

**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. Amit A. Mukhed, Advocate for the Petitioner.
Mr. Sachin Deshmukh Amicus Curiae/Mr. Shambhuraje Deshmukh.
Mr. A.B. Girase, Government Pleader 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 No.6 - MJP.
Mr. S. B. Deshpande, Senior Advocate a/w Mr. D. S. Manorkar,
Advocate for the Respondent-NHAI.
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.
Mr. Deepak H. Koli, Executive Engineer MJP present.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 12th MARCH, 2025

P.C. :-

HIGH COURT CONSTITUTED COMMITTEE (HCCC)

1. The learned Government Pleader, Bench at Aurangabad has tendered the report of the HCCC, through the Divisional Commissioner Mr. Dilip Gawade, concerning the meeting held on 5th March, 2025 (62 pages) along with the covering letter dated 11th March, 2025. The same is taken on record and marked as 'X-53' for identification.

2. Though the project seems to be moving forward and several issues pertaining to the obstruction due to encroachments, two temples, etc. having been resolved, a grave issue has been raised by the learned Senior Advocate Mr. Dhorde, in public interest. He points out that in the last order of this Court, though the Court had directed that the water flowing from the 900 mm diameter pipeline, which is newly laid, should be supplied for the hydro testing of the new project wherever required, it is noticed that there are allegedly grave irregularities with regard to the laying and commissioning of the 900 mm diameter DI pipelines.

3. This issue has accidentally cropped up after we passed an order directing water to be supplied to the new project pipeline for hydraulic testing, from the said 900 mm pipeline. In this context, Mr. Dhorde has placed on record large colour photograph copies (100 photographs) to indicate the work being done by the present project contractor on war footing and at the same time, grave deformities and deficiencies being noticed in the 900 mm pipeline. The copies of the said photographs (100 photographs) are taken on record and marked as 'Y-68' for identification.

4. He has indicated through the colour photographs that the said pipeline appears to have been laid just beneath the surface of the road, when it was expected to be sunk beneath 3 meters of the road surface. He has pointed out several photographs indicating that the said pipes are a few inches beneath the surface of the road and this is not only a grave deficiency, but would create a serious hazard for the continued use and sustenance of the said pipeline.

5. In this context, he draws our attention to the internal page no.8 of the HCCC Report, X-53. This issue seems to have been

deliberated upon by the HCCC and specific comments have been recorded by the Chief Engineer of the MJP in technical deliberations with the Executive Engineer (Mechanical), MJP, Mr. Tushar Tekawade. He expressed concerns about fully charging the 900 mm pipeline, in view of the severity of potential leakage and disruption in the water supply to the City. When the Commissioner and the Administrator of the Corporation inquired as to whether hydraulic testing was done on the 900 mm pipeline conducted under the rejuvenation project involving the Government investments of Rs.200 Crores, it was informed that the final bills of all payments were made to all the contractors. Mr. Kazi, OSD of the Corporation, confirmed that hydraulic testing had not been conducted and the pipeline was directly charged. When the Commissioner explored the feasibility of sourcing 5 MLD from Nakshatrawadi's existing MBR, the subject experts deemed it unviable due to high demand and transient flow issues.

6. As such, a grave apprehension has been voiced by the Committee in discussion with the subject experts that the 900 mm pipeline suffers serious violations of engineering protocol. The situation is so grave that we are directing the Chief Engineer, MJP,

Ms. Manisha Palande to carry out an audit of the said 900 mm pipeline project. In her wisdom, she can randomly choose the points and make an accurate assessment as to whether the requisite protocol guidelines were violated while laying the said pipeline, more importantly, whether hydraulic testing was done while the pipeline was being laid and whether it has been laid just beneath the surface of the land or whether it is 3 meters deep down inside the land as was the requirement.

7. With the suggestions from the learned Advocates before us, especially the learned Senior Advocates Mr. Dhorde, Mr. Rajendra Deshmukh and Mr. S.B. Deshpande, we deem it appropriate to request the Principal of the Government Engineering College at Aurangabad to nominate one or two subject experts, who would be senior academicians from the said College, to coordinate with the Chief Engineer of MJP and carry out the audit of the 900 mm pipeline project. Let the learned GP contact the Principal and inform him of this order.

