

13. 04.03.2021
1. Heard Er. (Mr.) N.K. Mohanty, learned Amicus Curiae for the Petitioner; Mr. P.K. Bhuyan, learned counsel appearing for the JICA; Mr. S.K. Nayak, learned Senior Advocate for the Cuttack Municipal Corporation and Mr. M.S. Sahoo, learned Additional Government Advocate for the State.
 2. An affidavit has been filed on 24th February 2021, by the Commissioner, Cuttack Municipal Corporation (CMC) after examining the two reports submitted by learned Amicus Curiae and the Committee of Advocates (CoA). The affidavit points out that as far as the road condition in the various points referred to in the interim report of the CoA, the responsibility is that of the R & B Division No.-I, Cuttack. As far as the cleanliness aspect is concerned, it is claimed that the garbage in several places as shown in the photographs attached to the interim report has been lifted and steps for lifting of the garbage are being taken up regularly.
 3. As regards the third tender floated by the CMC for construction of Box Drain from Patapola to Matrubhawan on Main Drain-1, being undertaken by OISIP, JICA, the status report states that the technical evaluation of the bids is in progress and the evaluation report will be placed before the Technical Advisory and Tender Approval (TA & TA) Committee of the Government by 15th March 2021, for decision. Thereafter, the report will be submitted to JICA for concurrence. Such concurrence can be expected in two weeks' time. Thereafter, the financial bids of the technically

qualified bidders will be opened and the expected date is 1st April, 2021. Thereafter, the financial bid evaluation report shall be placed before the TA & TA Committee for approval, followed by submission to JICA and this process is expected to take one month time. It is stated that upon JICA's concurrence, the Letter of Acceptance will be issued to the successful bidder followed by signing of a contract and the expected of which is 1st May, 2021.

4. Considering that the work of construction of box drain is of immediate necessity and urgency, the Court directs that the above time schedule set out in the status report enclosed with the affidavit of the Commissioner, CMC be strictly adhered to by all concerned. This is to ensure that the actual work of construction of box drain positively commences on 1st May 2021, the expected date of signing of the contract with the successful bidder.

5. The other aspect of the matter is the condition of the roads and the cleanliness by clearance of the garbage. A direction is issued to the Executive Engineer, R & B Division No.1 to immediately take up the issue of repair of the roads as pointed out in the interim report of the CoA, copy of which is available with Mr. M.S. Sahoo, learned Additional Government Advocate for the State. There are five learned Advocates who are part of the CoA. The Executive Engineer, R & B Division will fix up a time schedule, mutually acceptable to at least two of the learned Advocates of the CoA, who will accompany him to go to the very spots shown in the photographs so that a time schedule can be drawn up for repair

of the roads. This exercise will be completed within the next ten days i.e. in any event not later than 15th March, 2021.

6. The Court also requests the CoA to undertake visit to the other areas in Cuttack city and submit an interim report as regards the condition of the roads and the cleanliness of the streets.

7. The next interim report of the CoA will be submitted on 5th April 2021, with advance copy to learned counsel for the respective Opposite Parties and the learned Amicus Curiae. On receipt of such report, the Commissioner, CMC as far as cleanliness aspect is concerned and the Executive Engineer, R & B Division as far as the condition of roads is concerned, will immediately take necessary steps to address the issues pointed out in that interim report.

8. List for further consideration on 12th April, 2021.

9. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge