

CWPIL No.14 of 2017

29.08.2017 Present: Ms.Shreya Chauhan, Advocate as Amicus Curiae.

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

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 respondent No.7.

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

We implead Ministry of Power and Energy, Government of India, New Delhi through its Secretary as party respondent No.11. Registry to carry out necessary corrections in the memo of parties.

On the previous date of hearing, we have had meaningful discussions with the learned counsel representing the parties. Also had discussions with the Engineer-in-Chief, Himachal Pradesh Public Works Department, Government of Himachal Pradesh and Mr.Rajesh Sharma DGM(Civil), NTPC Ltd. In our order dated 8th August, 2017, we have already highlighted the significance and

importance of construction of the road in question. The core issue is of linking the road, construction whereof has started from both the ends i.e. Slapper and Tattapani. As of date, there is no proposal for construction of road from point 25/0 to 31/0. If this stretch of 6 Km road is constructed, for which, as we understand, in principle approval under the environmental laws already stands received, the entire road from Slapper to Tattapani would be through. We are informed that survey for construction of 7Km road already stands conducted by the State of Himachal Pradesh.

Experts are of the view that only a sum of ₹12 crores would be required for construction of a single lane road, linking both the roads which are already under construction. Thus, the only issue is of allocation of funds to the tune of ₹12 crores (approximately). In our view, considering the importance, significance and advantages attached with the construction of the road, funds can be raised if all the stakeholders were to contribute in this regard.

We notice that Kol Dam stands constructed by the NTPC Ltd. and reservoir starts almost from

31 RD to 67.725 RD. Thus, in our considered view this amount of ₹12 crores can easily be contributed both by NTPC Ltd as also Ministry of Road Transport and Highways, Government of India, preferably in the ratio of 30% and 70%, respectively.

As such, we request learned Assistant Solicitor General of India to take up the issue with the highest appropriate authority for early grant and release of the funds. Also, we request Mr. Neeraj Gupta to take up the matter with the Board of Directors of respondent No.5 for early grant and release of the funds. We are hopeful that the authority shall keep in view the principle of corporate social responsibility, considering the fact that the road in fact is going to act as a surveillance road for the entire Hydro Power Project from Kol Dam up to Tattapani.

We clarify that for allocation of funds, it shall be open for the Union of India to have any other arrangements, either with NTPC Ltd or any other authority in the manner which is found best suited, in public interest.

Learned Advocate General states that even though proposal already stands forwarded to NABARD but nonetheless independent proposal shall be forwarded to the Ministry of Road Transport and Highways, Government of India within two days.

**(Sanjay Karol)
Acting Chief Justice**

August 29, 2017
(vt)

**(Ajay Mohan Goel)
Judge**