

**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

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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 (Through V.C.).

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 (Through V.C.).

Smt. Manisha Palande, Chief Engineer, MJP, Chh. Sambhajinagar, present in person.

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

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

DATE : 25th APRIL, 2025

P.C. :-

1. In the hearing held on 4th April, 2025, a compilation of documents (47 Pages) was tendered by the Government Pleader, Mr. Girase pertaining to certain chronological dates with regard to the Pre-engineering Building (PEB) proposal. Inadvertently, the same was not recorded in the order, though it was in the compilation marked as 'Y-71' for identification. Same is, thus, recorded.

HIGH COURT CONSTITUTED COMMITTEE (HCCC)

2. The learned Government Pleader has placed on record the report of the HCCC meeting dated 15th April, 2025 (46 Pages) along with the covering letter dated 23rd April, 2025. The same is collectively marked as 'X-55' for identification.

3. The learned Government Pleader, Mr. Girase has drawn our attention to various aspects of the report, especially the work

progress with reference to Jackwell, the Approach Bridge, Raw Water Rising Main (RWRM), the Water Treatment Plant at Nakshatrawadi and the Elevated Storage Reservoirs (ESR). He expresses concern about the progress on these fronts and he refers to the colour charts, which give a graphic picture of the progress of the work from Page No.22, onwards. He expresses his concern that if the Jackwell is not completed quickly, the rainy season is likely to be a challenge. The Approach Bridge is likely to take 400 days, as per his contention if the speed of the present work is assessed. The RWRM may require three months. The Water Treatment Plant may require twelve months.

4. Shri. Sachin Deshmukh, Amicus Curiae tendered a copy of the Government Resolution dated 13th September, 2019 to indicate that this project was given administrative sanction as long ago as on 13th September, 2019. It is almost five years that the project has yet not been completed. He voices a concern as regards the progress of the project.

5. Having considered his submissions and having heard Mr. Sachin Deshmukh, the learned Amicus Curiae, we have called upon

the learned Sr. Advocate, Mr. Dhorde, representing the project contractor, to give us an overall idea, by way of a road map as to what would be the priorities of the project contractor and which would be the heads on which the contractor would be concentrate considering the approaching rainy season. We need to assure the project contractor that the reason for asking for a road map is only to make an assessment as regards the progress that the project would be making, keeping in view that this Court has been monitoring this project since July, 2022, onwards.

6. We also permit him to tender an independent report as regards the difficulties in progressing with the laying of the pipeline at certain areas, including details about anti-social elements or strangers demanding share of the contract. He may also make a reference to the recent assault on the officer of the project contractor for which he has approached Osmanpura Police Station, Chh. Sambhaji Nagar City and tried to get the FIR registered. What has been done is that the Police Station has recorded an NCR under Section 174 of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS'), with the intervention of the Police Commissioner.

7. The learned Government Pleader, Mr. Girase then tendered a ready reference chart to project the factual position with regard to the ESR. The same is marked as '**Y-73**' for identification. We are informed that five ESR have already been delivered, seven ESR would be delivered up to 30th April, 2025, and ten ESR would be delivered up to 31st May, 2025.

8. On instructions, the learned Sr. Advocate, Mr. Dhorde submits that 18 ESR would be delivered to the Corporation by 31/06/2025 and the Corporation can thereafter initiate steps for connecting the ESR to the pipeline and commence the storage of water. He also submits that three ESR have already been commissioned and five ESR have already been delivered. Seven ESR would be delivered by 30th April, 2025.

THREATS AND OBSTRUCTIONS IN THE PROJECT

9. The learned Sr. Advocate, Mr. Rajendra Deshmukh, on instructions from Smt. Manisha Palande, Chief Engineer, MJP, submits that one person by name Vishal Yedke, who claims to be the Vertical Head of Distribution of the Project Contractor, GVPR, has

been holding out threats to the Chief Engineer. He has also threatened to lodge complaints under the Atrocities Act. There is serious apprehension as regards the safety of the Chief Engineer and it is also voiced that there is a possibility that since this man was earlier involved in an earlier project, he is demanding a share in this project. He keeps on threatening the Chief Engineer that if he does not get any share, he would ensure that the project goes into doldrums and suffers a setback.

10. In such circumstances, on the one hand, we would expect the Chief Engineer to be proactive and to initiate steps as are permissible in law with regard to the acts complained about. We also expect the Commissioner of Police to ensure that the said officer is protected and no person can hold out threats to Government officials, or even any individual. The learned Sr. Advocate, Mr. Deshmukh submits that Smt. Palande was earlier supplied with a guard when her office was attacked. The said guard was withdrawn after two months.

11. The learned Sr. Advocate, Mr. Dhorde points out that providing one constable in the office of the project contractor is not

enough. At least on half a dozen occasions, there have been attacks on the officers of the project contractor. Mr. Dhorde clarifies that after lodging of the NCR on 17th April, 2025, two constables are posted in the office and one armed guard is provided to the complainant/Manager representing the GVPR.

12. The learned Government Pleader, Mr. Girase assures us that the Police Commissioner would himself look into this matter and ensure that the Chief Engineer of MJP is protected, not only physically, but also from any verbal abuse or entry of unknown person in her office or in the premises of the MJP.

PROJECT AUDIT OF 900 MM DIA PIPELINE

13. The learned Sr. Advocate, Mr. Deshmukh has tendered the Report of the audit conducted by the Committee constituted by the High Court under the Chairmanship of the Chief Engineer, Smt. Palande, with regard to the 900 mm diameter pipeline. The said report is opened in the Court hall. The same is dated 21st April, 2025 (16 Pages). The said report is marked as 'Z-1' for identification. A copy of the same is also earmarked to the Government Pleader, Mr.

Girase. We call upon the Mr. Girase to prepare photostat copies of the said report 'Z-1' and supply one copy each to the learned Advocate, Mr. Sachin Deshmukh, the learned Sr. Advocates, Mr. Dhorde, Mr. Deshmukh and Mr. Deshpande, and also copies to the learned Advocate, Mr. Tope representing the Corporation. Let all study the report and express their impressions before the Court, on the next date.

NEXT MEETING OF THE HCCC

14. We are informed that the next meeting of the HCCC is posted on 6th May, 2025. We do not appreciate the HCCC holding one meeting in one month when specific directions have been issued to hold one meeting in one fortnight. At least two meetings should be held in a month, keeping in view the huge magnitude of this project, which needs continuous monitoring. The learned AGP assures that the meeting would be preponed to 29th April, 2025, and the report would be tendered to the Court on the next date.

15. Considering the situation and the challenges/threats being faced by those involved in this project, we would expect the Commissioner of Police, Chh. Sambhaji Nagar to make himself

available in this matter on the next date at Mumbai, in order to gather the seriousness of the threat perception to the project contractor as well as the Chief Engineer of MJP and the frequent interference in the progress of this project.

16. List these matters on **7th May, 2025** at **2:30 p.m.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)