

GAHC040009002024



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**  
**(ITANAGAR BENCH)**

**Case No. : PIL/11/2024**

Vijay Jamoh and Anr  
Son of Tasing Jamoh, presently residing at D Sector, Naharlagun, PO and PS  
Naharlagun, Papumpare District, Arunachal Pradesh 2: Doge Lona  
Age:  
Occupation :  
Son of Jomi Lona  
presently residing at Polo colony Naharlagun  
PO and PS Naharlagun  
Papumpare District  
Arunachal Prades

VERSUS

The State of AP and 7 Ors  
represented by the Chief Secretary, Govt of Arunachal Pradesh, Itanagar 2:The Chief  
Secretary  
Age: 0  
Occupation :  
Govt of Arunachal Pradesh  
Itanagar

3:The Commissioner/ Secretary  
Age: 0  
Occupation :  
PWD  
Govt of Arunachal Pradesh  
Itanagar

4:The Chief Engineer (Highway Zone)  
Age: 0  
Occupation :  
PWD  
Govt of Arunachal Pradesh

Itanagar

5:The Executiv Engineer

Age: 0

Occupation :

Naharlagun Highway Division

PWD

Nirjuli

Papumpare District

Arunachal Pradesh

6:The Secretary

Age: 0

Occupation :

Govt of India

Ministry of Road Transport and Highways

Transport Bhawan

1 Parliament Street

New Delhi 110001

7:M/s Woodhill Shivam (Joint Venture)

Age: 0

Occupation :

OU 522

5th Floor

Esplanade Commercial Development

Unit No. 32

721

Rasulgarh

Bhubaneswar

Orissa 751010

8:M/s T K Consortium Pvt Ltd

Age: 0

Occupation :

Model Village Naharlagun

Papumpare District

Arunachal Prades

**Advocate for the Petitioner** : Dicky Panging, Rosy c Lowangcha,Tokge Darin,Kirmar Ado,Marge D,Daina Tamuk

**Advocate for the Respondent** : GA (AP), Rajiv Cheri,Kirmani Lollen,Tao Tarin,A T Tara,J Likha,DSGI,Marto Kato,SC(Highway),Rintu Saikia

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**  
**HONOURABLE MR. JUSTICE KARDAK ETE**

**ORDER**

**Date : 26.09.2024**

Heard Mr. D. Panging, learned counsel for the petitioners. Also heard Ms K. Wangmo, learned Government Advocate for the respondents No.1 to 5 as well as Mr. M. Ete, learned counsel appearing for Mr. M. Kato, learned DSGI for the respondent No.6 and Mr. T. Darin, learned counsel appearing for Mr. T. T. Tara, learned counsel for the respondent No.8. There is no representation on respondent No.7.

2. This PIL highlights the deplorable condition of NH-415 between Banderdewa to Itanagar Section. The learned counsel for the petitioners has submitted that in this PIL the condition of the road from Barapani Bridge to A-Sector area of Naharlagun, which is of a length of 3.950 Km, a flyover is envisaged to be constructed. He submits that only 11 pillars out of 147 numbers of total pillars have been constructed. Accordingly, it is submitted that it is impossible for the National Highway Authority of India or the State PWD (NH Division) to complete the proposed construction within the contract period of December, 2024 with the progress so far displayed by the contractors i.e. respondents No.7 and 8.

3. This Court vide an order dated 27.08.2024, required to place the status report of the project indicating the progress made upto 31.08.2024. The learned Government Advocate has submitted that she has not been furnished with the status report therefore, she could not produce the

same before the Court.

4. The learned counsel for the petitioners has also submitted that for work, the State respondent through the Public Works Department and/or the National Highway authorities have not constructed a footpath alongside the said stretch of road which causes immense public inconvenience in traversing 3.950 Km stretch where the Over bridge is envisaged/planned, which causes immense problem to pedestrians, especially for the ladies. It is also submitted that several machineries and equipments are left lying on the road without being utilized for any work, which also impedes the easy flow of traffic and causes a lot of traffic congestion in the entire stretch of road between the Barapani Bridge to the A-Sector area of Naharlagun during peak traffic hours.

5. The learned counsel for the petitioners has further submitted that after the registration of the present PIL, some half hearted topping work has been done in two sides of the road which is still not motorable and therefore, the traffic congestion in that area has become a bane for the citizens.

6. Taking note of the submission made by the learned counsel for the petitioners, this Court has interacted with some of the learned counsel who were present in the Court room and it appears that none of the counsel present in the Court room were satisfied with the condition of the road referred above.

7. Therefore, not producing of the status reported in terms of order dated 27.08.2024, is not appreciated.

8. On the next date, the learned counsel for the Chief Engineer (Highway Zone), Public Works Department, Government of Arunachal Pradesh, (respondent No.4) and National Highway Authority of India through the Secretary, Government of India (respondent No.6) shall ensure that the status report of the work is placed before the Court without fail. The respondents No.1 to 8 shall all ensure that they independently provide to the Court a bar chart indicating various timelines and milestones by which the progress of the work required to be achieved as per the contract agreement is shown. They would also provide before the Court the relevant part of the contract agreement disclosing the date by which the work is required to be completed. They would also provide to the Court the numbers of men, equipments and machineries which are required to be available for completion of work.

9. We take notice of the submission made by the learned counsel for the petitioners that there is no progress of the work for the last one year. Therefore, respondents No.7 and 8 shall also inform the Court of the reasons why appropriate men, machineries and equipments have not been put to use from the commencement of contract till date.

10. The Court is inclined to direct the respondent authorities No.1 to 6 not to enter into any agreement with respondents No.7 and 8 for price escalation without the leave of the Court.

11. The pendency of this PIL shall not be constituted as a bar for the appropriate authorities to take a decision as to whether the contractors are at default in the completion of work and take any such measures as they may be so advised and to ensure that the work is completed within the timeline.

12. The respondent authorities No.1 to 6 shall also inform the Court as to the steps, if any been taken for construction of footpath at least to enable the pedestrians to walk on the particular stretch of road and the measure, if any, they would take to enable the pedestrian to walk on two sides of the said stretch of the road even if they don't have a plan to make construction of the foot path immediately.

13. The learned counsel appearing for the respondents shall transmit the downloaded copy of this order to the competent respondent authorities. The learned counsel for the respondent No.8 shall transmit the downloaded copy of this order also to the Principle Contractor i.e. respondent No.7 to bring the order to the notice of the said contractor.

14. In the event, the status report as indicated above along with the bar chart showing the timelines and milestones and other documents required by this Court is not produced on the next date, the respondent Nos.1 to 6 shall take note that the Court may pass appropriate orders for personal appearance of the concerned Officials for which appropriate orders would be passed on the next date, in the event of default.

15. For the delay in non furnishing of the status report before this Court today, we imposed a total cost on the respondents No.1 to 6, quantified at Rs.5000/- which shall be paid jointly and severally by them to the learned counsel for the petitioners of this PIL, which can be paid by way of an account pay cheque and handed over to the learned counsel for the petitioners for onward transmission to the petitioners of this PIL.

16. List on **28.10.2024**.

**JUDGE**

**Comparing Assistant**