

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMS No. 2569 of 2025 <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Shivam Rana, Advocate for the petitioner. 2. Mr. Manoj Kumar & Mr. Saurav Adhikari, Standing Counsel for the Union of India / respondent no. 1. 3. Mr. Naresh Pant, Advocate for respondent no. 2. 4. Mr. N.S. Pundir, Deputy Advocate General for the State of Uttarakhand / respondent nos. 3 to 6. 5. Mr. Manoj Kumar, learned Standing Counsel appearing for the Union of India has produced in Court the written instructions received by him from Ministry of Road Transport & Highways. The said communication dated 11.09.2025 is taken on record and it shall be paginated by the Registry. Paragraph nos. 1, 2 & 3 of the said letter are extracted below:- <i>"This is in reference to writ petition no. 2569 of 2025(S/S), Chandramala Bhatt Vs Union of India & others vide which petitioner has claimed compensation of Rs. 12,10,036.00 for damages of assets situated outside the ROW at km. 51 of NH-134.</i> <i>2. In this regard, it is to mention that Ministry has issued direction vide DO letter RO/ UK/2021-22/ ROW Compensation dated 15.01.2023 addressed to Chief Secretary, Government of Uttarakhand that the Payment of compensation for the assets damaged outside ROW due to widening & strengthening of NH in the NH ROW is covered under the Article 20 (Insurance) of the Contract Agreement".</i> <i>3. In view of the above, the payment of compensation of damages of assets outside ROW can be considered under the Article 20 of the EPC Contract Agreement. 3."</i> 6. Mr. Manoj Kumar, learned counsel appearing for Union of India submits that the amount payable as compensation to the

			petitioner for the damages suffered by his property has to be paid by the State Government, after recovering it from the performance guarantee or the amount of insurance as per Clause 20 of the EPC contract stipulation. 7. Mr. N.S. Pundir, learned Deputy Advocate General appearing for the State, however, submits that the State Public Works Department is only the executing agency otherwise the funds are provided by the Central Government and everything is being monitored by the Central Government, therefore, the final authority to make payment to the contractor is Ministry of Road Transport & Highways. Mr. Pundir is directed to get written instructions on the following points:- i. Which authority invited bids by issuing NIT. ii. The Tender Evaluation Committee, if formed, was by the Central Government or the State Government. iii. Name of the authority which accepted the bid. iv. The authority, competent to release the payment to the contractor, whether in the shape of running bills or final bills. 8. Put up on 17.09.2025 as fresh. (Manoj Kumar Tiwari, J.) 15.09.2025 Navin
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