

**Court on its own motion Vs. NHAI & ors**

**CWPIL No. 212 of 2017 a/w  
CWPIL Nos 249 of 2017, CWPs  
No. 3455,3872, 3863, 3864, 3868,  
3875 & 1198 of 2019 and CWP Nos  
4985, 5027,5182, 5183, 5543 and  
5867 of 2020, CWPNo. 4505 of  
2022**

**CWPIL No. 212 of 2017**

4.8.2022 Present: Mr. K.D. Shreedhar, Senior Advocate with  
Ms. Sneh Bhimta, Advocate, for the NHAI.

Mr. Ashok Sharma, Advocate General  
with Mr.Rajinder Dogra, Senior Additional  
Advocate General, Mr.Shiv Pal Manhans,  
Mr. Vinod Thakur, Additional Advocate  
Generals, Mr.Yudhvir Singh Thakur, Mr.  
Bhupinder Thakur, Deputy Advocate  
Generals for the respondents-State.

Mr. Balram Sharma, ASGI, for the  
respondents-Union of India.

Mr. Arjun Lal, Advocate, for M/s ILTN Ltd.  
Kiratpur-Nerchowk Express Ltd.

Mr. Deepak Jindal and Mr. Y.Paul,  
Advocates, for respondent No. 8-M/s KMC  
Constructions Ltd.

Mr. Raman Sethi, Advocate, for  
respondent No. 9-M/s Pandoh Takoli  
Highway Pvt.Ltd.

Mr.I.N.Mehta, Advocate, for respondent  
No. 10-M/s NKC Pvt. Ltd.

Ms. Shalini Thakur, Advocate, for the  
applicants in CMP Nos 3545 and 3547 of  
2020.

Mr. Ram Asra Khural, Project Director,  
Shimla is present in person.

**CWP No. 3372 of 2019, CWPIL No. 249 of 2017 & CWPsNo. 3863, 3864, 3868, 3875 & 1198 of 2019, CWPNo. 4505 of 2022**

Mr. Vivek Negi, Advocate, for the petitioner(s).

Mr. Balram Sharma, ASGI, for respondent No. 1.

Mr. K.D. Shreedhar, Senior Advocate with Ms. Sneh Bhimta, Advocate, for respondent No. 2 to 4.

Mr. Ashok Sharma, Advocate General with Mr. Rajinder Dogra, Senior Additional Advocate General, Mr. Shiv Pal Manchans, Mr. Vinod Thakur, Additional Advocate Generals, Mr. Yudhvir Singh Thakur, Mr. Bhupinder Thakur, Deputy Advocate Generals for the respondents-State.

Mr. Anup Rattan, Advocate, for the petitioner in CWP No. 4505 of 2022

Mr. Varun Chari, Project Director, Mandi in CWPIL No. 249 of 2017 is also present in person.

**CWP No. 5867 of 2020**

Mr. G.R. Palsra, Advocate, for the petitioners.

Mr. K.D. Shreedhar, Senior Advocate with Ms. Sneh Bhimta, Advocate, for respondent No. 1/NHAI.

Ms. Shikha Rajta and Mr. Naveen Dogra, Advocates vice Mr. P.P. Chauhan, Advocate, for respondent-AFCONS Company Ltd.

Mr. Ashok Sharma, Advocate General with Mr. Rajinder Dogra, Senior Additional Advocate General, Mr. Shiv Pal Manchans, Mr. Vinod Thakur, Additional Advocate Generals, Mr. Yudhvir Singh Thakur, Mr. Bhupinder Thakur, Deputy Advocate Generals for the respondents-State.

**CWP No. 3455 of 2019, CWP Nos 4985, 5027,5182, 5183 and 5543 of 2020**

Mr. Sudhir Thakur, Senior Advocate with Mr.Karun Negi, Advocate, for the petitioner(s).

Mr. Balram Sharma, ASGI, for the Union of India.

Mr. K.D. Shreedhar, Senior Advocate with Ms.Sneh Bhimta, Advocate, for respondent/NHAI.

Mr. Ashok Sharma, Advocate General with Mr.Rajinder Dogra, Senior Additional Advocate General, Mr.Shiv Pal Manhans, Mr. Vinod Thakur, Additional Advocate Generals, Mr.Yudhvir Singh Thakur, Mr. Bhupinder Thakur, Deputy Advocate Generals for the respondents-State.

**CWPIL No. 249 of 2017**

In compliance to the directions issued by this Court on the previous date of hearing, Mr. R.S.Khural, Project Director, Shimla is present in person and assures the Court that there will be no un-necessary interruption or hindrance in the free flow of traffic between Shimla to Parwanoo. He further states that the adequate measures shall be taken to ensure that there is proper signage on the strategic points on the road and the debris, which is falling on account of incessant rain shall be removed promptly.

Let affidavit to this effect alongwith details of difficulty(ies), if any, which the Project Director is facing on the entire stretch, be placed on record by

way of an affidavit on or before the next date of hearing. List on 23.8.2022.

In the meanwhile, the order passed by the Court on 26.7.2022 be complied with not only by the authorities of the NHAI, but also by the Deputy Commissioner, Solan and the Superintendent of Police, Solan. Status report to this effect be also filed on or before the next date of hearing.

Personal presence of the Project Director is dispensed with till further orders.

**CWPIL No. 212 of 2017**

Let Managing Director of respondent No. 8-M/s KMC Constructions Ltd. file status report in terms of order dated 26.7.2022, on the next date of hearing, who shall also be present in Court on the next date of hearing.

Learned counsel for applicants in CMP Nos 3545 of 3547 of 2022 states that as against an amount of Rs. 5.24 crores, only an amount of Rs. 4,63,88.011/- has so far been released in the favour of applicants. The Project Director prays for time to ascertain the fact as to why remaining amount has not been released. The clear instructions in this regard be obtained. Personal presence of the Project Director is dispensed with till further orders.

CWPILs No. 212 of 2017 and 249 of 2017 be segregated.

**CWPS No. 3455, 3872, 3863, 3864,3868, 3875 and 1198 of 2019 and CWP Nos 4985, 5027, 5182, 5183, 5543 and 5867 of 2020, CWP No. 4505 of 2022.**

The petitions be de-linked and list before appropriate Bench.

**(Tarlok Singh Chauhan)  
Judge**

**(Chander Bhusan Barowalia)  
Judge**

**August 4, 2022**

**(kalpana)**