

Item No. D-1

Court on its own motion Vs. State of Himachal Pradesh and others.

CWPIL No. 110 of 2024.

01.07.2026

Present: Court on its own motion.

Mr. Pranay Pratap Singh, Additional Advocate General, for the respondents-State.

Mr. Balram Sharma, DSGI, with Mr. Rajeev Sharma, Advocate, for respondent No.4.

Er. Surender Pal Jagota, Engineer-in-Chief (Projects), is present in the Court in person.

Counsel for respondent No.4 has placed on record letter dated 01.07.2026, which goes on to show that the State has submitted an estimate of Rs.82.51 Crore on 18.05.2025 and the same was examined in the Ministry Headquarter and certain observations were raised, which were duly replied by the RO MoRTH after receiving inputs from the State PWD. Besides the aforesaid, it has been mentioned that administrative and financial sanction would be received within ten days and the estimate has been concurred by the Finance wing of the Ministry.

Keeping in view the delay, we expect that the affidavit is filed by the competent authority explaining the circumstances under which the inordinate delay of one year has taken place.

Affidavit on behalf of the Engineer-in-Chief (Project), HP.PWD, Nirman Bhawan, Shimla has been filed, in response to the order dated 21.05.2026, wherein it has

been mentioned that no payment was made to the Contractor, namely, M/s Ganpati Builders, during the Defect Liability Period, since it had not carried out the maintenance part of the work. M/s Ganpati Builders had been awarded the work of Rs.7.72 Crore on 01.07.2021 and the same was completed on 20.04.2022 at a cost of Rs.6.68 Crore.

Similarly, the work regarding the strengthening of Km 177/000 to 200/000 including road safety works (C/o Retaining Walls, Breast Walls, Crash Barriers etc.,) on the Shimla-Wangtoo stretch, for an amount of Rs.36.86 Crore was sanctioned on 27.02.2020 and the Contractor, namely, M/s DCC Buildcon Pvt. Ltd. had been awarded the work of Rs.24.20 Crore on 15.10.2020. The work was completed on 23.11.2021 at the cost of Rs.27.20 Crore.

The said Contractor had also failed to comply with the maintenance, defect removal, therefore, penalty of Rs.72,62,310/- had been imposed upon it, whereas, there was a penalty of Rs.23,18,460/- imposed upon M/s Ganpati Builders. The said penalties are subject matter of pendency before the competent Courts at Shimla.

Undertaking has been given that the road has been made traffic worthy and the work of repairs of potholes and patch works on the surface of the National Highway from Dhali to Narkanda has been completed. The work of cleaning

of the drain on National Highway No.5 has been undertaken and the estimate prepared by the HP.PWD was submitted to the Ministry and the same is under consideration of the Ministry. The necessary photographs have also been attached alongwith the relevant documents.

Keeping in view the above, we exempt the appearance of the said Officer in the Court.

List on **17.08.2026**.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

July 01, 2026
(Shivank Thakur)