

Item No.P-9 (D-4)

Court on its own motion vs. National Highway Authority of India & Ors.

CWPIL No. 249 of 2017.

19.03.2026. Present: Mr. Ajay Sipahiya, Advocate, as Amicus Curiae.

Mr. K.D. Shreedhar, Senior Advocate with Ms. Shreya Chauhan and Ms. Sneh Bhimta, Advocates, for respondent No.1-NHAI.

Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajeev Sharma, Advocate, for respondent No.2.

Mr. Pranay Pratap Singh, Additional Advocate General for respondents No.3 to 8-State.

Affidavit has been filed by the Project Director, National Highway Authority of India averring that the traffic is moving only in two lanes over at a length of 0.260 Km at Chakki Mod and as per the chart, the hill side protection work is likely to be completed by 15th April, 2026, photograph Annexure R-1/100 has also been appended, whereas, at Datiyar the RS wall construction work has been completed and the traffic has been plying through reconstructed lane. Photograph, Annexure R-1/99, has been appended. Perusal of the said photograph would go on to show that the said road is yet to be tarred. Accordingly, necessary steps be taken at the earliest.

Regarding hill side slope protection work, it has been submitted that out of total 44 locations, the work has been

completed at 36 locations and the work is going on at two locations, both at Datyar and Chakki Mod. Work at remaining six locations could not be undertaken due to various court cases, hindrances and obstructions caused by the local residents.

Perusal of the chart would go on to show that at serial No. 1, there is no reference of any court proceedings, therefore, let appropriate steps with the help of District Administration be taken to ensure the execution of work at Village Kumarhada. Similarly, with respect to serial No. 2 and 3, it is stated that the judgment has already been passed on 18.12.2025. Accordingly, the District Administration is directed to provide necessary help for execution of the work without violating the order in any manner.

Regarding Solan to Kaithlight Section of 21.051 Kilometers in length, the four laning work of 19.088 Kilometers is stated to have been completed and construction work of four laning over a length of 2.413 kilometers is in progress. Details as such have been given regarding the reconstruction of retaining wall at village Berkhas near Summerhall. A reference has been made that reconstruction work of retaining wall on the valley side is to be undertaken by EPC Contractor, M/s Airef Engineers Pvt. Ltd., at its own costs

but the said work has not been taken up till date and a notice has been issued to it. The construction of major bridge at village Daunsi near Apollo Tyres Showroom is in progress and likely to be completed by November, 2026.

Regarding construction of Kandaghat Bypass consisting of a Tunnel, ROB and Viaduct, it has been submitted that the construction work of tunnel has been completed over a length of 667 meters and the work of ROB-cum-Viaduct is in progress and is likely to be completed by November, 2026. Regarding construction of four lane between Km 119+740 to 119+980 near Deventure Hotel (4-lane, Length 240 m), it has been submitted that the EPC Contractor submitted the proposal of change of scope as per settlement agreement for construction of RS wall at this location and the said proposal has been forwarded to the Competent Authority of NHAI for approval. At Wakhnaghat, the construction work is stated to be completed and the reference is made to photograph Annexure R-1/102. The stone crusher is likely to be removed by November, 2026 after completion of the four laning work. At Kyarighat, in order to provide Right of Way for carrying out the four laning work at this location, muck removal is being carried out by the contractor. Reference is made to photograph Annexure R-1/103 and the muck removal

work is likely to be completed by 15.04.2026 as also the concrete cladding work over a length of approximately 80 meters will be taken up and is likely to be completed by 31st May, 2026.

Similarly, the stretch at Wakna near Eutopia has been divided into two parts. The slope protection work has been completed and on the remaining portion of 150 meter, the muck removal work is in progress to provide the required Right of Way for carrying out the four laning work, however, the slope protection work could not be done due to obstruction by the local residents.

Regarding slope protection work, it has been submitted that out of total 41 locations, work has been completed at 29 locations and work at six locations is in progress. Further, the work at the remaining six locations could not be undertaken due to hindrances and obstructions caused by the local residents, details of which have been given in the chart. The perusal of the chart at serial No. 2 to 6 would go on to show the details of the local residents obstructing the slope protection work but there is no mention of pending court proceedings. Accordingly, the District Administration is directed to provide help in the execution slope construction work.

Thus, in the second stretch, the slope protection work was to be carried out over a total length of 6.515 Km (at 41 locations). Out of this, the work had been completed over a length of 4.225 Km (at 29 locations) and the work is in progress over a length of 0.860 Km (at 6 locations).

Accordingly, we defer the proceedings for 7th May, 2026, binding down the NHAI to its undertaking given.

(G. S. Sandhawalia)
Chief Justice.

(Jiya Lal Bhardwaj)
Judge.

19th March, 2026.
(jai)