

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

PUBLIC INTEREST LITIGATION NO.188 OF 2022

Shrihari S/o Anant Shidore & Ors. ...Petitioners
Versus
The Commissioner/Administrator & Ors. ...Respondents

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

Raju Nanasaheb Chavan ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

**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 & Ors. ...Respondents

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

Mr. Rajendra Deshmukh, Sr. Advocate a/w Mr. Vinod Patil, Mr. Amol Vasmatkar, Advocate for Respondent No.6.

Mr. Amarjeet Girase, Government Pleader a/w Mr. M.M. Nerlekar, Addl. G.P., Mrs. Gauri Raghuwanshi, AGP for Respondent/State.

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

Mr. Anil M. Gaikwad, Advocate for the Respondent/MSETCL

Mr. Sachin Deshmukh Amicus Curiae, thr. V.C. a/w Mr. Shambhuraje Deshmukh.

Ms. Manisha Palande, Chief Engineer, MJP, Chh. Sambhajinagar, present through V.C.

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Mr. Sameer Joshi, authorized Signatory and Partner of the PMC,
present in person.

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

DATE : 4th APRIL, 2025

P.C. :-

HIGH COURT CONSTITUTED COMMITTEE (HCCC)

1. The learned Government Pleader has tendered the report of the HCCC, which conducted its meeting on 20th March, 2025 along with the covering letter dated 3rd April, 2025 (47 Pages). The same is marked as 'X-54' for identification.

THREE PUMPS

2. Under the said report, with regard to the three pumps to be installed having capacity of 3700 HP at the Jayakwadi Headworks to achieve the rated water discharge through the 900 mm diameter pipeline, the Maharashtra Jeevan Pradhikaran (MJP) has assured that the installation is scheduled for completion by the first week of April followed by hydraulic testing, which will be conducted to verify the system performance and structural integrity.

3. We are informed by the Chief Engineer, MJP who has addressed the Court that after four days, the Corporation will have to plan a 48 hours shutdown and during that period, the pump installation would be achieved. The learned Advocate for the Corporation submits on instructions that four days from today, there will be a 48 hours shutdown of the 900 mm diameter pipeline and the MJP can complete the installation of the pumps. We were informed that three pumps are going to be installed. We would expect MJP to maintain the said statement.

900 MM DIAMETER PIPELINE AUDIT REPORT

4. We are informed by the Chief Engineer of the MJP that in another 10 to 15 days time, the audit would be completed and the report would accordingly be prepared in order to be placed before this Court.

5. It is undisputed before us that the Water Treatment Plant (WTP) with reference to the 900 mm diameter pipeline, has not been completed by the earlier project contractor. The Chief Engineer submits that the said work would be got done by the end of June 2025.

SAND ROYALTY CHARGES

6. The learned Government Pleader submits on instructions that insofar as the sand royalty charges are concerned, which was a subject matter of the order of this Court dated 12th March, 2025, more particularly, Paragraph No.10, directions were issued by the HCCC to the District Collector to place the said issue before the Additional Chief Secretary, State of Maharashtra. Since we have already recorded that the royalty charges are required to be refunded, as is evident from our earlier order, we would expect the Additional Chief Secretary to complete this exercise and close the issue by complying with the directions, on or before 17th April, 2025. The compliance would be brought to our notice in the next hearing in this matter. Insofar as returning of the Bank guarantee of the project contractor with regard to the sand excavation, in the next hearing, we would expect this issue to be given a quietus.

ALLOCATION OF LAND FOR EXCAVATING SOIL

7. The report of the HCCC indicates from internal Page No.8, that much progress does not seem to have occurred on the land required for 'backfilling the excavated area'. This is delaying the project. The project contractor has identified two Government

land parcels in Gut No.114 (approximately 3 acres) and Gut No.122 (approximately 5 acres) in village Katpur, Tal. Paithan. These parcels of land fall within the jurisdiction of the Irrigation Department. An urgent decision on the said issue needs to be taken by the Competent Authority, and we expect such a decision to be taken within 10 days from today in order to enable the project contractor to use the said land as backfilling material.

