



**Court on its own motion vs. National Highway
Authority of India & Ors., a/w connected matter**

**CWPIL No. 249 of 2017 a/w
CWPIL No. 45 of 2025**

Item No. D-10

04.11.2025

CWPIL No. 249 of 2017

Present: Mr. Ajay Sipahiya, Advocate, as Amicus Curiae.

Mr. Tushar Mehta, Solicitor General of India with Mr. Ankur Mittal, Mr. Aviraj Pandey and Ms. Jutirani Talukdar, Advocates (through V.C.), Mr. K.D. Shreedhar, Senior Advocate with Ms. Shreya Chauhan, Advocate, for respondents No.1 and 7.

Mr. Balram Sharma, Deputy Solicitor General of India [Senior Advocate] with Mr. Rajeev Sharma, Advocate, for respondents No.2 and 12.

Mr. Anup Kumar Rattan, Advocate General and Mr. Pranay Pratap Singh, Additional Advocate General, for the respondents-State.

None for respondent No. 6.

Col. Ajay Singh Bargoti, Regional Officer NHAI and Mr. Anand Kumar, PD Shimla, PIU Shimla, present in person and Mr. Achal Jindal, PIU representative (through VC).

CWPIL No. 45 of 2025

Mr. Ganesh Barowalia, Advocate, as Amicus Curiae.

Uttansh Monga-petitioner (through V.C.)

Mr. Anup Kumar Rattan, Advocate General and Mr. Pranay Pratap Singh, Additional Advocate General, for the respondents No. 1, 4, 6 & 7-State.

Mr. Balram Sharma, Deputy Solicitor General of India [Senior Advocate] with Mr. Rajeev Sharma, Advocate, for respondents No.2.

Mr. Tushar Mehta, Solicitor General of India (through V.C.), Mr. K.D. Shreedhar, Senior Advocate with Ms. Shreya Chauhan, Advocate, for the respondents-NHAI.

The status report filed by the NHAI on 30.10.2025 has now been backed up by another status report filed today in the Court alongwith photographs. State has also filed its affidavit.

2. The toll plaza for which permission is now sought to be made operational is stated to have installed at Km. 80.720 at Sanwara and on the closure of the same by the orders of this Court on 18.09.2025, revenue loss of ₹4.53 Crores has taken place from 20.09.2025 to 31.10.2025.

3. A perusal of the first status report would go on to show that the stand of the NHAI is that the construction of the four lane was to be substantially completed on 21.04.2021, and the appointed date for the Parwanoo-Solan stretch of 39.139 kilometers was 21.09.2025. Thus, there is an admission that there is a overrun of six years itself, and it is in such circumstances this petition has been hanging fire since 2017. The projection given is that only 2.3 kilometers of the project have been restricted to two-three lanes due to land slides and slope protection work and the remaining stretch of 38.259 kilometers is open to traffic in four lanes. The details of the work carried out at

six portions alongwith photographs, where repair work has been done in the form of maintenance and bituminous work since 18.09.2025 has been given to show that rectification has been done. The scheduled completion date for Datyar and Chakki Moud is March 2026, which is earlier also noticed in our orders on 01.05.2025. Further, it is submitted that muck from the carriageway along the Parwanoo-Solan section of NH-05 has been cleared and the road has been maintained and is in traffic worthy condition. Further, out of 42 locations work has been completed on 30 locations for slope protection and work is going on in three additional locations. At six remaining locations in various villages, there is difficulty in work due to hindrances and obstructions caused by interference of the local residents and the matter is to be taken up with District Administration.

4. Counsel for the State submits that the needful will be done, to ensure that there is no hindrance in the slope protection work which we had earlier also ordered and directed the Deputy Commissioner Solan to provide necessary help. Further, it is stated that the said officer is taking necessary steps. It is stated, that for the Parwanoo-Solan stretch the scheduled completion work date for slope protection is 16.03.2026. The maintenance estimate of ₹15.20 Crores for a period of 12 months has been

prepared, the tenders were invited and the work has been awarded to M/s N.H. Construction Pvt. Ltd. The work of drain cleaning, muck removal and clearance of the Parwanoo-Solan Section, is in progress by contractor, M/s Dinesh Kumar Sharma.

5. Regarding the second stretch from Solan to Kaithlighat Section of NH-05 the length is stated to be 21.510 kilometers, out of which four laning work of 18.988 kilometers is complete. The construction work on the remaining stretch of 2.513 kilometers and approximately 1.3 kilometers along the National Highway and including the Kandaghat bypass of 1.2 kilometers is presently in progress. The traffic diversions have been necessitated at seven locations and the completion is likely to be done by October 2026, except for Kandaghat Bypass. The stone crusher installed is also likely to be removed by November 2026, as earlier has been observed by this Court in its order dated 01.05.2025. The details have been given of seven diversion locations from Solan to Kaithlighat, including the collapse of the retaining wall on account of the ambulance road built by the local residents and the fact that an expert agency has been engaged to investigate the site where the reconstruction cannot follow. A mention has also been made of the major bridge at Daunsi near Apollo Tyres, which is to be constructed and rectification work is

