

01.09.2017 Present: Ms.Shreya Chauhan, Advocate as Amicus Curiae.

Mr.Shrawan Dogra, Advocate General, with M/s Romesh Verma, Additional Advocate General and J.K.Verma, Deputy Advocate General, for respondents No.1 to 4.

Ms.Rinki Kashmiri, Advocate, vice Mr.Neeraj Gupta, Advocate, for respondent No.5.

Mr.Surinder Saklani, Advocate, for respondent No.7.

Mr.Ashok Sharma, ASGI with Ms.Sukarma, Advocate, for respondent No.8.

Mr.Surinder Verma, Advocate, for respondent No.9.

Mr. Surinder Verma, learned counsel, has entered appearance on behalf of respondent No.9. He undertakes to file Power of Attorney during the course of the day.

In the morning session, considering the plight of the local villagers and *prima facie* inaction on the part of the authorities, in taking any action against the Contractor in not completing the work so awarded to him vide letter dated 17.05.2013, this Court, on a query put to the Contractor as also the Executive Engineer, Karsog, District Mandi, H.P., was apprised that henceforth work shall be executed expeditiously and an endeavour shall be made to make the bridge operational/functional within next six months.

Leaving all questions open, this Court directed both the Executive Engineer, Karsog, as also the Contractor to

file their personal affidavits in the post lunch session. Such affidavits have been filed and taken on record. The Contractor undertakes to complete the work positively within a period of six months. Such undertaking is accepted and taken on record. He has also been apprised of the consequences of breach thereof, including initiation of proceedings for contempt.

Having said that, we would still like the Executive Engineer, Karsog, to file his personal affidavit stating the following facts:-

- (i) The time schedule within which the work was to be completed;
- (ii) The amount, so disbursed to the Contractor, under the agreement;
- (iii) Whether any action for not completing the work as stipulated under the agreement, was ever initiated or not;
- (iv) Why the Contractor was not blacklisted; and
- (v) Why no penal action, if so required, taken.

Affidavit be positively filed within a period of two weeks. We are of the considered view that progress of this work shall be monitored by this Court. Unless or until so directed otherwise, the Contractor shall keep on filing fortnight status report and shall personally remain present on every date of hearing.

We further direct that henceforth no payment for execution of the work, in question, shall be released to the Contractor. This we say so for the reason that out of

contracted price of ₹1.82 Crore, a sum of ₹1.15 Crore already stands released, as is so admitted by him. He agrees and undertakes to execute the remaining work. Further he agrees to execute the entire remaining work by mustering his own resources.

Record of CWPIIL No.28 of 2012 be tagged alongwith this file.

List on 04.09.2017.

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(Sanjay Karol),  
Acting Chief Justice.

September 1, 2017  
(Purohit)

(Ajay Mohan Goel),  
Judge.