8. We would appreciate if the report of the Chief Engineer, MJP and the representatives from the Engineering

College, is placed before us on the next date. For this purpose, we would be listing this matter, after a passage of three weeks from today, on 4th April, 2025. We would request the learned Government Pleader Mr. Girase to coordinate in order to bring the Chief Engineer, MJP and the nominees of the Principal of the Engineering College, together and give them assistance through the local administration for such purposes as they may request for in order to ensure that they can carry out the audit as expeditiously as possible.

9. In the event we notice, from the audit report submitted by the Chief Engineer, MJP, that the laying of the 900 mm pipeline was in violation of the applicable work procedure and protocol, we would be compelled to take a strict view in order to make a reference to the highest authority of the State Government to deal with the said issue.

SAND ROYALTY CHARGES

10. With regard to the sand royalty charges, the HCCC debated on this issue, which is set out at page no.18 of X-52. We have referred to our earlier order wherein we have called upon the District Collector to treat the said case, as a special case, since the

project contractor, who was sanctioned a quantity of 25106 brass of sand, had actually lifted only 10206 brass as per the requirement for the project. The remaining 14404 brass has been refunded to the Collector's office. Considering the royalty paid by the project contractor, we have recorded that the Collector would treat this as a special case and facilitate return of the said amount. The HCCC has recommended to the District Collector to ensure immediate resolution of this issue. We reiterate, that the Collector would consider this to be a special case and the royalty paid by the project contractor for the quantity of sand, which has not been lifted and returned, should be refunded.

ALLOCATION OF LAND FOR EXCAVATING SOIL

11. The learned Senior Advocate Mr. Dhorde has placed on record a separate compilation of two colour photographs with reference to the Jackwell. The same is taken on record and marked as 'Y-69' for identification. He points out that the construction within the Jackwell will now be covered by concrete slabs on three sides and the space between the said construction and the land will have to be filled with soil. In the language used in the project, it is termed as 'backfill the excavated area'. He points out that the

backfilling will facilitate the movement and positioning of cranes and other machinery during the pump and PEB erection stages, as well as provide unhindered access for further construction of the Jackwell. On instructions, a statement is made that the project contractor would be paying the royalty for excavating the soil for the said purpose.

12. The HCCC has directed the concerned officials and the project contractor to identify suitable Government land and make an application in writing. The Collector of Chh. Sambhaji Nagar has been instructed to verify the allotment as per rules and regulations and grant necessary approvals, expeditiously.

UNTOWARD INCIDENT IN THE PROJECT CONTRACTOR'S OFFICE

13. Mr. Dhorde tendered a compilation of three pages, which is taken on record and marked as 'Y-70' for identification. The first page is a complaint, dated 10th March, 2025 lodged by the project contractor GVPR with the Osmanpura Police Station, pointing out that some localites entered the office of the project contractor and abused and practically attacked one of their officials, namely, Mr. Khalil, who is the General Manager.

14. The 2 photographs at page no.2 indicate the persons who had indulged in the said misdemeanor. Page no.3 of the compilation is a communication by GVPR to the Commissioner of Police, dated 21st December, 2024 which was an earlier complaint with regard to a similar incident that had occurred. A prayer for police protection was also made. He, therefore, submits that now the time has come to grant police protection in some way at the office premises of GVPR in order to prevent localites from indulging in such incidents any time in future. Earlier, it was brought on record and which has been mentioned in one of the orders of this Court, that the employees of GVPR had also been assaulted and have suffered bleeding injuries.

15. The learned Government Pleader Mr. Girase submits that he would have a discussion with the Commissioner of Police as well as the District Superintendent of Police, Rural and ensure that some protection is given and such incidents are avoided.

DRAWINGS NOT TENDERED TIMELY BY MR.

DEEPAK KOLI

16. The learned Senior Advocate Mr. Deshmukh along with

Mr. Vinod Patil, representing the MJP, have tendered an affidavit dated 12th March, 2025, filed through Mr. Deepak H. Koli, Executive Engineer MJP, who is also present in Court. The affidavit is in relation to the drawings in the light of the order of this Court dated 26th February, 2025. There was much controversy over the same since the GVPR submits that Mr. Koli is repeatedly raising objections only to cover up his act of not tendering the drawings at appropriate stages. For the present, we are overlooking the said issue with the expectation that all the relevant drawings required at the relevant stages, are tendered to the GVPR without further delay. Let the Court not be compelled to take up the issue for passing strict orders.

17. We are informed that the next meeting of the HCCC would be held on 20th March, 2025. **Stand over to 4th April, 2025 at 2.30 p.m.**

(ASHWIN D. BHOBE, J.) (RAVINDRA V. GHUGE, J.)