

**D-1**

**Court on its own motion versus NHAI  
and others**

**CWPIL No. 249 of 2017**

28.08.2025 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 respondents No. 2 and 12.

Mr. Gobind Korla, Additional Advocate General for the respondents-State.

None for respondent No.6

In pursuance to the last order dated 26.06.1025, affidavit has been filed by the Project Director, National Highway Authority of India, Project Implementation Unit, Shimla The said affidavit does not apparently satisfy the requirements which were to be done as per the last order.

2. In the said affidavit, even the correct facts have not been depicted, whereas specific averment has been made that stone crusher occupies a stretch of only 50 meters on the Chandigarh-Shimla Highway. We are of the considered opinion that the frontage of the stone crusher on the Highway is not less than 200 meters, reducing the width.

3. The affidavit has been filed by the Officer-Anand Kumar, Project Director who had appeared earlier in person before this Court on 22.03.2025 &

01.05.2025. It was only at that point of time that we had exempted his personal appearance on account of the fact that some work was being done at that point of time in terms of the earlier orders passed by this Court.

4. Keeping in view the fact that monsoon was oncoming and there was certain urgency to be shown regarding the maintenance of the premium Highway to Shimla, apparently, the Authorities have failed to maintain the condition of the road, and not kept these factors in mind.

5. It is a matter of fact that at "*Chakki Moud*", the road has been closed for more than three occasions in the month of July/August, 2025 and that two way has been reduced to one way leading to draw a long traffic jams as much as five kilometers on either side, causing inconvenience not only to the general public but also affecting the economy of the State, especially keeping in view the fact that Apple Season is on and the trucks have to go down to the plains. It is also a matter of fact that all the farmers as such have to send their goods to the plains on daily basis and any stoppage of the traffic as such makes the goods liable to be destroyed on account of their perishable nature

6. Apparently, the Authorities of the NHAI are turning a blind eye even to maintain the premium Highway. It is not disputed that the said Highway is under construction and renovation is being carried out for a long time and the petition is pending since 2017.

7. Resultantly, we are constrained to call firstly upon the Regional Officer of the NHAI of the State of Himachal Pradesh to come present on the next date of hearing and file a comprehensive plan as to how firstly at least, this Highway is to be maintained.

8. Another disturbing fact is regarding the construction of the Major Bridge at kilometers 109+600 near Apollo Tyres, Salograh Pier P-1, the height of which is stated to be 77.280 meters. Apparently, the said pier has been found deficient in meeting the required criteria of stability and load-bearing capacity. Rectification was to be done after approval of the plan. Thus, the said Officer shall also give the detail of the amount spent on raising these piers of the bridge and whether the same is likely to be utilized or abandoned and whether any action is proposed to be taken against the Contractor. The details of the Contractors

executing the work from Parwanoo to Solan and from Solan to Kaithlighat be also given to find out whether there is any nexus to award work to particular Contractors who apparently are deficient in providing adequate service.

9. The NHAI is also put to notice that in case the Highway is not maintained, similar orders are likely to be passed regarding the closure of the toll tax at Sanwara, as has been done by the Apex Court while upholding the order of the Kerala High Court in Special Leave Petition (C) No. 22579 of 2025, ***National Highways Authority of India & another Vs. O.J. Janeesh & others***, decided on 18.08.2025.

10. The affidavit shall also give details of the toll tax collected at Sanwara by the NHAI from the date of institution.

List on **18.09.2025**.

**(G.S. Sandhawalia)**  
Chief Justice

**(Ranjan Sharma)**  
Judge

**August 28, 2025**  
(hemlata)