UNTOWARD INCIDENT IN THE PROJECT CONTRACTOR'S OFFICE

8. The learned Government Pleader has pointed out from the HCCC report that necessary Police Bandobast in the form of one male Constable and one female Constable has been deployed at the project contractor's office. We find that this would not be an ultimate solution for the problem created by the localites. Let the State register FIRs against the law breakers and the law offenders, as a deterrence for any further repetition of such incidence.

DRAWINGS NOT TENDERED TIMELY BY MR. DEEPAK KOLI

9. This issue was referred to in our earlier order in Paragraph No.16. We have issued certain directions. It appears that

the Mr.Koli is still not serious about our directions. We hope that he does not invite any strict order from this Court.

10. The learned Senior Advocate Shri. Deshmukh, representing MJP submits that Mr. Koli has started working on the drawings and one culvert drawing is already tendered to the project contractor, and one more drawing with reference to the Pre-engineering Building is prepared and tendered to the project contractor. He has already cleared it and the matter is now before the VNIT since 18th March, 2025.

11. We are informed that the same drawing was earlier vetted with the VNIT and was approved. Thereafter, the MJP carried out certain changes and hence the repeat action. In the light of this facts situation, we call upon the learned Government Pleader to ensure that the VNIT is informed that an approval of the said drawings shall be granted by 21st April, 2025.

12. With regard to the 900 mm diameter pipeline, the learned Senior Advocate Shri. Dhorde representing the project contractor has placed on record a compilation of photographs (14

Pages), which is marked as 'Y-72' for identification. The new project 2500 mm diameter pipeline is apparently getting sandwiched between the 900 mm diameter pipeline and the 1200 mm diameter pipeline. The vital installation of butterfly valves at various places is being hampered since there is insufficient space around the said pipeline for the project contractor to install the said valves.

13. The Chief Engineer, MJP, who has addressed us, submits that the location of the butterfly valves at limited points, where the sandwich like situation has occurred, would be slightly altered without compromising the quality, performance and the appropriate location of the butterfly valves and this issue would be resolved with the active intervention of the MJP.

DRINKING WATER NOT SUPPLIED

14. Drinking water has not been supplied to the Chh. Sambhaji Nagar residents for the last around 12 days. The learned Government Pleader submits on information received by him that the water has not been supplied for 18 days. The cause seems to be the frequent bursting of the 900 mm diameter pipeline and the 1200 mm diameter pipeline. The blame seems to be put on the project contractor.

15. The learned Senior Advocate Shri. Dhorde clarifies that the Corporation and the MJP should point out the space available for the project contractor to work on the 2500 mm diameter pipeline. When the said pipeline is virtually getting sandwiched between the 900 mm diameter pipeline and 1200 mm diameter pipeline, it is practically making it impossible for proceeding further since there is hardly any space to carry out the project work. So also, there are several bends, which are noticed in the 900 mm diameter pipeline. According to the project contractor, this could be the worst defect that can ever be noticed in a water supply pipeline from the Godavari River to the Chh. Sambhaji Nagar city, when the water runs practically at the speed of 100 kms per hour.

16. We agree with the anxiety expressed by the learned Senior Advocate Shri. Dhorde. It is unconscionable to have a water pipeline with various bend angles when it is of 900 mm diameter pipeline expected to supply 75 MLD per day. Presently, as we are informed, the water that is supplied is 20 MLD. We call upon the Chief Engineer, MJP to get these defects rectified through the contractor, who has performed this project and who is said to have been paid his project amounts. Let there be a any practical solution

to this problem to facilitate the process of installation of the butterfly valves on the 2500 mm diameter pipeline. Appropriate recommendations shall be made by the MJP in writing to avoid any further blame game and in order to put the records straight. With such report tendered by its experts, appropriate remedial steps shall be initiated expeditiously. We do not wish to hear excuses from the MJP that there were certain holidays or festivals and for which the workers were not available. Such remedial steps should be taken on a war footing.

