

CWPIL No.14 of 2017

05.12.2017 Present: Ms.Shreya Chauhan, Advocate as Amicus Curiae.

Mr.Shrawan Dogra, Advocate General, Mr.Anup Rattan and Mr.Romesh Verma, Additional Advocate Generals and Mr.Kush Sharma, Deputy Advocate General, for the respondent-State.

Mr.Neeraj Gupta, Advocate 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.Vijay Chaudhary, Advocate, for respondent No.9.

Learned Advocate General points out that revised proposal for improvement and widening of Slapper Tattapani road from KM 0/0 to KM 68/0 already stands forwarded to the Director General (R.D.), Government of India, Ministry of Road Transport and Highways, (Road Wing), 1, Parliament Street, New Delhi, vide communication dated 4th December, 2017, copy whereof is taken on record.

Learned Assistant Solicitor General of India states that the appropriate authority shall positively take a decision on the same within a period of three weeks. Affidavit of compliance be filed by respondent No.8 or any other authorized

person. For this purpose, matter be listed on 2nd January, 2018.

Pursuant to undertaking furnished to this Court, so recorded in order dated 1st September, 2017, Mr.Vijay Chaudhary, Ld. Counsel, who has entered appearance on behalf of contractor Sanjay Kumar Sharma (respondent No.9), has filed the status report, which is taken on record. In the status report, he has reiterated the probable date of completion and also highlighted the progress of work.

Contractor Sanjay Kumar Sharma, who is present in Court, states that he shall meet the concerned Executive Engineer in his office on 7th December, 2017 at 10.00 am. After verifying the position at the ground level, the concerned Executive Engineer shall file his affidavit with regard to progress of work as also express satisfaction with regard thereto. He shall also respond to the status report filed by respondent No.9. Let the said affidavit be filed within a period of two weeks. For this purpose, matter be listed on 22nd December, 2017.

Mr.Surinder Saklani, Ld. Counsel, who appears for contractor Munish Kumar Sharma

(respondent No.10), has also handed over status report with regard to undertaking so recorded vide order dated 5th September, 2017, which is taken on record.

We direct the said respondent to expedite the work and file a fresh status report within a period of three weeks. For this purpose, list the matter on 2nd January, 2018.

Mr.Surinder Saklani, Ld. Counsel, who also appears for contractor Balak Ram (respondent No.7), has moved an application seeking extension of time, which is taken on record. It be registered.

At this stage, learned Advocate General points out that the said contractor has only completed 40% of the work and, as such, he may be directed to expedite the same.

For the reasons so assigned in the application, we accept the explanation furnished by the said respondent for not complying with his undertaking, so furnished to this Court, recorded in order dated 4th September, 2017. As prayed by him, time to complete the work is extended up to 15th January, 2018.

Mr.Surinder Saklani, Ld. Counsel, assures that not only the work would be expedited but also an

endeavour shall be made to complete the work prior to 15th January, 2018. We direct the concerned Executive Engineer to continue to monitor the work and file a latest status report within a period of three weeks. For such purpose, the matter be listed on 2nd January, 2018. Application stands disposed of accordingly.

Mr.Anup Rattan, Learned Additional Advocate General, points out that after receiving funds from Bhakra Beas Management Board (respondent No.6), work for construction of motorable bridge over river Satluj at Dhawal now stands awarded to Mr.Anil Kumar Gupta Engineer and Contractor, SCO-64, IInd Floor, Sector40-C, Chandigarh. As such, we implead the said contractor as party respondent No.12. Registry is directed to carry out necessary corrections in the memo of parties.

Notice be issued to newly added respondent No.12, returnable for 2nd January, 2018. Service of the said respondent be effected through Executive Engineer, Sundernagar, District Mandi, H.P.

List on 2nd January, 2018.

(Sanjay Karol)
Acting Chief Justice

December 5, 2017
(vt)

(Ajay Mohan Goel)
Judge