeevan Pradhikaran (MJP), the project contractor and the Municipal Corporation that there is no option, but to have vertical air valves installed on the water pipes for the reasons that have been extensively discussed and debated upon as recorded in the earlier order dated 14th February, 2025.

4. Insofar as the acquisition of land is concerned, Mr. Deshpande, the learned Senior Advocate representing the National Highways Authority of India (NHAI) and the learned Additional G.P. representing the State, have submitted that since the Hon'ble Chief Minister as well as the Government of India have given priority to this Chh. Sambhaji Nagar City Water Supply Project under the aegis of the Atal Mission for Rejuvenation and Urban

Transformation (AMRUT 2.0 Programme), if the NHAI is required to acquire the land for shifting the alignment of the Chh. Sambhaji Nagar to Paithan Road, in order to ensure that the road does not run above the pipeline, which is sunk beneath the road, the State of Maharashtra and the Government of India would be taking a decision, since the aspect of acquisition of land would be requiring around Rs.307 Crores.

5. In the meeting of the HCCC, Option No.2 has been accepted. It is also discussed that if a long term solution of RWRM land acquisition is necessary, the NHAI could initiate the proposal. Since the NHAI and the HCCC have unanimously decided to proceed with Option No.2, we record that, in future, if the acquisition of land is necessary for electing a long term final solution, it would be the State of Maharashtra and the Government of India that would take up this issue.

LOW LEVEL AND HIGH LEVEL MAJOR BALANCING RESERVOIRS (MBR)

6. Insofar as the low level (5 ML Capacity) and High Level (11.57 ML Capacity) MBR is concerned, the progress with regard to the pipe supply, the laying of pipelines, the expected work as per the

bar chart appears to be very close to 100%. Insofar as Pure Water Leading Main (MS-39 kms), the pipe supply and pipe laying are also close to 100%. Same is the case with PWLM (DI-63.23 kms) is also practically 100% to the extent of pipe supply and around 70% to the extent of the pipe laying. In short, the project is progressing reasonably well.

7. With regard to restoration of roads which are dug up while laying the House Service Connections within the city, the learned Advocate, Mr. Tope for the Corporation has voiced a concern that after the digging of the roads, the restoration activity is lagging. The learned Senior Advocate, Mr. Dhorde submits that the priority of the project contractor is to first complete the hydraulic pressure testing of the said pipeline and once it is cleared, or certified as being in operational condition, only thereafter, the restoration of the roads can be done. Lest, the roads will have to be dug up once again, if there is any fault in the House Service Connection Pipelines.

SAIBABA TEMPLE / HANUMAN TEMPLE

8. There is unanimity amongst the learned Advocates that

the owner of the said land, Mr. Reddy has shown his willingness and readiness to relocate the Hanuman Temple, which seems to be abutting the NHAI road and which needs to be pushed back. Considering the willingness expressed by Mr. Reddy, this issue, as on date, appears to have been put to rest.

THREE PUMPING MOTORS BY MJP

9. The learned Senior Advocate, Mr. Dhorde points out that around 1.80 Crores Ltrs. of water, which need not be potable water, would be required for the hydraulic testing of the pipes. A parallel 90mm dia pipeline is in place. In the absence of three pumping motors, only 20 MLD water is being supplied to the Corporation instead of 75 MLD. If three pumping motors are installed by the MJP, which it is obliged to do so, the water would be supplied to the MBR for hydraulic testing of the pipes. This would also ease the pressure on water distribution to the residence of Chh. Sambhaji Nagar, since the supply of water would rise from 20 MLD to 75 MLD, in each cycle of supply per day.

10. The learned Senior Advocate, Mr. Deshmukh submits on instructions that steps would be initiated for the installation of these three pumping motors, inasmuch as, meetings would be

arranged with the project contractor in order to ensure supply of water for the testing of the MBR. Mr. Deshmukh feels that this issue would be sorted out, within a short time of around seven days.

**DRAWINGS TO BE SUPPLIED BY THE SUPERINTENDENT
ENGINEER MJP**

11. The learned Senior Advocate, Mr. Dhorde points out that the MJP has got stuck insofar as the drawings as regards the Box Culvert, Pre-engineering Building consisting of the Chlorination Filtered House and the Sump House at the Jack Well, so also the Chlorination Structure Drawing. For the last eight months, the Incharge Superintendent Engineer, MJP has failed to deliver this drawings.

12. On instructions, Mr. Deshmukh submits that efforts would be made to tender these drawings, within a very short time. We are informed that the Incharge Superintendent Engineer, MJP is Mr. Deepak H. Koli. We direct Mr. Deepak H. Koli that all these drawings would be precisely prepared and would be tendered to the project contractor, within ten days from today, keeping in view that time of almost eight months has been lost, rather wasted.

