

CWPIL No.14 of 2017

05.09.2017 Present: Ms.Shreya Chauhan, Advocate as Amicus Curiae.

Mr.Anup Rattan, Mr.Romesh Verma, Additional Advocate Generals and Mr.J.K. Verma, Deputy Advocate General, for respondents No.1 to 4.

Ms.Poonam Gahelot, Advocate vice counsel for respondent No.5.

Mr.N.K. Sood, Senior Advocate, with Mr.Aman Sood, Advocate, for respondent No.6.

Mr.Surinder Saklani, Advocate, for respondents No.7 and 10.

Mr.Ashok Sharma, ASGI, with Mr.Ajay Chauhan, Advocate, for respondent No.8.

Mr. Munish Kumar Sharma, respondent No.10, is present in Court. He has filed his personal affidavit stating that award for construction of road from 17/700 up to 25/490 was awarded to him on 19.6.2014. Out of awarded work, work for stretch of 2 Kms from 17/700 to 20/240 stands completed. He has extended certain reasons for not completing the work within the stipulated period of two years. Without going into the same, he has further deposed that he shall complete the entire work within a period of one year. His undertaking for completing the said work within the said period is accepted and taken on record. He has been

made aware of the consequences of breach thereof.

In the said affidavit, it is also averred that it is the duty and obligation of the respondent-Department to make available the explosives for the purpose of carrying out blasting/excavation of the rock.

Mr.J.K. Verma, learned Deputy Advocate General, under instructions from Mr.V.S. Guleria, Executive Engineer, Sundernagar, who is present in the Court, states that under all circumstances the said material shall always be made available as and when required. However, he expresses one difficulty and that being, there being no facility for storage of explosives in and around the place of construction work. In this regard, our attention is invited to the fact that one such facility is available with BBMB. We request Mr.N.K. Sood, learned Senior Counsel, who is present in Court, to ascertain the factual position. Also, the State shall explore the availability of material through other sources.

We expect Mr.Munish Kumar Sharma, respondent No.10 to complete the entire

contracted work on or before 30th September, 2018. Further, no payment shall be released to the contractor in relation to the said work without leave of the Court. The said contractor shall file a monthly progress report in Court.

List on 10th October, 2017.

Mr. Bhawan Kumar Sharma, Chief Engineer (National Highway), Shimla, who is present in Court, states that if the road in question is notified as Major District Road by the State Government, proposal can be sent to the Central Government for release of the funds for construction of road under the Central Road Fund. Let the Chief Secretary to the Government of Himachal Pradesh file his personal affidavit to this effect on or before 18th September, 2017, on which date the matter be listed only for the said purpose.

Copy dasti.

(Sanjay Karol)
Acting Chief Justice

September 5, 2017
(vt)

(Ajay Mohan Goel)
Judge