

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

**CWPIL No. 249 of 2017.**

**13.11.2024.** Present: Mr. Ajay Siphaiya, Advocate as Amicus Curiae.

Mr. K.D. Shreedhar, Senior Advocate with Ms. Shreya Chauhan, Advocate for respondents No. 1 & 7.

Mr. Balram Sharma, Dy. Solicitor General of India with Mr. Rajiv Sharma, Advocate for respondent No.2.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Sushant Keprate, Mr. Pranay Pratap Singh, Mr. Gobind Korla, Additional Advocates General, Ms. Priyanka Chauhan and Mr. Arsh Rattan, Deputy Advocates General, for respondent- State.

Ms. Kiran Dhiman, Advocate for respondent No.6.

On 23.10.2024, the court passed the following order:-

*“A very serious issue has arisen in this case as to whether in the absence of any DPR, the road could have been constructed by the respondent-NHAI, simply on the basis of feasibility. Even though, the Project Director has filed its affidavit, trying to justify its action in constructing the road, however, we are not at all satisfied with the same. Therefore, the highest authority of respondent No.1 file its personal affidavit, clarifying its stand on the issue.*

*We also deem it appropriate to implead the Ministry of Road Transport & Highways, Transport Bhawan-1, Parliament Street, New Delhi through its Secretary as party respondent. Ordered accordingly.*

*Issue notice. Mr. Rajiv Sharma, Advocate appears and waives service of notice on behalf of newly added respondent. The newly added respondent is also directed to file its personal affidavit on or before the next date of hearing.*

*List on 13th November, 2024.”*

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Even though Mr. Ajay Singh Bargoti, Regional Officer, National Highway Authority of India, Shimla, H.P has filed his personal affidavit, however, there is nothing in the affidavit to suggest that the Final Feasibility Report (FFR) was approved by Government of India/competent authority.

Therefore, let supplementary affidavit in this regard be filed on or before the next date of hearing.

List on 03.12.2024.

**(Tarlok Singh Chauhan)**  
**Acting Chief Justice**

**(Satyen Vaidya)**  
**Judge**

**November 13, 2024.**  
*(yogesh/ sanjeev)*