STAFF QUARTERS

13. The learned Senior Advocate, Mr. Dhorde draws our attention to Paragraph No.18 of our order dated 2nd April, 2024. He submits that the Irrigation Department through its Executive Engineer, had pointed out a particular spot for construction of the staff quarters. After the said area was cleared up, the Executive Engineer changed the location. Presently, there is no final decision by the Executive Engineer of the Irrigation Department insofar as allotting a particular land for construction of the staff quarters.

14. The learned Additional G.P., Mr. Nerlikar submits that this issue would be taken up seriously and would be resolved, before the next date of hearing in this matter. We would expect the land to be allocated to the project contractor for erecting the staff quarters, prior to the next date of hearing in this matter.

EXTRA WORK DONE BY THE PROJECT CONTRACTOR

15. The learned Senior Advocate, Mr. Dhorde has pointed out that at various stages, certain types of work cropped up, which did not have Administrative approval. Such works were crucial to the project and a decision had to be taken urgently and work orders had

to be issued to ensure compliance of such works, and for the progress of the project.

16. The MJP had issued a letter to the project contractor to carry out such works because these were such type of works that had cropped up and were beyond comprehension. The MJP had also issued work orders to the project contractor. Time and again, such issues were taken up before the HCCC and on each such stage, the project contractor had risen to the occasion and had promptly got the said works done as soon as the work orders were issued. This aspect is also adverted to in Paragraph No.9 of our order dated 2nd September, 2024.

17. In the light of the above, we would expect the State Government Authorities to prepare a data of such works done and grant Administrative approval, since the bills of the contractor cannot be released without Administrative approval and it is stated that he has already incurred an expenditure of almost Rs.160 Crores. We would appreciate if the State Government lends priority to this aspect and gets the Administrative approval in place.

BILLS OF THE CONTRACTOR

18. In our previous orders, we have already recorded that the bills of the contractor would be cleared at regular intervals. We are informed by the Mr. Dhorde that besides Rs.160 Crores, which we have adverted to in the forgoing paragraph, there are certain bills of the project contractor, which are yet to be cleared. The said bills have been submitted to the MJP. Therefore, we direct that the MJP will apply its mind and deal with the said bills and ensure that at least 80% of the said bills are cleared with promptitude. We would permit Mr. Dhorde to take up this issue, if there is any grievance about it, in the next hearing of this matter before us.

PROJECT MANAGEMENT CONSULTANT

19. Mr. Sameer Joshi, Partner with the Firm of M/s. Fortress Infracon Ltd./Yash Innovative Solutions LLP (JV), is personally present in the Court. We have permitted him to address the Court as like on the last occasion. On Page No.6 of the HCCC Report 'X-51', it is pointed to the discussions and the Committee's directions that the data, which is furnished by the said PMC, is said to be incomplete, disorganized and not in alignment with the instructions outlined by the MJP, vide their letter dated 30th January, 2025. It is

also stated that the PMC has dumped all disorganized data and proper complete organized data needs to be submitted by the PMC as per the RFP Agreement.

20. Mr. Sameer Joshi informs us that the data has been submitted to the MJP in the form in which it was stored. However, the MJP desires that the said data should be aligned into four Sub-Divisions, which is the project protocol for preservation of the said data. He submits that being a resident of the Chh. Sambhaji Nagar and he also being a part of this project at one point in time, he continues to associate himself with the purpose for which the project is being implemented, since it would be a boon for the residents of the city to receive water at least once in two days, which they have been receiving once in eight to nine days. With this mind set, he submits that he would render fullest cooperation and would coordinate with the MJP domain experts and ensure that the data is made available to the MJP in the form and manner in which they need it. We appreciate the stand taken by Mr. Sameer Joshi and we hope that there would be no further issue on this aspect.

21. Insofar as any pending bills of the PMC, we grant liberty to Mr. Sameer Joshi to point out such pending payments to

the MJP. However, we make it clear that since this project is to be completed within a timeline, it would be appreciable if Mr. Sameer Joshi renders wholehearted cooperation in sharing the project data with the MJP. If this is achieved, we do not find any hurdle in considering the bills of the PMC, for clearance, thereafter.

SURGE TANKS

22. The learned Advocate, Mr. Gaikwad appearing on behalf of the Maharashtra State Electricity Transmission Co. Ltd. (MSETCL), is finding it difficult to allocate a parcel of land considering that the said portion is being utilized in connection with the 33kV Isarwadi Substation. Yet, he submits that MSETCL and the MJP would sit together and take a call on this aspect in order to resolve the issue so as to ensure that the project is supported by the MSETCL.

NEXT MEETING OF HCCC

23. We are informed that the next meeting of the HCCC is scheduled on 5th March, 2025. Therefore, we are listing these matters on **12th March, 2025 at 2:30 p.m.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)