

Court on its own motion vs. NHAI & Ors.
CWPIL No.249 of 2017

Item No.D-1

22.03.2025 Present: Mr. Ajay Sipahiya, Advocate, as Amicus Curiae.

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

Mr. Nand Lal Thakur, Senior Panel Counsel, for respondent No.2.

Mr. Rakesh Dhaulta, Additional Advocate General, for respondent-state.

None for respondent No.6.

Status report in compliance to order dated 08.01.2025, has been filed.

2) Mr. Anand Kumar, Project Director, NHAI, PIU, Shimla, is also present in person.

3) Learned Senior Counsel has pointed out from the said affidavit/status report that the issue as such of the construction of the four-laning can be bifurcated into two sections; (1) "Parwanoo to Solan", which is 39.139 Kms. and (2) "Solan to Kaithlight" , which is 21.501 kms. Therefore, the necessary chart of the Highway showing portions, as such, where work is being carried on, specifying the length of the work has also been placed on record along with said affidavit.

4) It is pointed out that in first Section, restoration work of the highway is going on at Datyar, Chakki Mode

and Dagshai. The work is likely to be completed at Datyar and Chakki Mode by March, 2026, whereas at Dagshai by 30th April, 2025. It has also been averred in the affidavit that minor damage had occurred at 29 locations on the said stretch.

5) A reference has also been given to the other Box Culvert Construction work and restoration work at Dimple Dhaba, which has been completed and the necessary photographs of the site are also enclosed.

6) During the course of arguments, it transpires that between this stretch, slope protection work is also being carried out and one lane towards the hill side is blocked due to machinery in the form of Generators etc. and for the safety of working personnel. However, there is no mention in the affidavit that what is the exact number of sites, where the slope protection work is carried out between both these Sections and similarly, there is no mention about the debris, which is piled up from the hill side on the inner lane and whether all of this has been cleared or not?

7) Let a fresh affidavit be filed regarding this aspect of this Section, clarifying by what point of time, such work will be completed and debris and construction material will be removed.

8) For “Solan to Kaithlighat” Section, the total length of this stretch is 21.501 kms., out of which, it has been averred that four-lane construction is completed in 18.988 kms.

9) Reference is also made to one re-construction of retaining wall at km.107+630 to km.107+740, which had collapsed during the monsoon 2023, due to a village road having been constructed by the locals at the edge of the retaining wall. Apparently, no positive action has been taken on this, though a period of 1 ½ years has expired. The Officer present submits that needful will be done within two weeks.

10) Reference has also been made to the design of the Major Bridge, which has been reviewed by the Design Cell, and the construction work of 02 Lane Major Bridge is likely to be completed by March 2026, which is stated to be close to Salogra near Apollo Tyres showroom and behind Shiv Mandir. The work as such, which has been submitted to the EPC contractor, be expedited.

11) Regarding the construction of the Kandaghat bypass, the construction is likely to be completed by October 2026, as approval of design and drawings of ROB (Road Over Bridge) portion were received from the Railway authority on 24.02.2025.

12) Regarding area near to “Deventure Hotel” CWP No.5060 of 2021 stands filed and alignment of the road had to be shifted away from the Hotel towards the valley side. It is pointed out that the land has been acquired and that the protection work on the valley side is likely to be completed by the contractor within a period of about 10 months.

13) Reference is also made about the location of a stone crusher near Kyari Bungalow, which is being operated as part of the four-lane project, but no timeline has been given regarding the time when it will be removed and four-lane will be constructed. Steps be taken to ensure that the four-laning be put in place around this area and the area used by the stone crusher be minimized.

14) Right next to the stone crusher, another blockage is at Kyari Ghat. There is mention that there is continuous landslide and work could not be taken up on 02 lane by EPC contractor and separate tender for carrying out the slope protection work is stated to be on different locations from “Solan to Kaithlighat Section”, which is 106.139 kms. to 129.050 kms. The said affidavit also does not find mention that in how many portions, slope protection work is being carried out, which is noticed in the earlier stretch between “Parwanoo to Solan”. The details have not been mentioned and therefore *prima facie* the

present affidavit thus can be termed to be evasive in nature and does not depict the correct picture of the actual work being carried out between Parwanoo to Kaithlight.

15) Let a fresh affidavit be filed by giving necessary details about this aspect.

16) Reference is being made that slope protection work is to be completed by September 2025 at Kyari Ghat and photographs of the site have also been appended as Annexure R1/44. The photographs would go on to show that a solitary JCB machine has been deployed and adequate machinery has not been deployed at the site. Let necessary steps be taken by deployment of adequate JCB machinery to remove all the debris, which has come on the road in this Section, so that work of the four-laning can be completed by the contractor much before November 2025, which has been averred in the affidavit.

17) Regarding the four-lane construction at Wakna, the averments made are that the work for shifting/re-construction of approach road to the village Wakna has been given by HPPWD on 17.01.2025. Now the work of the four-laning has been taken up by the EPC contractor and the same is likely to be completed by November, 2025.

18) Regarding the slope protection work near Eutopia, a reference is made to CWP No.1274 of 2019

titled as ***Sanjeev Chauhan vs. Union of India and Ors.***, whereby directions were issued to carry out slope protection work at this location and that has been partially completed and 5 meters breast wall has been constructed and the work has been awarded to a new contractor on 11.12.2024 which is likely to be completed by October, 2025. After completion of the slope protection work, the work of four-laning will be completed by December, 2025.

19) Accordingly, let a fresh affidavit be filed regarding both portions qua the issue of removal of debris and the details as such of the work where the slope protection work is going on, which is leading to traffic disruption/diversions and slowing down of the free flowing traffic.

20) To come up on **01.05.2025**.

21) The Officer present in Court shall come present on the next date.

(G.S. Sandhawalia)
Chief Justice

22nd March, 2025
(priti)

(Ranjan Sharma)
Judge