

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.2140 of 2020

Registrar (Judicial), Orissa High Court *Petitioner*
Mr. N.K.Mohanty, Amicus Curiae

Vs.

State of Odisha and others *Opposite Parties*
Mr.D. Nayak, AGA
(for O.Ps 2, 3 & 4)

CORAM:

THE CHIEF JUSTICE
JUSTICE SAVITRI RATHO

ORDER
21.08.2023

Order No.
26.

1. This matter is taken up through hybrid mode.
2. At the request of Mr. D. Nayak, learned Additional Government Advocate appearing for the Cuttack Municipal Corporation, let the matter be listed on 14.09.2023.
3. Today, Mr. N.K. Mohanty, learned amicus curiae has filed the report on Box Drain (JICA Works). For purpose of reference, the relevant portions of the said reports are extracted hereunder:

“ (A) DRAINS ”

There are mainly four drains and a lot of small drains which are to be inter-connected and lastly all drain water to be carried to the main Drain.

(i) Main Drain – 1

*Sikharpur, Mahanadi
Vihar, Nuabazar,
Bidhyadharpur, Apania
etc. This work has been
completed.*

(ii) Main Drain -2

Christ College,
Chandichhak, Odia
Bazar & Patapole.
(Patapole to Matru
Bhawan). In this part
Box – Drain is the main
component The
construction of this box
drain is to be started.
(LOT-1)= 1850 meters
& (LOT-2) 1550
meters.

(iii) Policy Colony Drain -3

Tulasipur Revenue
Colony Pond, Shree
Vihar, Police colony etc
these works have been
completed.

(iv) C.D. A. Drain -4

Govt. of Odisha is
funding to C.M.C. and
C.M.C. to take up this
work.

(i) BOX DRAIN = 3400 meters

Tender was called for and finalized. The work orders were
issued to the lowest bidder such as M/s. NALANDA – SSG
(JV) and agreement was made.

(a) For LOT-1 Drain
(1850 meters)

Value of the work Rs.213.15
Cr.
Commencement
dtd.15.07.2021.
Completion dtd. 15.12.2022

(b) For LOT-2 Drain
(1550 meters)

BOX DRAIN -740
OPEN DRAIN – 810
meters

Value of the work Rs.237.82
Cr.
Commencement dtd.15.07.2021
Completion dtd. 15.12.2022

(ii) It is observed that lowest tenderer M/s. NALANDA –SSG (JV) could not execute as per works schedule and its performance is very poor till dtd.15.12.2022 (date of completion of work). Due to this reason U.D. Department has decided to entrust the work to WATCO and WATCO took over the assigned work from February, 2023 and took about one to two months to decide the modalities to be taken up to complete the work as a result WATCO started working from end of March, 2023 and continuing.

(iii) Lowest bidder i.e. M/s NALANDA-SSG (JV) has completed 229 meters of LOT-1 and 151 meters of LOT-2 till WATCO took up the work from Dtd.22.02.2023. WATCO has completed 600 meters of LOT-1 and 112 meters of LOT-2. Thus WATCO had completed 712 meters total length from March, 2023 to till date.

(iv) Before M/s. NALANDA-SSG (JV) another contractor namely M/s. TANTIA –VOLTAS (JV) had completed 337 meters of BOX drain.

(v) In total 1429 meters of BOX DRAIN work were completed till dtd.19.08.2023 out of 2595 meters (3400 meters-810 meter OPEN DRAIN) BOX DRAIN.

(vi) WATCO has engaged two nominated contractors namely M/s. Gouro Sankar Mishra and M/s. Bishandal Ventures for BOX Drain works and three nominated contractors namely M/s. Arun Kumar Panda, M/s. Prafulla Kumar Pradhan and M/s. Pramod Kumar Mohanty for Open drain works.

I have seen that all this assigned works are progressing as per schedule given by WATCO till date.

(vii) I have discussed with all stake holders in the field and it is learnt that total work of BOX and OPEN Drain will be completed by March, 2024. The CEO of WATCO has assured that all works will be completed by the above said date.

(viii) All Engineers and C.E.O. of WATCO have assured me that the cost of the project will not exceed the value of the agreement made with lowest bidder M/s. NALANDA-SSG (JV).

(ix) The open drain of 810 meters was decided instead of Box Drain as there has already been existing 7.5 meter width 5T Road on the left side of this drain which was constructed and maintained by PW 5t).

(x) The C.E.O. of WATCO has assured me that no changes will be in Hydraulic Designs.

(xii) After completion of Main Drain i.e. LOT-01 & LOT-02 and with smooth running of 5 Nos. of Pumping station having 20 Nos. of Sluice Gates which are existing now, there may not be water logging inside the Cuttack City.”

4. In the meanwhile, the Cuttack Municipal Corporation shall file their views on inter-connectivity and construction of the drain and the road. We will also request Mr. Nayak, learned Additional Government Advocate for the Corporation to convene a meeting of the all stake holders to have their opinion or alternative proposals so that the affidavit becomes a comprehensive one.

5. Mr. P.K. Bhuyan, learned counsel has stated that WATCO has also submitted their affidavit, but that is not on record. The Registry shall compile the said affidavit with the record.

6. A copy of this order be supplied to Mr. Nayak, learned Additional Government Advocate appearing for the Cuttack Municipal Corporation forthwith.

(S. Talapatra)
Chief Justice

(Savitri Ratho)
Judge