

Court on its own motion Vs. NHAI & Others.

CWPIL No.249 of 2017

Item No. (D-7)

01.05.2025 Present:

Mr. Ajay Sipahiya, Advocate, as Amicus Curiae.

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.

Mr. Anand Kumar, Project Director, NHAI, PIU, Shimla, H.P. and Mr. G.C. Negi, Assistant Engineer, NHAI present in person.

Affidavit in compliance of earlier direction dated 22.03.2025 has been filed.

A reference has been made to the chart, which would go on to show that at four places between Parwanoo to Solan, the work has been completed and the photographs have been appended in support of the work **(Annexure R-1/52, R-1/53 and R-1/54)** and at two places Village Datyar and Village Chakki Mode, the diversions on the four laning still remains. The timeline as such, has been given till March, 2026 on account of Geological & Geotechnical investigation, which has been completed.

In our considered opinion, the completion by almost one year is on longer side and the authority should take steps to complete it earlier, without compromising of

the safety aspects, as the work is being done on the valley side for the two portions (Sr. No.5 & 6).

The other aspect is regarding the slope protection on the same section which is stated to be at 42 locations and 17 locations have been completed and 13 locations will be completed by June, 2025. The relevant chart as such, has been appended (**Annexure R-1/47**), giving the necessary details, whereas, for the remaining 12 locations, work will be taken up only in August/September, 2025, in view of the monsoon season coming.

Similarly, regarding the stretch from Solan to Kaithlighat, there are stated to be as many as 7 diversions and timeframe for completion as such which has been given for the said diversions is from November, 2025 to March, 2026 except the Kandhaghat by-pass, which could take time till October, 2026, whereas the stone crusher installed is likely to be removed in November, 2026 after completion of the pending highway work. The length of the stone crusher portion is stated to be 50 meters.

Similarly, protection work on valley side near "Deventure Hotel" is to be completed by 10 months. The said portion on the valley side is Kachha and an undertaking is given that coal taring shall be done for temporary movement. The issue of slope protection in the

said stretch is at 41 locations and 18 will be completed by June, 2025 and the remaining 23 locations work would only start in the month of August-September, 2025.

It is also pointed out by referring to various photographs of slope protection on both sides of the Solan regarding the issue of Debris removal which had been noticed earlier, and reference is made to the communication dated 22.04.2025 (**Annexure R-1/50**) addressed to various contractors and the photographs as such at page No.32-33 of the affidavit, which would go on to show that Debris/Muck from Carriageway on Parwanoo to Kaithlighat is being removed.

In view of the said facts, though it is a matter of fact that distance as such, between Parwanoo to Kaithlighat is only 60 kilometers and therefore, one is to look at the slope protection which is to be carried out on both sides of Solan is around to at 83 points. Thus it would practically mean that the work would still be carrying on at every 0.75 kilometers which only goes to show that why this Court is being constrained to call for the report and ensure that the work is being carried out at the earliest and thus depicts only a grim picture of the manner in which the premium highway has been constructed and is being maintained.

In such circumstances, the corrective measures be taken and the fresh status reports be filed by the said authority and the issue which has been raised by Amicus Curiae is of the grave concern as traffic is likely to increase manifold in view of the coming tourist season which commences from May to end of June, 2025, before the onset of the monsoon.

It has been pointed out that at only one or two places, the work of Hydroseeding has been carried out on slope protection (planting of vegetation on the netting). Accordingly, active steps be taken to ensure the Hydroseeding is done where the work has already been completed so that the debris below the net also becomes stable.

Accordingly, we defer the proceedings for **26.06.2025** and necessary affidavit/work completion certificate be filed regarding the steps taken by the next date of hearing.

The Officers present in the Court today, need not come present on the next date of hearing.

(G.S. Sandhawalia)
Chief Justice

(Ranjan Sharma)
Judge

1st May, 2025
(munish thakur)