ELEVATED STORAGE RESERVOIRS (ESR)

17. The learned Senior Advocate Shri. Dhorde submits on instructions that by 31st May, 2025, 22 ESR would be delivered to the Corporation, out of which 5 ESR are already delivered which have become functional today. One is in the no network area. Another 7 ESR would be delivered to the Corporation by 30th April, 2025.

SURGE TANK NO.1

18. The learned Advocate Shri. Gaikwad representing the MSETCL submits that the location near the 33 kV pump station is

found to be unsuitable and no land can be allocated to the MJP for the construction of Surge Tank No.1. The MJP submits that land very close to the said spot is being located and Surge Tank No.1 would be relocated to the said spot. Let the HCCC be apprised of the final decision on this count and the same be placed before the Court.

**HYDRAULIC TESTING OF THE 2500 MM DIAMETER
PIPELINE**

19. There seems to be some controversy about the hydraulic testing on this new pipeline project. On 9th January, 2025, we were apprised of the experts opinion, which was arrived at on 17th October, 2024, recorded in the minutes of the meeting held by the MJP. 17 responsible persons participated in the meeting, which was chaired by Smt. Manisha Palande, Chief Engineer, MJP, Chh. Sambhaji Nagar. A copy of the said minutes of meeting dated 17th October, 2024 are already placed on record before this Court, which was collectively marked as 'Y-62' vide the order dated 9th January, 2025. We had already made it clear that the High Court does not have the expertise to issue any directives in such affairs and we would be guided by the experts.

20. We are informed that a Legislative Assembly Question (LAQ) was raised recently in the State Assembly, and the MJP instructed the Commissioner of the Municipal Corporation to inform the Secretary of the Assembly that the High Court, in its order dated 9th January, 2025, has considered this aspect. We need to clear doubts about this aspect that it was not the High Court which had issued such directives, suo-moto. The High Court had only recorded a conscious decision taken 17 experts (Y-62) in the meeting chaired by the Chief Engineer, MJP on 17th October, 2024.

21. The learned Government Pleader informs us that in this 39 kms new pipeline, there are about 6500 welding joints. A conscious decision needs to be taken in the light of the terms of the contract given to the project contractor, wherein hydraulic testing of the pipeline was a condition. We record that any deviation from any aspect of the contract, should be on the advise of subject experts. The High Court is not to take a decision on this count and it will be the experts whose decision would be decisive. If in future, any deviation leads to a debacle or a serious problem of any nature whatsoever, the responsibility should be fixed and action be taken.

22. In Paragraph No.12 of the order dated 9th January, 2025, we had also directed that the Guardian Minister would have no reason to interject in this project and make any suggestions *dehors* the view of the experts and hence the suggestion made by the Guardian Minister was directed to be kept in abeyance.

PROJECT MANAGEMENT CONSULTANT

23. The dispute between the MJP and ousted PMC, still seems to be unabated. Mr. Sameer Joshi, authorized Signatory and Partner of the PMC is personally present in the Court. He reiterates that he has initially handed over the data to the MJP. Subsequently, as per the requirements to put the data in certain segments and compartments, he has also abided by the said request. The Chief Engineer, MJP addresses us and submits that much is required to be done. The HCCC has advised Mr. Joshi and the MJP Officials to sit together and get things sorted out. In view of the above, we direct that Mr. Joshi, his support staff and the MJP's responsible officers would work on this aspect, on 7th, 8th and 9th April, 2025, and put an end to this dispute.

24. The next meeting of the HCCC is scheduled on 15th April, 2025. By Consent of the parties, the next hearing in this matter will be scheduled on **25th April, 2025 at 2:30 p.m.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)