

Mr Kaiff Noorani, *Amicus Curiae* (through V.C.)

Mr Ajit R. Kantak, *Advocate for the Applicant.*

Mr A.D. Bhobe, with Ms Annelise Fernandes, *Advocates for the Konkan Railway Corporation Ltd.*

Mr D.J. Pangam, Advocate General with Mr Deep Shirodkar, Additional Government Advocate *for the Respondent-State.*

CORAM : M. S. SONAK &
VALMIKI MENEZES, JJ.

DATED : 29th April 2024.

P.C.:

1. Heard Mr Noorani, learned Amicus Curiae.
2. The learned Advocate General appears with Mr Shirodkar, learned Addl. Govt. Advocate for the State, Mr Bhobe for the Konkan Railway Corporation Ltd. (KRCL), and Mr Ajit Kantak appears for Respondent No.8 (Contractor).
3. The time limit for completing the balanced stretch of the Western Bypass has long expired. Every time, the contractor or the State gives different reasons and seeks extensions. This time, the reason concerns permission from the KRCL to complete one crucial stretch of this work.

4. Now, the KRCL has granted permission vide Notification dated 27/04/2024. In terms of this permission, the State/Contractor has to commence the work on 2nd May 2024 and conclude such work by 29th May 2024. Adherence to this time schedule is crucial because the KRCL has scheduled its train timings/movements accordingly. This time, therefore, neither the State nor its Contractor must deviate from this schedule even slightly.

5. The learned Advocate General states that the balance of the work will be completed positively by 30 September 2024 without seeking further extensions. The learned Advocate General has pointed out that the rest of the work can go on simultaneously and is going on simultaneously. He submitted that it is not as if the works now permitted by the KRCL must be completed before the other works can be taken up.

6. Be that as it may, considering the past delays and the flimsy reasons for such delays, we clarify that, at least now, the State and its Contractor must stick to the schedule given to us and stand by the commitments made. All works must be completed by 30th September, as now undertaken before us.

7. The learned Advocate General states that Shri Rajesh Gawde, Assistant Engineer and Shri Dattaprasad Kamat, Executive Engineer, PWD, Works Division XXIV (National Highways), will supervise the balance works around the clock. These works must be supervised round the clock. If these two Engineers find that there is any delay on the part of the contractor, then immediate action must be taken, apart from pointing out the delays to this Court. These two Engineers shall be responsible for ensuring that the Contractor completes the works within the time schedule now indicated. In particular, the works are to be carried out under the permission of the KRCL and must be completed by 29th May 2024 without the State or the Contractor discovering or offering any new reasons.

8. The Executive Engineer must file periodical reports to this Court to maintain some seriousness about sticking to the time schedule. First of such reports must be filed by the Executive Engineer on or before the 10th of June 2024 by giving the learned Amicus Curiae an advance copy.

9. Mr Shirodkar now gives the KRCL Notification dated 27/04/2024 and the communication dated 23/04/2024 to Mr Kantak, learned Counsel for the Contractor. The learned Advocate General requests the Court to record that these communications

have been handed over to Mr Kantak so that the Contractor gives no further excuses for not commencing the works from 2nd May 2024. The learned Advocate General once again clarifies that letters have already been issued to the Contractor and, in any case, no further letters will be issued to the Contractor, who should commence the work by 2nd May 2024 without giving any excuses whatsoever.

10. Mr Kantak has accepted the notification/communication and stated that he will instruct the Contractor to proceed with the work from 2nd May 2024 and conclude by 29th May 2024. On instructions, he stated that all the balance works would be completed by 30th September 2024 at the latest.

11. Though Misc. Civil Application No. 430/2024(F) is disposed of by granting an extension up to 30 September 2024; the matter should be placed for directions on 12 June 2024 to consider the status of progress.

12. Misc. Civil Application No.21/2024 also stands disposed of. All concerned to act on an authenticated copy of this order.

VALMIKI MENEZES, J.

M. S. SONAK, J.

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