in progress. The construction of four lane at Deventure Hotel is subject matter of litigation by the said Hotel and the project alignment was shifted 240 meters towards the valley side and the additional land acquisition by NHAI is causing delays. Further it is submitted that the realignment work will be taken up in next two weeks by EPC Contractor which is likely to be completed within 10 months. Similarly the four lane construction work at Wagnaghat is stated to be completed on 17.01.2025, with 85% of the work being complete and remaining work is likely to be completed by 15.11.2025. The diversion near the crusher and the retaining wall having been constructed by the EPC Contractor which had got damaged in August 2025 is under restoration and 90% of the work is complete, necessary photographs have been appended and the work is likely to be completed by 10.11.2025, by the M/s Airef Engineers Pvt. Ltd., and the affected stretch will be reduced/ minimized to approximately 50-60 meters. At Kyarighat, it is submitted that the hill starta is fragile and tension cracks have developed on the top of the hill and slope protection work is being carried out by M/s Bharat Construction. Various photographs have been appended to show the progress as such.

6. Regarding the diversion at Wagnaghat near Eutopia Hotel, it is submitted that during execution,

continuous slides were observed and detailed investigation revealed that the sustainability of the slope protection work needs to be extended beyond the adjoining private land and necessary steps have been initiated.

7. It has further been mentioned that 41 locations have been proposed for slope protection work and work has been completed on 19 locations. Work is also in progress at 10 locations and the work at additional 05 locations will be taken up upon the completion of the ongoing works. In 07 locations at various stretches, work could not be undertaken due to hindrances and obstructions caused by interference from the local residents and the matter has been taken up with the District Administration. Counsel for the State has given the undertaking for necessary help, as also given for the earlier portion for Parwanoo-Solan stretch. The schedule completion date of the Solan-Kaithlighat stretch is 12.06.2026.

8. In the affidavit filed today, various other photographs have been shown that in the intervening 4-5 days further work as such, was carried out. The affidavit of the State filed today would go on to show that the stretch between Kaithlighat to Shimla has now been repaired and admission is made that it was badly damaged during the rainy season and the stretch of the road at Shoghi

Industrial area has now been made traffic worthy for travelers. The repair work on Kanlog-Shimla is being carried out and the work upto Mehli-Panthaghati, which is a separate stretch is likely to be completed within 15 days and the work is being executed by Mr. Atul Sharma, Government Contractor. The stretch of the road is under defect liability period and the funds have been utilized and the sanctioned amount was provided by NHAI.

9. A perusal of the above affidavits vindicated the stand taken by us on 18.09.2025 and apparently on account of heavy damage, the highway was in a pitiable condition and even the NHAI itself has now awarded amount of ₹15.20 Crores for the period of 12 months. It is also apparent that as many as six stretches between the 39 kilometers of the initial stretch, the road had been badly affected which has now been repaired to a very large extent. The problems continue to remain at Datyar and Chakki for which a latitude has to be given and the dead lines have already been fixed. The redeeming factor is now that the muck from the carriageway has also been cleared and the road has been maintained. It is but necessary to remove all the debris by the NHAI from all the gullies and the drains along the hill side in order to maintain the highway in its pristine condition, as all the water which comes down the slope eventually finds its way on to the

road which is further damaged on account of heavy traffic flow. It is thus the duty of the NHAI to maintain the drains and to make sure that they are clean and clear. The said exercise is yet to be conducted at various places. The road opposite the petrol pump and below the Deventure Hotel still needs attention and similarly the debris near the crusher points and near Meghdoot hotel, all requires attention of the NHAI which is yet to be done. Similarly, the approach to Kandaghat from the Chandigarh side, as noticed in the affidavit, is a reasonable long stretch of almost a kilometer and is in a pitiable condition. Therefore, active steps shall be taken to rectify the same in the manner in which the work over other stretches has been done in the last 1 ½ months.

10. Similarly, the Kandaghat market road needs urgent rectification and its a common stretch, therefore, needful steps be taken by the next date.

11. Mr. K.D. Shreedhar, learned Senior Counsel, has expressed some difficulties regarding the portion in Kandaghat Market, on account of the opposition from the local shopkeepers. This Court is of the considered opinion that the said persons cannot hold the maintenance at ransom and the State will take necessary steps to ensure that proper force is provided when the maintenance work is

being carried out. Efforts shall be made to do it in the early morning or late at night.

12. The State is directed to complete the rectification work at the Boileauganj U-Turn from the highway and direct the Municipal Corporation Shimla to take appropriate steps, since the said portion is an important commuter point for the residents of the State, with a bus stop. On account of the road not been tarred, a huge amount of dust and debris continues to blow all over the places, causing immense air pollution. Resultantly, we give both State and the NHAI time of 10 days to complete the works and in case the needful is done NHAI will be permitted to collect the toll from 12th November, 2025, and the order dated 18.09.2025 will be liable to be modified.

To come up on 11.11.2025.

(G.S. Sandhawalia)
Chief Justice

03rd November, 2025
(Anurag)

(Jiya Lal Bhardwaj)
Judge